

Wednesday, March 6, 1878

ABSTRACT OF THE PROCEEDINGS

COUNCIL OF THE GOVERNOR GENERAL OF INDIA

LAWS AND REGULATIONS.

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ABSTRACT OF THE PROCEEDINGS

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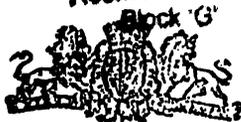
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WITH INDEX.

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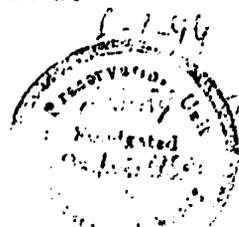


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1879.



Abstract of the Proceedings of the Council of the Governor General of India, assembled for the purpose of making Laws and Regulations under the provisions of the Act of Parliament 24 & 25 Vic., cap. 67.

The Council met at Government House on Wednesday, the 6th March, 1878.

P R E S E N T :

His Excellency the Viceroy and Governor General of India, G.M.S.I.,
presiding.

The Hon'ble Sir E. C. Bayley, K.O.S.I.

The Hon'ble Sir A. J. Arbuthnot, K.C.S.I.

Colonel the Hon'ble Sir Andrew Clarke, R.E., K.C.M.G., C.B.

The Hon'ble Sir J. Strachey, K.C.S.I.

Lieutenant-General the Hon'ble Sir E. B. Johnson, K.C.B.

The Hon'ble Whitley Stokes, C.S.I.

The Hon'ble B. W. Colvin.

The Hon'ble Maharaja Jotindra Mohan Tagore.

The Hon'ble T. O. Hope, C.S.I.

The Hon'ble T. H. Thornton, D.C.L., C.S.I.

The Hon'ble G. C. Paul.

The Hon'ble E. C. Morgan.

The Hon'ble F. R. Cockerell.

ARMS BILL.

The Hon'ble SIR EDWARD BAYLEY presented the report of the Select Committee on the Bill to consolidate and amend the law relating to Arms, Ammunition and Military Stores. He said that as the Bill was one of considerable interest to the public, and as many objections had been made to it in the shape in which it originally stood, by persons of all classes, it might perhaps be advisable to give some sketch of the alterations which the Select Committee had introduced in the Bill with the view of meeting such of those objections as seemed to them valid.

One part of section 5 of the Bill as introduced required all persons, other than licensed vendors selling arms or ammunition, to give notice in all cases to the officer in charge of the nearest Police-station. In the new Bill, this notice was now dispensed with where the purchaser was a person exempted under section 27, and it was further provided that notice, where still necessary, should be given to the Magistrate of the district instead of at the Police-station, which, especially in the case of transactions in which Europeans were concerned, might sometimes be more convenient to the parties. As he should have occasion to point out, another provision had been introduced, which, with practically very much less inconvenience and irritation to private parties, secured the

objects which it was intended to secure by these provisions of section 5, and they might therefore safely be omitted.

In respect to the duties imposed under section 7 of the Bill, very much comment had been elicited alike from the public Press, the Local Governments, and private persons. The objection commonly taken had been that these would press unfairly upon those who were loyal and well-disposed, and who were desirous to obtain arms, whether for sporting or other legitimate purposes, especially in those districts bordering upon forests or other places infested with wild beasts, and where fire-arms were required as a means of protection for themselves or against the destruction of their crops. Those objections were doubtless well founded, and to meet them the Committee had provided that when persons exempted or excused themselves imported any fire-arms or purchased them from the importers, they would be entitled to a drawback upon the duty specified in the schedule, which would bring it down to the level of the duty at present in force, and also would not exceed in any one case ten per cent. *ad valorem*. As a matter of fact, this alteration would produce a slight reduction in the duty now payable upon the higher classes of fire-arms. There was also a provision which was not entirely new, though new to this Bill. It was a section which was inserted with the object partly of drawing attention to the provisions of the Customs Act, and partly with the object of applying them in a slightly modified form to the importation of arms. That was to say, it permitted the conversion of the private shops or offices of an importing firm into bonding warehouses, in which they might store the arms imported, and pay duty upon them only as they were withdrawn for sale. This amendment was introduced to meet an objection which had been made—a legitimate one—by a large firm, that they would otherwise have to pay down on importation a large amount of duty, and, perhaps, it would be a long time before they got any return. This provision would meet that objection.

With regard also to the schedule of dutiable articles, some minor articles had, on reconsideration, been struck out of it, and with regard to all other articles which were the appendages of fire-arms, it was provided that when they were imported and fitted in the same case as the fire-arms, they would be exempt from the payment of duty.

The next alteration to which SIR EDWARD BAYLEY would refer was that, while the draft Bill provided for importation by sea, it overlooked the possibility of importation by land. There were several foreign sea-ports, on the coast, and this fact made it necessary to introduce provision for importation by land also, and therefore the clause which applied to importation by sea was made to apply also to importation by land.

There was another clause which was new, and which was the only point in which he thought the Select Committee had increased the rigidity of the Bill; but it had been inserted on the special recommendation of the Lieutenant-Governor of the Panjab. The new clause empowered the Local Government, with the previous sanction of the Governor-General in Council, to appoint searching places at certain points within our frontier, whenever there was a belief that arms or ammunition were likely to be exported over the frontier.

In section 11 of the Bill there was also a very material alteration. As introduced, the Bill prohibited the possession of arms of any description without a license. In that form it would have been an unnecessarily sweeping measure, and in fact, the form which the original Bill assumed in this respect was due perhaps to an oversight. Under the old law a difference was made, as he had explained before, between certain proclaimed and unproclaimed districts, and that difference was practically swept away by the draft Bill. The Committee had thought it right to restore that distinction so far, that in a district proclaimed the possession of *all* arms would need to be licensed, but in a district which was not proclaimed, licenses would only be required for the possession of fire-arms.

There was another difficulty in regard to the disposal of arms which were deposited under sections 11 and 14,—that was to say, arms which came properly into the possession of people, but in which the legal possession of them had ceased and which therefore came under the custody of the Police. It had been provided that they should remain for a year liable to be claimed by the owner in one case, and in another case, which was a more difficult one, for three years. If at the end of that time they were not claimed and legally dealt with, they would be forfeited.

There was another question which was a matter of greater difficulty, and the Committee were unanimous in opinion regarding it. It referred to the levy of fees for licenses to possess, but not for licenses to manufacture or import or transport. On the whole, considering the many difficulties which existed, it was considered advisable that the former class of licenses should be freed from taxation. It was a matter of some difficulty, because it somewhat affected the resources of the Local Governments, which had hitherto derived some revenue from this source. But he thought the arguments which convinced the Committee ought to prevail; the question, however, was one which was open to discussion hereafter.

