

Saturday, 2nd June, 1860

# PROCEEDINGS

OF THE

# LEGISLATIVE COUNCIL OF INDIA

Vol. VI

(1860)

independent power and control over its own Exchequer, and as it is quite certain that, if given at all, or at any time, it could only be on such conditions, I own I cannot recommend such a step to be taken, even were it within our reach, which it is not, nor is likely to be.

Sir, I have now touched upon all the topics which it appears necessary that I should do at this time, to put our real position plainly before the country, in relation to this Bill. I have shown you, I hope, conclusive reasons why it is impossible we can recede from the position we have taken, without deserting our first duty. I have shown you that the crisis we have to encounter is as serious if not more so than it appeared to be on the 18th of February. I have told you that the mature deliberation of the Supreme Government, taken upon a review of all that has passed, and all that is known, points to a steady prosecution of the work we have begun. To this end we are ready to devote our most anxious efforts; we can consent to any personal sacrifices; we can consent contentedly to obloquy and to be misrepresented and misunderstood; but there is one thing to which we cannot consent. We cannot consent to be parties to deluding the public by the suppression of facts, however unpalatable, or by the adoption of palliatives which, however they might smooth our path for a time, could only end in public disappointment.

Mr. WILSON postponed till Saturday next, the presentation of the Report of the Select Committee on the Bill "for the licensing of Arts, Trades, and Professions."

#### BOUNDARY MARKS (FORT ST. GEORGE.)

Mr. FORBES presented the Report of the Select Committee on the Bill "for the establishment and maintenance of boundary marks, and for facilitating the settlement of boundary disputes, in the Presidency of Fort St. George."

#### SUCCESSIONS.

Mr. HARRINGTON presented the Report of the Select Committee on the Bill "for facilitating the Collection of debts on successions and for the security of parties paying debts to the representatives of deceased persons."

#### ADMINISTRATOR GENERAL.

Mr. FORBES moved that the Bill "to amend Act VIII of 1855 (relating to the office and duties of Administrator General)" be read a third time, and passed.

The Motion was carried, and the Bill read a third time.

#### STAMP DUTIES.

Mr. WILSON moved that the consideration of the Bill "to consolidate and amend the law relating to Stamp Duties" be postponed till Saturday next.

Agreed to.

#### ADMINISTRATOR GENERAL.

Mr. FORBES moved that Sir Bartle Frere be requested to take the Bill "to amend Act VIII of 1855 (relating to the office and duties of Administrator General)," to the Governor General for his assent.

Agreed to.

The Council adjourned.

Saturday, June 2, 1860.

#### PRESENT:

The Hon'ble the Chief Justice, *Vice-President*,  
in the Chair.

His Excellency the Commander-in-Chief, Hon'ble Sir H. B. E. Frere, Right Hon. J. Wilson,	H. B. Harrington, Esq., H. Forbes, Esq., and A. Sconce, Esq.
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#### ADMINISTRATOR GENERAL.

THE VICE-PRESIDENT read a Message, informing the Legislative Council that the Governor-General

had assented to the Bill "to amend Act, VIII of 1855 (relating to the office and duties of Administrator General.)"

#### EMIGRANT VESSELS.

THE CLERK reported to the Council that he had received a communication from the Home Department, forwarding a Despatch from the Secretary of State on the subject of allowing Vessels furnished with Normandy's apparatus for distilling sea water a reduction to the extent of one-third in the quantity of fresh water required by law to be placed on Emigrant Ships leaving India for Her Majesty's Colonies.

SIR BATTLE FRERE moved that the above communication be printed. Agreed to.

#### VILLAGE WATCHMEN.

THE CLERK also reported that he had received a communication from the Government of Bengal, forwarding minutes of judgments passed by the Sudder Court in the Chowkeydaree Chakeran cases.

MR. SCONCE moved that the above communication be laid upon the table and referred to the Select Committee on the Bill "to regulate the appointment, employment, and dismissal of Village Watchmen in the Territories under the Government of the Lieutenant-Governor of Bengal." It seemed to him unnecessary that the communication should be printed. Agreed to.

