

Saturday, 23rd June, 1860

PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL OF INDIA

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trate shall be competent to exercise within the District within which he shall be employed any of the powers ordinarily exercised by a Sub-Collector and Joint Magistrate within his charge, provided however that such Deputy Director shall only have cognizance of cases and offences connected with the duties of the Survey or the Settlement Department. In cases coming under Regulation IX. 1822 of the Madras Code tried before a Deputy Director under this Section, the power of control and revision provided by Clause 3, Section 111, Regulation VII. 1828 of the same Code shall be exercised by the Director of Revenue Settlement.

"All Servants of the Survey and Settlement Departments shall be subject to the provisions of the said Regulations IX. 1822 and VII. 1828 of the Madras Code, and those Regulations apply to the Survey and Settlement Departments in the same way as they apply to the ordinary Revenue Department.

"The provisions of the two preceding Sections shall apply to all cases not finally decided at the time of the passing of this Act."

The Sections were severally carried.

The Preamble and Title were passed as they stood; and the Council having resumed its sitting, the Bill was reported.

UNIVERSITIES.

SIR BARTLE FRERE moved that the "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" be referred to a Select Committee consisting of Mr. Forbes, Mr. Sance, and the Mover.

Agreed to.

SUCCESSIONS.

MR. HARRINGTON moved that Sir Bartle Frere be requested to take the Bill "for facilitating the collection of debts on successions and for the security of parties paying debts to the representatives of deceased persons" to the Governor General for his assent.

Agreed to.

POLICE (PRESIDENCY TOWNS AND STRAITS SETTLEMENT).

MR. FORBES moved that Mr. Harrington and Sir Mordaunt Wells be

added to the Select Committee on the Bill "to amend Act XIII of 1856 (for regulating the Police of the Towns of Calcutta, Madras, and Bombay, and the several stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca").

Agreed to.

REGISTRATION OF ASSURANCES.

MR. FORBES moved that a communication received by him from the Madras Government, be laid upon the table and referred to the Select Committee on the Bill "to provide for the Registration of Assurances."

Agreed to.

The Council adjourned.

Saturday, June 23, 1860.

PRESENT:

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

Hon'ble Sir H. B. E. Frere,	H. Forbes, Esq.,
Right Hon'ble J. Wilson,	A. Sance, Esq.,
H. B. Harrington, Esq.	and Hon'ble Sir M. L. Wells.

INCOME TAX.

THE CLERK presented to the Council a Petition of proprietors of permanently settled estates in Bengal, Behar, and Orissa against the Bill "for imposing Duties on Profits arising from Property, Professions, Trades, and Offices."

MR. WILSON moved that the above Petition be printed.

Agreed to.

TRANSPORTATION OF CONVICTS.

MR. HARRINGTON presented the Report of the Select Committee on the Bill "relating to the transportation of Convicts."

EMIGRATION TO NATAL.

SIR BARTLE FRERE moved the first reading of a Bill "relating to emigration to the British Colony of Natal." It was in its details similar

lar to the other Emigration Acts passed by the Council, the only difference being as to the length of time allowed for the voyage. It had been brought to the notice of Government that a person had arrived from Natal in vi-w to carry out Emigration to that Port in the event of the Council consenting to pass this Bill. It was therefore his intention at a later stage to move for a suspension of the Standing Orders, so as to give the Bill as early effect as possible. He did not think that there was any likelihood of any discussion arising upon it, as the Bill was so nearly identical with former enactments.

The Bill was read a first time.

EMIGRANT VESSELS.

SIR BARTLE FRERE, in moving the first reading of a Bill "relating to vessels carrying Emigrant Passengers to the British Colonies," said that it was simply to allow a reduction in the quantity of fresh water in the case of vessels adopting the use of Normandy's apparatus for distilling sea water.

The Bill was read a first time.

BOUNDARY MARKS (FORT ST. GEORGE.)

MR. FORBES moved that 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" be read a third time and passed.

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

ARMS AND AMMUNITION.

MR. HARRINGTON moved that the Council resolve itself into a Committee on the Bill "to make perpetual Act XXVIII of 1857 (relating to the importation, manufacture, and sale of Arms and Ammunition, and for regulating the right to keep or use the same)"; and that the Committee be instructed to consider the Bill in the amended form in which the Select Committee had recommended it to be passed."