There was another section also of some degree of stringency which was taken from the Code of Criminal Procedure. Section 28 required information to be given by any person who had a knowledge of any offence committed

against the provisions of the proposed Act. A clause to that effect existed in the Criminal Procedure Code, in regard to many offences of a nature parallel to those punishable under this Act, and all that had been done was practically to apply that section to the present law.

Then in section 32 came another new provision, which was intended to take the place of that in section 5 of the draft Bill, which required notices to be given at the Police-office by persons selling arms. The real object of this provision was to enable the Government to know where arms were held, and to detect whether they had been legally imported or otherwise. All that was intended was that persons who possessed arms should be held liable to fill up returns when required to do so. The Committee did not think that that was an unnecessary interference with private convenience; it was a form of enquiry which would give very little trouble, would not be frequently resorted to, and which might be of great use.

Beyond these, there were some minor alterations in the details of the Bill. But they were almost all purely matters of drafting, intended to bring the provisions of the Code into harmony with other enactments, and to make its meaning clear.

Under these circumstances, as almost all the changes which had been made, although of some importance, were in the interests of the public and in the direction of relaxing the stringency of the Bill, the Committee did not consider that it need be republished as altered by them.

INDIAN FOREST BILL.

The Hon'ble MR. HOPE moved that the Reports of the Select Committee on the Bill to amend the law relating to the management and preservation of Government forests, to the transit of forest-produce, and to the duty leviable on timber be taken into consideration. He said: "On introducing this Bill above a year ago, I explained the necessity for a new law, but some further exposition may not be out of place. Act VII of 1865, which is the present law, is framed upon the basis that the Government may make into a 'Government forest' any jungly land it pleases, provided that its selection does not abridge or affect any existing rights of individuals or communities. Consequently, if in any instance it was found necessary for Forest purposes to acquire any private land or rights, the Government was left to do so by means of the ordinary law for the acquisition of land for public purposes. Act VII of 1865 was almost immediately found to be more or less unsuitable for the purposes in view, and the Governments of Madras and Bombay have, in consequence, never availed themselves of the power of extending it to their territories, which it conferred upon them.

“In October, 1868, the draft of a new Act, and a memorandum explaining very clearly the defects of the present one, were laid before the Government of India by Mr. Brandis. I am well aware that Mr. Brandis has a reputation quite independent of any praise of mine, but I feel constrained not to allow this occasion to pass without recording, that to his vast knowledge of forest matters, to his sound discretion and his unfailing energy, British India is chiefly indebted for the very great progress in forest conservation which has been made in all the Provinces more directly under the Government of India during the fourteen years for which he has held the office of Inspector-General of Forests. I will now briefly describe the chief deficiencies of Act VII of 1865. It drew no distinction between the forests which required to be closely reserved, even at the cost of more or less interference with private rights, and those which merely needed general control to prevent improvident working. It also provided no procedure for inquiring into and settling the rights which it so vaguely saved, and gave no powers for regulating the exercise of such rights without appropriating them. It obliged you, in short, either to take entirely, or to let alone entirely. On control over private forests in the general interest of the community, it was absolutely silent. For duties on timber, even those actually levied, it gave no authority. Protection for Government forests so interlaced with private ones as to be in chronic danger of plunder, there was none. In various minor points also it was deficient.

“The draft and memorandum by Mr. Brandis, to which I have alluded, set rolling the stone of discussion which is in motion up to the present day. Since then we have had drafts and counter-drafts, reports and memoranda innumerable; we have had two forest conferences, at one of which were present representatives of the Forest Department from all parts of India, and the proceedings of both of which have been printed; and, finally, we have the present Bill, which has been under active consideration for nearly two years, and has been twice reported on, in its successive stages, by all the Local Governments and their more experienced officers. Meanwhile, during these ten years, the Provinces have been getting on as best they could, some under the existing Act, others under no Act at all. In some parts the people have been suffering through encroachment by Forest Officers on their ill-defined rights, in others the community at large have been suffering by progressive denudation of forest-lands. In some Provinces where the Act is in force, there is a singular confusion of rules, imperfect rules, Regulations, and no rules, of which I gave the Panjab as an illustration on the last occasion when I had the honour of addressing the Council on this Bill. And all the while we have been struggling on as best we could to meet the real wants and necessities of the

case. We have been demarcating reserves, constituting district forests and endeavouring to protect them, enquiring into rights, and recording, buying up, continuing or commuting them. In fact, we have got an existing state of things totally at variance with the existing law.

“The case for legislation, therefore, whether for the Provinces with a bad law, or the Provinces with no law, is, I submit, complete. Whatever may be the faults of the present measure, it cannot be said that we have been proceeding otherwise than cautiously and gradually. If, after spending ten years in finding out what we want, we proceed to supply it, we cannot be accused of hasty legislation. In proof that we were well supplying it I quoted, when presenting our last report, the terms of approval with which Bill No. I had been received by all the Local Governments except Madras. I am glad to say that this approval has been generally repeated in the case of Bill No. II. I may quote a few instances. Of the Lieutenant-Governor of the North-Western Provinces and Chief Commissioner of Oudh, we hear that the Bill ‘seems to His Honour to be very complete.’ The Lieutenant-Governor of Bengal, while ‘generally accepting the provisions of the Bill,’ makes a few minor suggestions. From Bombay we learn that ‘the Indian Forest Bill as it now stands seems to this Government a very good one, and the Report of the Select Committee covers all that is necessary.’ The Chief Commissioner of the Central Provinces ‘cordially approves of the Bill, as calculated to meet a long-felt want : he will be very glad when it becomes law and he is able to apply it to these Provinces.’ But the Local Governments generally have done more than approve. Nine out of eleven of them have expressed their desire that the first section of the Bill should be altered, so that the Act might apply directly to their Provinces, and the trouble and delay of separate extensions might be thus avoided. The two dissentients were Ajmer and Madras. The Chief Commissioner of Ajmer pointed out, and with reason, that as there were as yet scarcely any standing forests in Ajmer, and they were only attempting to grow them, the simple Regulation passed three years ago under 33 Vict., cap. 3, would answer all purposes for some years to come. The Madras Government objected to the revised Bill on much the same grounds as those on which they objected to the original one. They considered it unsuited to the circumstances of Southern India, and preferred legislating locally—which it is of course open to them to do. In consequence of these representations, the Bill is now, by section 1, made directly applicable to Bombay, Lower Bengal, the North-Western Provinces, the Panjab (except the Hazara District), Oudh, the Central Provinces and Assam. The same course has not been followed, the Council will observe, in the case of Coorg and British

Burma though the Chief Commissioners of both desired it. Coorg, it was thought, ought to have the same law as Madras, whatever that might be, and for British Burma the Executive Department of the Government of India considered it best to leave the extension to be made hereafter by a separate notification. Ajmer, Coorg, British Burma and Madras will therefore remain, as in the Bill when introduced, in this position, that the Local Government possesses the initiative and may apply the Act or not, as it thinks proper, subject, in the former case only, to the sanction of the Governor General in Council. I may remark, with special reference to Madras, that this position is practically identical with that which it now holds with regard to Act VII of 1865. I would here only add that I trust that sanction to apply the Act to British Burma will be at once applied for. It has been ascertained by exhaustive analysis that there is not a single local peculiarity which the Bill does not sufficiently provide for. The Chief Commissioner has asked for the direct application of the Act, and formally reported that he considers any separate Act for British Burma quite unnecessary, while officers well acquainted with Burma, in whose opinion I place the utmost confidence, assure me that its effect will be most beneficial, and that it will much accelerate the progress of demarcation and conservancy.