#### LICENSING OF ARTS, TRADES, AND PROFESSIONS.

MR. WILSON said, in presenting the Report of the Select Committee on the Bill "for the licensing of Arts, Trades, and Professions," he had very few observations to make. The Committee had not made any material alterations in the Bill, but they had made an addition of great importance, to which he wished to advert in a very few words. It would be remembered that one of the means by which, as he stated on the 18th February last, the

Government of India proposed to increase the revenues of the country was by a Tobacco Tax. At that time he said that the Government had come to no decision as to the precise mode in which the tax should be imposed. Since that time, however, the subject had engaged the attention of the Government, who, after communication with the local Officers, had come to the conclusion, all circumstances considered, that the most convenient and best plan of imposing this tax, one that would interfere the least with the course of trade, and impose on Government the smallest cost of collection, would be to charge it in the form of a special License Duty on dealers in Tobacco. No doubt the tax might not be so profitable in this shape as it might have been in some others, still it was a form that, as he had already stated, would be accompanied with a comparatively small cost of collection and very little interference with trade. For it must be borne in mind that at present a considerable number of special License Duties were in force under the Abkaree system, and the machinery, therefore, already existed by which a Tobacco License Duty in this form could be collected with ease, and with little or no additional cost. In the present great paucity of public officers in the Revenue Departments throughout the country, and having reference to the great increase of duty which the Income and License Taxes would throw upon them, it must be obvious how desirable it was to adopt a plan, in relation to Tobacco, which would not impose upon them another and entirely new machinery and organisation in order to carry it out. Having reference to these difficulties, we had therefore decided to adopt this plan, involving no new machinery but using only that which now existed. But there would be no monopoly given to any one. All would be equally at liberty to take out a license who wished to carry on the trade. The perfect freedom of purchase from the grower, and of sale to the consumer, as they now existed, would be continued. Having come to this decision, the Govern-

ment then thought that the most convenient course would be to insert such provisions in this Bill, special and apart, as were required to carry out this object. This then constituted the main difference in the Bill to which he desired to draw the attention of the Council. When the Bill should come into Committee of the whole Council, they would have full opportunity of discussing these and other provisions in detail.

#### UNIVERSITIES.

SIR BARTLE FRERE, in rising to move the first reading of a Bill "for giving to the Universities of Calcutta, Madras, and Bombay the power of conferring degrees in addition to those mentioned in Acts II, XXII, and XXVII of 1857," said that this Bill was intended to supply an omission in the Acts constituting the Universities in the three Presidency Towns. The number and character of the degrees which the governing bodies of those Universities were competent to confer was strictly limited by the Acts in question, and it was found, soon after the Acts were put into force, that it was very desirable to enable the governing bodies of those Universities to grant other degrees, in order to enable them to give that assistance which Universities alone could afford to education with reference to the state in which it happened to be at each Presidency Town. A proposition in consequence was made by the University of Calcutta asking to be empowered to confer degrees other than those specified in its Act of incorporation. As this could not be done without a change in the Act of the Legislature, and as good reason had been shown for the change, he had been instructed to move the first reading of this Bill.

The Bill was read a first time.

#### STAMP DUTIES.

MR. SCONCE postponed the consideration of the Bill "to consolidate and amend the law relating to Stamp Duties" till Saturday next.

#### SUCCESSIONS.

MR. HARINGTON moved that the Council resolve itself into a Committee on the Bill "for facilitating the collection of debts on successions, and for the security of parties paying debts to the representatives of deceased persons"; and that the Committee be instructed to consider the Bill in the form in which the Select Committee had recommended it to be passed.

Agreed to.

The Bill passed through Committee after the insertion of the word "one" in the blank in the 27th line of Section IX, that being fixed as the maximum rate of percentage to be allowed as Commission to a Trustee appointed, under that Section, in the case of disputed succession.

The Council having resumed its sitting, the Bill was reported.

The Council adjourned.

Saturday, June 9, 1860.

#### PRESENT :

The Hon'ble the Chief Justice, *Vice-President*.

Hon'ble Sir H. B. E. Frere,		A. Sconce, Esq., and Hon'ble Sir M. L. Wells.
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Sir Mordant Wells was duly sworn and took his seat as a Legislative Councillor of the Council of India.

THE VICE-PRESIDENT said that as, in consequence of the Chief Justice being obliged to attend the Session of the Supreme Court, the quorum required by law for a Meeting of the Council for the purpose of making Laws could not be formed, it was understood that there would be no Meeting to-day for the transaction of business. The Members present had met, however, for the purpose of adjourning the Council to Wednesday next, on which day it was considered desirable that the Council should meet.