“ Having thus explained the scope and application of the Bill, I will mention a few material changes last made in it by the Select Committee. First, in order to prevent any inconvenience arising from the direct application to certain Provinces, we have added a clause to section 1, validating all existing rules so far as they are not inconsistent with the Act. At the same time, the majority of such rules are in one way or another incomplete, incongruous, superfluous, or *ultra vires*. I trust that the Local Governments will lose no time in exercising the power the Act will afford, of replacing them by clear and full rules in correct relation to the several chapters. Again, we have made a slight alteration in the terms of the restriction in section 4, as to who may be appointed Forest-settlement Officer, in order to meet a technical clashing with the definition of ‘Forest Officer’ in section 2. But we still fully mean to indicate the desire of the Legislature that the post of Forest-settlement Officer should never, except possibly under some very extraordinary circumstances, be held by a member of the Forest Department.

“ A third important change is in section 22 of Bill No. II, which has been recast and appears as section 34 of Bill No. III. The intention of section 22 of course was, that forests which are now so closely reserved as to be subject to restrictions practically, if not precisely, such as a forest might be which was reserved for the first time by enquiry under the new Act, should be consti-

tuted reserves under the latter. And provision against any injustice in individual cases was made by the second clause of the section, allowing enquiry into unadjudicated claims. It has, however, been pointed out that this intention is not expressed with sufficient clearness, and that as the term 'reserved' has hitherto been very loosely used, and applied to forests with very varying degrees of restriction, it would be possible to take advantage of it, so as without enquiry, and in violation of existing agreements or settlements, to convert what were really mere 'protected' forests into highly restricted reserves under the new Act. The feasibility of such action has been specially represented with regard to certain forests in Kumaon, which are officially styled 'reserves,' but in which the people enjoy, under very formal and clear engagements or guarantees, rights of a very extensive character. I need scarcely say that I should consider any such course of proceeding to be grossly inequitable and a complete perversion of the intention of the Act. I find it hard to believe that any local officers, of whatever department, could be found to recommend such confiscation, or that any Local Government would sanction it if recommended; still, as the doubt has been raised, it is better to remove it, and this is done effectually by the new section 34.

"The concluding terms of section 34, providing that, pending any enquiry which may be necessary, the declaration of a forest as 'reserved' or 'protected' shall not affect the rights under enquiry, is analogous in principle to a new clause which we have inserted in section 29 (now 28), the origin of which I will now explain. The section provides that a protected forest shall not be constituted unless the rights of Government and private individuals have been inquired into and settled in a sufficient manner. The Chief Commissioner of British Burma pointed out that the area, in that Province, of forest-lands which had not yet been examined with reference to their capabilities for becoming either reserved or protected forest, and in which no enquiry and settlement of rights of any kind had taken place, was so vast that many years would be consumed in the process, and that in the meantime the forests would be unprotected and might be seriously injured. As there appeared to be good grounds for his apprehension, we have provided that, when such a state of things is found, the Local Government may declare the forests 'protected' previous to enquiry, and that during such enquiry the declaration shall not affect existing rights of individuals or communities. In other words, we have kept alive temporarily, pending enquiry and settlement, the old provision of Act VII of 1865. I must, however, say that I rely upon no advantage being taken of this clause to postpone due enquiry and settlement one day longer than is necessary. The old basis may have been very well for 1865, or rather for a time when

forestry was so much in its infancy that we did not understand the position ; it may then have been the only basis practicable. But I feel no doubt that a condition of affairs under which a man may be brought before a Magistrate for any act done in a forest, and have laid on him the burden of proving then and there that he did it in exercise of a right, is a condition fit only for an uncivilised country and Government, and quite undeserving of permanent recognition. Some parties, I see, look on this old saving clause as if it were a protection, but I consider it to be quite the reverse. The only safe ultimate condition is one where all parties know and respect each other's rights.

“ I will now offer, in conclusion, some remarks on the general principles of the Bill. When introducing to the Council the Bill which became Act VII of 1865, Sir Henry Maine stated that it was the desire of Government not to affect or abridge petty rights over the soil or produce of forests which had been prescriptively acquired by individuals, villages or wandering tribes. This desire, speaking generally, still continues, and there is abundant evidence of it in the present Bill. But experience has shewn that it is not possible to avoid some interference with rights in certain cases, and that it is better for all parties that rights should be defined, whether they are interfered with or not. I will endeavour to illustrate this. There can be no real forest-conservancy in any country without a certain proportion of close reserves, and no such reserve can be maintained if all sorts of rights are to be freely exercised inside them. Expropriation is consequently indispensable, though to a greater or less extent according to the circumstances of each forest. But the Bill provides for expropriation a machinery and procedure far more lenient than the ordinary Land Acquisition Act of 1870. It provides, in the first place, for enquiry and settlement being effected by an officer free from any departmental bias adverse to the people ; it lays upon that officer the duty of seeking out, from the records of Government and the evidence of individuals, rights which the people themselves may be too ignorant or too apathetic to claim ; it locates the enquiry in the vicinity of the forest, to ensure all claimants being aware of it ; it admits free appeal, and that to officers who will, in large portions of India, be personally identical with the Civil Courts ; it superimposes the revising power of Government ; and, finally, it allows of compensation being given in kind instead of in money, by the setting out of land in lieu, or otherwise.

“ Again, there exists throughout India a vast mass of forests which are not reserves, and for the most part never can be; in some cases, because they are not good enough, but mostly because they have other purposes to fulfil, and are needed for the current use of the people. There is an idea in some quarters that the forma-

tion of strict and close reserves is the Alpha and Omega of forest-conservancy. This idea I believe to be mistaken. If our sole object were revenue, it might be otherwise. But revenue is not, and I trust never will be, either our sole or our principal object. Our aim is, I take it, the preservation of forests of all classes throughout India for climatic reasons and the supply of the varied needs of the people. To maintain the forests, on which the population at large depend for the grazing of their cattle, the thatching, repair and construction of their houses, and even (in some cases) the fertilization of their fields, and the oking out of their slender meal, and to ensure, with this view, the provident and reasonable exercise of rights the existence of which is not disputed, appears to be as essential a part of forest-conservancy as the formation of reserves, and the nursing of gigantic teak trees. But by the present Bill we contemplate no such regulation until the rights themselves have been sufficiently defined. I say 'sufficiently,' because it will be seen that the enquiry contemplated in the case of protected forests is not of that minute kind which is necessary in the case of expropriation, but corresponds with that usual throughout India at a survey or settlement, where the record is only presumed to be true till the contrary is proved.

" A third case I would refer to is that of private forests, with which, for reasons which are, in the interest of the community at large, considered valid in European countries, some interference is indispensable. These reasons, which are such as protection from rolling stones, avalanches and landslips, and the maintenance of water-supply, will be found detailed in section 36 of the Bill. The cases where the powers will be exercised will, I believe, be rare, and principally in districts of the Himalayas. But where they are, we desire to avoid, if possible, depriving the owner of his property : we ensure to him the nett profits of it while under Government management, but reserve to him the right of demanding that Government shall purchase it. Finally, we extend regulations regarding the control of timber in transit (to be applied only where necessary) which have worked well in Burma, and are quite as protective of the interests of private timber-owners and merchants as they are of those of Government. I may here mention incidentally that I have studied with much care the petitions against the Bill which have been received from the Bombay Presidency. They are entirely directed against Bill No. I, which was four months ago modified very materially in favour of the people. I believe that if any dispassionate persons will study the Bill and the explanation of it which I am offering, they will come to the conclusion that it will not unjustly or unreasonably affect any of the legitimate rights and interests of the petitioners. That it will put a stop to the systematic plunder of Government

forests, which has for years gone on in Western India, is very probable, and much to be desired.

“Our general principle, therefore, is very plain ; forest-conservancy cannot go on without our, in some cases, taking something. But we take as little as we can, no more than is necessary for the purpose, and that little we pay for in one form or another. Moreover, we fence our action round with a knowledge of other people’s rights and of our own. I submit that this is a policy clear, reasonable, in harmony with European legislation, and that it is the only policy compatible with the true interest of the community at large. There are, of course, persons who advocate an opposite theory of forest-conservancy. I see it stated in one of the papers laid before the Council that ‘The acquisition and management under Government of increased areas means increased establishment and increased cost, without adequate return, increased apathy, increased ignorance among the people on the very points on which increased energy and the extensive knowledge, only to be acquired by experience, is essential.’ The holders of such opinions would retain, indeed, any reserves which Government actually possesses, but would not extend them. It would suffice, they think, that ‘every means should be taken to enhance and secure to zamindars the full benefit of all their forest-produce and of their planted lands. To induce them to conserve that which has only a future value, their tenure should be assured rather than made more doubtful ; they should be encouraged to utilise their tracts of waste as a sure property. * * * Village-communities should, in the same way, be encouraged to preserve and improve their own customary forests or jungles by reaping to their village benefits therefrom.’ In short, if you want the forests preserved, only let the people alone, and they will do it. With any such theory I fundamentally join issue. From all that I have read and heard, from all that I have seen during a not inconsiderable experience of forest-administration, I believe such a theory to be a delusion, and a most mischievous one. Whatever you do, do as leniently as possible ; do equitably, and only as far as is well shewn to be necessary in each case, but act you must, if you are to save what is left of the once vast forests of India, to check deterioration of climate, and to diminish risks of famine. Under any system of *laissez faire* you are only fiddling, while Rome, or your forests, is burning. The effects of such a system under Native Governments, and during the earlier years of our own rule, are written in broad letters upon a thousand hills, and nowhere are they written more plainly, if we may trust that evidence of one of our most distinguished administrators which I read to the Council when presenting Bill No. II, than upon the uplands of Southern India. Surely it behoves us, in this our day, to do what we can to prevent additions to the melancholy record.

The final issue, then, is simple. If the Council prefer the principle of the Bill to any such theory, then I submit that the details are well calculated to carry out that principle. The Bill is, doubtless, not perfect; but I am not aware that absolute perfection is expected in this or any other branch of legislation. The Bill has been long and carefully considered; it is as good as it is likely to be with our present knowledge and experience, and as such I offer it for the acceptance of the Council."

The Hon'ble SIR J. STRACHEY said :—" MY LORD, I agree so completely with all that my hon'ble friend, Mr. Hope, has said in regard to the principles on which this Bill is framed, and I think the Bill generally so good, that I do not wish to discuss it any length.

" There is one point only on which, for special reasons, I wish to make a few remarks.

" Special reference was made by Mr. Hope to the changes which have been made in what is now section 31 of the Bill, and he stated that it affected in particular certain forests in Kumaon in the North-Western Provinces. Having been myself in past times interested, in various official capacities, in the forest-tract in question, I wish to say a few words on the same subject, with the view of giving further emphasis to my hon'ble friend's explanation.

" Although my hon'ble friend may very possibly, with his greater knowledge of this Bill, have been right in his belief that the section as it formerly stood would not have had any mischievous effects if it had been passed into law, I was one of those who looked upon that section with extreme distrust. It declared that every forest constituted a reserved forest previous to the date on which the Act came into force should be deemed to have been constituted a reserved forest under this Act.

" If the term ' reserved forest ' has signified up to the present time a reserved forest in the same sense in which that term is used in the Bill, such a provision would have been quite reasonable. The term ' reserved forest ' has, however, up to the present time had no definite meaning at all. In some parts of the country it has signified a close forest strictly preserved as the property of Government, and in which no private rights exist. In other cases the term has been applied to forests which hardly deserve the name, where the rights of the Government are comparatively unimportant, and where the people have from time immemorial been in the enjoyment of large and admitted rights. Under such circumstances, it seems to me that it was impossible to declare with propriety that there should be applied to all forests hitherto called reserved

forests the very serious conditions which are applicable to reserved forests constituted under this Act. The future position of a forest, and the nature of the rights to be exercised in it by the Government and by private individuals or communities, might have depended on the accident of the name by which the forest had been designated at a time when that name had no definite signification. It is true that there was a proviso to the section as it stood, which was intended to protect existing private rights, and my hon'ble friend may be correct in his belief that all necessary protection would thus have been afforded. I cannot say that this is my own opinion.

"In spite of this proviso, I fear that we should have found that serious injustice might have followed. However this may be, I think it highly desirable to remove all doubts, and I think this will be done in a satisfactory way by the section as now amended. The responsibility will then be placed on the Local Governments of determining, after careful consideration of each particular case, what forests are actually in the position of reserved or protected forests in the meaning of those terms as they are used in the Act. With the provisos by which the new section is guarded, it will be made clear that it is not the intention of the Legislature to make by this section any change in the respective positions held by the State or by individuals in any forest, but that all existing rights shall remain unaltered.

"I am, with my hon'ble friend, sure that this section will be applied by the Local Government in a manner which will lead to no injustice.

"I feel, however, that great care will be necessary, and there are special reasons in Northern India, of which alone I have any personal knowledge, which render such care peculiarly important.

"In Northern India the position held by the Forest Department is less satisfactory than that which it holds in the Bombay Presidency, with which my hon'ble friend who has charge of this Bill is so well acquainted. Instead of being, as I think it ought always to be, intimately connected with the regular administration of the country, the Forest Department is in a great measure a thing apart. The District Revenue Authorities who know the people best—who are, I may say, the natural guardians of the people's rights, and who possess at the same time an influence which gives them the best possible means of protecting the interests of the Government—have practically little or no voice in the management of the Forest Department.

"The Forest Officer ought, in my opinion, to be an expert, performing his duties under the control of the Revenue Authorities of the district. He ought not to exercise, independently of such control, powers which may sometimes

seriously affect private rights and interests, the protection of which may be more important than the protection of the forests themselves. In my opinion—and I speak as an ex-Lieutenant Governor who has had some experience of the matter—the present state of things is not in this respect satisfactory, and its existence will render it necessary to exercise peculiar care in the application of this section.

“These, of course, are questions with which the Executive Government, and not this Council, has to deal ; but I think it right to notice them prominently, because the failure or success of this important measure will depend on the manner in which practical effect is given to its provisions. No man can recognize more fully than I do the extreme value of the work which the Forest Department has been performing under its admirable chief, Mr. Brandis regarding whom I need only say that I heartily concur in every word that Mr. Hope has said in his praise.

“It is precisely because I feel so strongly the value of the Forest Department that I desire to see the system under which it works made to fit as completely as possible into the ordinary administration of the country. I will only add further that I am satisfied that this Bill is a very good one. I believe it will supply a want which has been very seriously felt, and that it will not only give increased protection to a most valuable source of the national wealth, but that it will also afford better protection to the rights of private individuals and communities. I think that the thanks of Government and the public are due to my hon'ble friend, Mr. Hope, for the care and ability which he has devoted to this Bill.”

The Hon'ble SIR ANDREW CLARKE said that he came to the Council that morning prepared to support this Bill. But after the remarks which had fallen from his hon'ble colleague, Sir John Strachey, he must say that he did not feel himself in a position to give his silent adhesion to it. It appeared to him that the Council were asked to pass an instrument which was to be put into the hands of the Government and to be worked by an agency in which the Government itself had no confidence, and he therefore felt himself constrained to oppose the passing of a measure which involved so serious a risk. He must say, also, that in some of the earlier remarks which had been made by the Hon'ble mover of the Bill, there appeared to be more of excuse offered for the Bill than of justification of the measure. From those remarks he inferred that the Bill involved the extinction of a large number of private rights, and the observations which had been made by Sir John Strachey seem to confirm that view. SIR ANDREW CLARKE therefore thought it desirable,

after what has passed, that the Bill should be referred back to the Select Committee, and that his hon'ble colleague, Sir John Strachey, should be added to the Committee, in order that there might be introduced into the Bill such measures as were found necessary to provide against the dangers to which the working of the Bill seemed likely to lead; and he also thought that measures of executive reform should also be considered by the Government in reference to the Forest Department. As he had said before, he had been taken by surprise, and after what had fallen from his hon'ble colleague, unless some satisfactory explanation could be given (which he had no doubt could be done), he certainly could not silently give his adherence to the passing of this Bill.

His Excellency THE PRESIDENT said his hon'ble colleague, Sir Andrew Clarke, appeared to him to have very considerably misunderstood the observations both of his hon'ble friend, Mr. Hope, and of his hon'ble colleague who had last spoken. But he wished to point out that Sir Andrew Clarke had placed the Council in this embarrassment—that he had made observations which had no reference to the motion which was now before the Council, and was not included in the motion itself.

The Hon'ble SIR ANDREW CLARKE observed that he was asked to pass a measure in reference to the practical working of which a member of this Council of great experience had expressed serious misgivings, and being thus taken by surprise, he felt himself bound to say that he was not prepared to allow the Bill to pass into law with a silent vote.

The Hon'ble SIR JOHN STRACHEY said :—"My Lord, I ask Your Excellency's permission to say a very few words in explanation, in reply to the remarks which have fallen from my hon'ble friend, Sir A. Clarke.

"I fear that I must have expressed my opinions very badly, for my hon'ble friend has entirely misunderstood what I intended to say. I have thrown no reflections whatever on the Forest Department; on the other hand, I have expressed my sense of its extreme value. Nor have I said a word to show that I think that this Bill when passed into law will lead to the infringement of private rights. On the other hand, I have said that I believe it will give better protection to those rights than that which now exists. It will certainly take away no protection that the law now affords. There is nothing in anything which I have said which can justify the opinion that the Bill ought not to be passed."

The Hon'ble SIR ANDREW CLARKE remarked that his hon'ble friend had misunderstood him. The difficulty that he felt, after having heard his hon'ble

friend's observations was as to the agency by which the measure must be worked: he did not see how the Bill was going to be worked in a satisfactory manner by an agency such as that to which his hon'ble friend alluded.

The Hon'ble SIR ALEXANDER ARBUTHNOT said he wished to say a few words upon the discussion which had just taken place. He gathered from the tenour of remarks made by Sir John Strachey that his comments referred exclusively to circumstances which he considered to be unsatisfactory in regard to the relations between the special Forest Department and the ordinary administrative authorities of the districts in the part of India in which he had served. Sir John Strachey remarked that in the Presidency of Bombay the case was different; that there, the officers of the Forest Department were more closely in connection with, and SIR ALEXANDER ARBUTHNOT might add that they were, as he understood the matter, employed more in subordination to, the Revenue Collectors in charge of the Bombay Districts. It so happened that just before he left the Madras Presidency, one of the last acts of the Government there was to recommend, and if he remembered rightly to order, that a similar system (and he was not sure that they did not go a step further than the Bombay Government had gone) should be adopted in the Madras Presidency. On that occasion the designation of the head of the Forest Department was changed from that of Conservator of Forests to Inspector of Forests, and the district Forest Officers were made practically, and also by designation—he forgot the exact nomenclature—Forest Assistants to the Collectors of districts. A few years ago (the exact date he could not now call to mind) that system was altered: it did not find favour with the Government of India, as then composed, nor was it approved by the Home Authorities; and accordingly the head of the Forest Department in Madras had been again given the designation of Conservator, and he feared that to some extent the separation which formerly existed between the Forest Department and the Collectors of districts had been revived. He entirely adhered to the views he had held as a member of the Council in Madras, and he concurred in the observations which had been made by Sir John Strachey, as to the expediency of bringing the two authorities into very close connection, and practically of placing the officers of the Forest Department in subordination to Collectors of districts. He had not had the same advantages that Sir John Strachey had had, of practically observing the working of the Forest Department in Northern India, but a great deal of correspondence with reference to the management of the Forests in that part of India, which was one of the Departments under his charge, had come before him. He had had many opportunities of discussing such questions with the Inspector General of Forests

under the Government of India, and his impression had been that of late years the object of the head of the Forest Department and of the Local Governments had been to bring the Conservators of Forests much more closely than they used to be under the orders and under the influence of the local authorities. He thought that, as the late head of a Local Government, Sir John Strachey would confirm him in the statement he was about to make, that in the North-Western Provinces and in the Panjab and in this Province of Bengal, the Conservator of Forests was completely under the orders of the head of the Local Government, though possibly his subordinates were not so much under the orders and influence of local district officers as they might be. It was a question of very great importance. He thought it was very desirable that it should be fully discussed and fully considered, and he was not sorry that his hon'ble friend, Sir Andrew Clarke, had raised the discussion; for the question was one which certainly ought to receive the careful attention and consideration of the Executive Government. The question, however, was not free from difficulties. As he had just said, it was the unanimous opinion of Lord Napier's Government, that such a policy as that which Sir John Strachey advocated should be adopted in Madras. But since Lord Napier left Madras, the Madras Government had in some measure retrograded from the policy to which he had alluded, and he had no doubt from what he had seen in the correspondence that various practical difficulties had been experienced. As to the principle of the matter, he entirely agreed with his hon'ble friend, Sir John Strachey, and, as he had said before, he thought that every effort should be made to carry out that principle with as little delay as possible. But it did not seem to him that such delay as there might be in assimilating the management of forests in other parts of India to the system which obtained in Bombay, and which he believed was in many respects a better system than that which existed in the other Presidencies, need deter the Council from proceeding with the passing of the Bill.

As his hon'ble friend, Mr. Hope, had explained, and explained very clearly, and as SIR ALEXANDER ARBUTHNOT thought was clear from a perusal of the somewhat voluminous papers which had been received from various Local Governments, this Bill did not impose any restrictions on private rights and privileges which were not absolutely essential to efficient conservancy. As moreover, Sir John Strachey had pointed out, and as Mr. Hope had also remarked, in some respects the Bill gave greater security to the exercise of those rights and of those privileges than was contained in the existing law. For these reasons he thought that it would be a mistake, after the length of time which had been occupied in the discussion and in the consideration of this

very important question, that the Council should now pause and hold their hands on the eve of passing the Bill. It was a Bill of very great importance ; it was a measure which, as Sir John Strachey had said, not only in the North-West, but in Bombay and in every province of India, would require very careful watching on the part of the Executive Government. That was a remark which might be made with reference to almost every legislative enactment of any importance passed by the Council ; but because it was necessary that the Executive Government should carefully watch and pay close attention to the execution of measures which were resolved upon by the Legislature after full discussion and very deliberate and careful consideration, he did not think that was a reason for postponing legislation *sine die*. Mr. Hope had pointed out that the Bill had been accepted by every local administration in British India except two : one was a very unimportant small province, the small British district of Ajmer, which was in a very exceptional position, surrounded by Native territory ; the other was the very much more important Presidency of Madras. It so happened that the Presidency of Madras was the Presidency in which forest-administration was commenced before it was commenced in any other part of India ; and it was a Presidency in which, as the Council were aware, a system of tenures prevailed which brought the local officers into very close contact with the people. It was a Presidency in which the feelings and sentiments of the local authorities, from the lowest executive authorities to the highest, had led them to view with perhaps undue suspicion any measures which might in any respect or any degree tend to trench upon the privileges or prejudices of the people. Now, he was one of those who thought—and he had been bred, he might say, in the same school as that to which he had been referring—that very great attention and very great respect should be paid to sentiments and feelings of that description. He believed it was a very good thing in all their legislative measures, that those sentiments should be brought prominently before them, and that they should be compelled to consider, and to pause in the consideration of, their measures with the view of seeing whether in any way they were unduly restricting what had been admitted, even erroneously, to be the rights and privileges of the people, and unduly conflicting with their long-cherished prejudices. But if they were uniformly to yield to those feelings and sentiments, when, after the fullest consideration, they had determined to adopt a certain course of procedure on behalf of the general interests of the community ; if by reason of a change of circumstances, the march of civilization, changes in the climate, and many other reasons which he might specify, they found that it was for the general good of the community that so-called rights and privileges should be in some measure curtailed, unless they were prepared to abandon all adminis-

trative progress ; that even for the material good of the country, for the mitigation of suffering, for the purpose of preventing the desolation of famines, for the purpose of maintaining the fuel-supply from the destruction in which it might otherwise be involved by the extension of Railways and other causes,—then he thought it would not be the part of wisdom—in fact, in his opinion it would be the part of folly—to be deterred from doing that which they considered to be expedient, and that which, after full and careful consideration, they deemed to be right. As regarded the Madras Presidency, this question of Forest legislation had received a great deal of consideration, not only from the Government of India, but from the Secretary of State. In a despatch which the latter authority wrote in 1871—nearly six and a half years ago—he (SIR ALEXANDER ARBUTHNOT) found it stated that—

“ Of late years sound principles of conservancy had not made the progress which they should have done from the earlier start which they had here (in Madras) over the rest of India.”

And in the same paper the Secretary of State went on to say—

“ But the chief remedy for all these difficulties in the way of sound conservancy will probably be found in the demarcation of forests, and the introduction of an Act conferring the necessary legislative powers.”

For some time past, the Madras Government had had under consideration the necessity for local legislation in this matter ; and SIR ALEXANDER ARBUTHNOT was aware that they had a Bill before them which had not yet been introduced, but which had been framed by a Committee appointed for the purpose some two or three years ago, and which would possibly eventually become law. Mr. Hope had pointed out that the Bill before the Council had not been made directly applicable to the Presidency of Madras. Under the circumstances, SIR ALEXANDER ARBUTHNOT thought that, in making that recommendation, the Select Committee had exercised a wise discretion, and he would only add, that, as the Bill stood, it *could not* be made applicable to that Presidency without the consent of the Local Government. What he had just said with reference to the Presidency of Madras, and the position in which the question of Forest legislation for that Presidency stood, was perhaps a digression. Returning to the point at which the discussion had commenced, he would again observe that however desirable it might be to improve the agency and the system of Forest-administration, that was, in his opinion, not a valid reason for postponing the passing of this Bill:

He had only one further remark to make, and this was with reference to some of the observations which fell from his hon'ble friend, Mr. Hope, regarding British Burma at the beginning of his speech. He gathered from what had

fallen from Mr. Hope, and he was aware from what had passed in Committee, that this was the view taken by his hon'ble friend, that inasmuch as the Chief Commissioner had assented to the Bill being directly applied to British Burma, it was to be regretted that it had not been so applied. He might be permitted to explain that, as representing the Department of the Executive Government which dealt with Forests, he (SIR ALEXANDER ARBUTHNOT) had opposed the Bill being made directly applicable to Burma, in consequence of doubts very recently expressed by the Inspector-General of Forests, Mr. Brandis, as to the expediency of that measure. Mr. Brandis's views on such a question were entitled to the greatest consideration. He had been the first Conservator of Forests in Burma, and was probably better acquainted with forest-conservancy in Burma than any other person. Mr. Brandis had recently expressed doubts as to whether the Bill was suited to the peculiar circumstances of Burma, and had urged that the question of Forest legislation for that Province should receive further consideration. Under these circumstances, it appeared to SIR ALEXANDER ARBUTHNOT,—and he thought that would be the view of the Council,—that the safest and wisest course was to abandon the idea of directly applying the Bill to Burma, and to leave it to the Executive Government, in communication with the Chief Commissioner and Inspector-General of Forests, to decide that question afterwards.

His Excellency THE PRESIDENT said : “ Before putting the motion which I now hold in my hand, I should like to say a few words. I desire to state, on my own behalf, that I appreciate most fully the importance attached by my hon'ble colleagues, Sir John Strachey and Sir Alexander Arbuthnot, to the principle of bringing the various conservancy officers, in the different localities in which they are employed, more directly under the control of the local officers. I fully share the opinion expressed by my hon'ble friend, Sir Alexander Arbuthnot, in the course of what, I must say, appear to me his very statesmanlike remarks on this Bill, that it was not undesirable that that question should have been alluded to in the course of our discussions to-day. It appears to me, however, self-evident, that this is a question which concerns the consideration of the Executive Government, rather than of this Council, whose functions are purely legislative. The further discussion of the matter in this Council can lead to no practical result ; and besides it must be borne in mind that the Government, which, perhaps of all others, is most interested in the practical application of the principle referred to by my hon'ble friend, Sir John Strachey, namely, the Government of the North-Western Provinces, is one of the Governments which have not only approved of this Bill, but have applied for its direct and immediate application. I think therefore we should

not be justified in wasting the result of ten years' deliberate preparation for legislation, simply because such legislation is not unconnected with questions which demand the consideration of the Executive Government."

The Hon'ble Mr. HOPE said, in reply, that he had but little to add upon the discussion which had taken place. His hon'ble friend, Sir A. Clarke, had observed that some of his remarks were an excuse for, rather than a justification of, infringement of private rights. But he had certainly not meant to offer anything which could be deemed merely an excuse, and he was not aware of any expressions having fallen from him which were capable of such an interpretation. With regard to the observations of his hon'ble friend, Sir John Strachey, they related to the Executive forest-machinery, which was a subject not dealt with in the Bill, and they appeared to have been merely intended as suggestive to the Executive Department of the Government. Whether the Forest-officers in the one part of India to which alone the Hon'ble Member's remarks had reference were or were not open to the strictures passed upon them, it was not for him to say, as he had no experience of that part. But he ventured to suggest that they were, no doubt, individually as honest and conscientious as officers in any other branch of the public service, and that possibly any unsatisfactory action on their part was in no small degree attributable to the imperfection and obscurity of the law or rules under which they had worked. Now that there was a clear law and a clear policy, he hoped that they would be able to perform their duties with less risk of error or misconception.

The Motion was put and agreed to.

The Hon'ble Mr. HOPE also moved that the Bill as amended be passed.

The motion was put and agreed to.

SEA CUSTOMS BILL.

The Hon'ble Mr. HOPE also moved that the Reports of the Select Committee on the Bill to consolidate and amend the laws relating to the administration of the Department of Sea Customs in India be taken into consideration. He said—

"When introducing this Bill some sixteen months ago, I explained the necessity for the measure, mentioned a few of the principal changes made, and expressed the desire of Government to facilitate trade and adapt the law to the present circumstances of the country, to the utmost extent consistent with the safety of the revenue and the necessity for registration of trade statistics.

Since then, Committees constituted by the Local Governments at Calcutta, Madras and Bombay, and partly composed of gentlemen of the mercantile community, as also the various Customs authorities, have reported on Bill No. I. Bill No. II was next issued and fully reported on officially. The Chambers of Commerce of Madras and Bengal also favoured us with communications, the latter with a long and important letter containing many very valuable suggestions. In November last I visited Bombay in order to confer with the Chamber of Commerce there, who were so good as to hold a special meeting for the purpose. Finally, the Select Committee have carefully considered the whole with the valuable assistance of my hon'ble friend, Mr. Morgan. The result is Bill No. III, now before the Council. As the Bill is so voluminous, I will do no more in explanation than to notice, under a few general heads, the provisions which differ from the present law in matters affecting more or less materially the interest of commerce.

“ In the first place, section 12 constitutes a new class of sub-ports, to consist of places where a small trade has sprung up not sufficient to render a full Customs establishment remunerative. These ports will be allowed to trade with certain Customs ports near them, to which they are affiliated. The occasion has arisen in Burma, but I hope that the power may be used for the development of local trade in other parts of India. Again, in section 18, we have provided, at the instance of the Bombay Chamber of Commerce, against the importation of articles bearing any names, brands or marks, being, or purporting to be, brands and marks of manufacturers resident in the United Kingdom or British India, and not made by such manufacturers.

“ Under the head of what may be termed reductions of duties or burdens of one sort or another of direct pecuniary effect, I may enumerate the following. By section 34 the limit of damage for which remission of duty can be obtained for tariffed goods has been lowered from one-fifth to one-tenth. By section 39 the period during which owners will be liable to claims by Government for duties short-levied or erroneously refunded, has been reduced from six to three months, concurrently with similar reduction of the liability of Government. By section 42 drawback is now allowed upon provisions and stores for use on board ships proceeding to Foreign Ports. By section 71 the two fifteen-day periods for which vessels were allowed the free services of a Customs-officer during discharge and loading respectively, have been amalgamated, so that a longer time may be occupied in either process without involving extra charge until the total of thirty days has been exceeded. In section 88, the period after which unclaimed goods may be sold by Government has been extended

from two months to four, and notice is required to be given to the owner if his address can be ascertained. Section 100 comprises leave to bottle-off wine and spirit in bond. Section 109 dispenses with a fresh bond, on removal of goods from one warehouse to another. By Section 132, transshipment of stores is allowed between vessels owned only in part by the same persons. In section 133, weight, measurement, quantity and number have been added to the standards according to which transshipment fees may be levied. In section 139, the additional charge on goods cleared for shipment after grant of port-clearance has been reduced from two to four per cent. Section 148 contains an important alteration permitting spirit exported under bond from one Customs-port to another to be admitted at the latter on payment of excise-duty at the ordinary rate to which spirit of the like kind and strength is there subject, instead of *import-duty* at Rs. four per gallon.

“ For the facilitation of discharge and shipment some material modifications of the law have been made. Section 60 allows delivery of the manifest by a ship's agent before the arrival of the ship, and section 66 extends to five days the period after departure of the ship within which an export manifest may be put in. Under sections 74 and 76, the landing and shipping at particular wharves, and in the presence of officers of Customs, as also the use of boat-notes, may be dispensed with—a power which it is expected will be used materially to facilitate operations in the Port of Calcutta. Section 85 contains special provisions, framed in consequence of representations by the Bombay Chamber of Commerce, in order to allow of the immediate unloading of vessels.

“ By way of simplification of procedure, an agent has been allowed (section 5) to do, with the express or implied consent of the master, anything which the master is required or empowered to do under the Act. By section 29 an importer unacquainted with the nature of goods to his address is allowed to deposit them in a warehouse until he can obtain information. Section 41 allows of an account current of duties and charges being kept with any mercantile firm or public body and settled periodically, so as to save the trouble of constant separate payments. By section 55 permission to amend obvious errors is given absolutely, but the levy of any fee at all is clearly made discretionary with the Customs-Collector. Section 130 provides for due notice being given of rules about transshipment, and section 204 requires that all rules shall be periodically published and sold to the public. In section 140 application for leave to reland is dispensed with, and the period for notice of transshipments or relands is extended to five days.

“The privilege of transhipment under section 128 has been extended to vessels of all descriptions, and section 129 makes it clear that the transhipment-fees are to cover the expense of the officers who supervise the process.

“With regard to the coasting-trade, some important alterations have been made. Vessels will not in future lose their character of coasting-vessels merely because they have touched intermediately at some Foreign Port, but will remain under restriction only so long as goods brought from that port are on board. Again, if a coasting-vessel has not touched at any Foreign Port, and has not any dutiable goods on board, she will be able to discharge forthwith, without entry of the goods or clearance for home-consumption. In other words, we shall rely for our statistics on the documents at the port of departure, and the importers will be relieved of all the trouble with the custom-house which they now undergo. By section 166 also, a cargo-book may be held to dispense with a separate manifest.

“ In the chapter of penalties, we have made some improvements and relaxations, chiefly in the direction of admitting proof of non-complicity in or ignorance of misdescriptions, and the like. Nos. 20, 27, 37 and 74 of section 167 may be referred to. Complaint has been made that the penalties of the Indian Act are more severe than those of the English. There may be some truth in this in individual instances, but it would be very difficult to graduate a number of offences mostly involving no moral obliquity. The standard penalty in the English Act is £100, and this we all know to our cost to be a larger sum than Rs. 1 000, which is the Indian standard. All these penalties, however, are maxima only, not absolute. It is no doubt difficult to ensure powers being exercised judiciously in all cases by subordinate officers who may be wanting in intelligence or afraid of responsibility. The best course for any merchant who feels aggrieved is to lose no time in bringing his case before the heads of the Department, who are pretty certain to deal liberally with it.

“ While thus taking credit for a large number of relaxations in favour of commerce, I must admit that in some few instances we have made the law more stringent. With regard to the sales of goods taken over by Government on account of under-valuation, we could not resist the weight of testimony that there was at times a difficulty in realizing their full value by auction. But while giving the Collector, therefore, a power of selling them otherwise in the last resort, we have obliged him to put them up to auction in wholesale lots for cash on delivery, and in any case to dispose of them without unnecessary delay.

“On the whole, I think the Select Committee may fairly claim to have acted up to the declaration of willingness to facilitate trade operations which I have already referred to. There appear to be only two ways of going any further. One of these is by reducing somewhat the demands of the Statistical Department. I am prevented by an accidental circumstance from producing for the inspection of the Council the local volume for the Madras Presidency of statistics of trade and navigation for the year 1875-76. This ponderous affair weighs some 40lbs, it measures about a cubic foot, and, though not yet published, owing to the labour of compilation and printing it is already out of date. What, I would ask, in the name of common sense, is it possible to do with such a thing? Perhaps you might, as Sydney Smith said of a certain portly widow, walk round it before breakfast, but as to reading and using it—never. Seriously, statistics are no doubt useful things, and returns regarding all leading articles of commerce, and of the trade of important centres or ports of a certain size, are necessary. But the utility of requiring an infinity of returns on trivial matters, and piling up checks and counter-checks, especially about the petty-trade of obscure ports, seems very questionable. It would surely be sufficient to be content with a fraction of what we now collect, and to be content with reasonable instead of almost absolute accuracy—say within ten per cent. in the case of free goods, for instance, as in the London Custom-house. I am well aware that this question has already attracted attention in the department over which the Hon’ble Sir Alexander Arbuthnot presides, and that they contemplate such relaxations, and those not inconsiderable, as lie within the power of the Government of India. If my remarks should have the effect of attracting further attention to the subject and supporting still further improvements, they will not have been thrown away. The second step by which Custom-house restrictions might be further and very largely relaxed, is by alteration of our Customs-tariff. If it were possible in lieu of the fifty or sixty main heads of the import-tariff, comprising many hundreds of subordinate items, to have duties on only six or seven important, well defined and readily distinguishable articles the relief afforded in the matter of preventive scrutiny, checks, stoppage, seizure and the like, and informalities, would be enormous. It is of course no part of my duty to indicate or suggest any policy of this sort on general grounds. What I say is said merely in connection with the subject of customs procedure now before us. The first step I have referred to at least is one readily practicable, and will, I trust, be ere long fully acted on. For the present, it would seem that the Bill effects all that legislation now can do to relax customs restrictions, and I trust that the Council may approve and pass the Bill accordingly.”

The Motion was put and agreed to.

The Hon'ble MR. HORE then moved that the Bill as amended be passed.

The Motion was put and agreed to.

The Council adjourned to Wednesday, the 13th March 1878.

D. FITZPATRICK,

CALCUTTA :
The 6th March, 1878. }

*Secretary to the Government of India,
Legislative Department.*