Agreed to.

Sections I to X were passed as they stood.

Section XI provided as follows:—

"Licenses granted under this Act shall be in force for one year from the date thereof, and the holders of such licenses shall give notice to the Magistrate in writing, at least twenty-one days before the expiration of the current license, of their wish to renew the same."

After a verbal amendment on the motion of Mr Harrington, namely, the substitution of the words "under Section VI of this Act" for the words "under this Act"—

SIR BARTLE FRERE moved the omission of the provision in this Section, that holders of licenses should give notice to the Magistrate in writing of their wish to renew such license twenty-one days before the expiration of the current license. There was no penalty provided if no notice were given. There was no apparent reason why written notice should be required, and the provision could only tend to render the operation of the Act more vexatious.

MR. HARRINGTON observed that the provision objected to had been introduced chiefly with a view to the convenience of the public; in other words, to give time for the renewal of licenses before they expired; but he was quite willing that the provision should be struck out if it was not deemed necessary or advisable to retain it.

The Motion was agreed to, and the Section, as amended, then passed.

Section XII provided as follows:—

"Any person purchasing any arms of the description mentioned in Section V of this Act, or any percussion caps, sulphur, gunpowder, or other ammunition from, or having any such arms repaired by any person in whose shop or usual place of business a board inscribed as aforesaid is not stuck up, shall be liable to a fine not exceeding one hundred Rupees."

The Section was amended on the motion of Sir Barnes Peacock, so as to run as follows:—

"Any person knowingly purchasing arms of the description mentioned in Section V or any percussion caps, sulphur, gunpowder, or other ammunition from any person not licensed, shall be liable to a fine not exceeding one hundred Rupees."

Section XIII was passed as it stood.

Section XIV provided as follows:—

"The Magistrate or other Officer authorized by Government as aforesaid may at any time enter the premises in which arms, percussion caps, sulphur, gunpowder, or other ammunition shall be manufactured, or kept by any licensed manufacturer or dealer in arms or percussion caps, sulphur, gunpowder, or other ammunition, in order to inspect the stock-in-trade of such manufacturer or dealer, and if any such manufacturer or dealer shall intentionally conceal from such Magistrate or other Officer as aforesaid any part of his stock-in-trade, or shall wilfully refuse to point out where the same is kept, he shall be liable to a fine not exceeding five hundred Rupees, or to imprisonment with or without hard labor for a period not exceeding two years, or to both fine and imprisonment, and all the stock-in-trade belonging to such person may be seized, and shall be confiscated if the Magistrate shall so adjudge."

MR. SCONCE said, he did not think the words of this Section sufficiently explained the grounds upon which the Magistrate could punish a person for wilfully refusing to point out any part of his stock-in-trade. A Magistrate might rely merely on the supposed concealment of arms or on the refusal to give them up; and he thought that the obvious purpose of the Section would be better attained if, after the word "liable" in the 17th line, the words "on the proof of the concealment of the same" were introduced.

THE CHAIRMAN said, he saw no necessity for the amendment. He did not think that any Magistrate could convict a man of wilfully refusing to point out where any part of his stock-in-trade is kept, without proof of the concealment of the same.

MR. SCONCE said, he proposed this amendment with reference to the mode in which, as was notorious, the disarming Sections of the present law were enforced in the Upper Provinces. There persons were punished, not on the discovery of arms wilfully concealed, but in order that they might produce arms. Thus, assumed concealment was constituted a crime.

MR. HARRINGTON said, it was impossible to define the amount of proof which should constitute sufficient evidence of guilt. But he had no objection to the insertion of the words, if they were considered necessary.

MR. SCONCE begged to explain it was not his object to declare that

proof should be required before conviction, but to define clearly the crime of which proof was required.

THE CHAIRMAN thought it was objectionable to legislate on principles of this sort. If it was necessary to deal with a case of this kind, it would be far better to pass a general law laying down that no Magistrate should convict without proof; but he saw no reason why in this Clause of this Bill, and not in any other law, such a provision involving so dangerous a principle as that the Legislature could be supposed to intend that a conviction might take place without proof, should be introduced.

SIR BARTLE FRERE observed that, while he quite agreed with the Honorable and Learned Vice-President as to the proper course to be pursued if Magistrates acted in the unjust and illegal manner described by the Honorable Member for Bengal, he nevertheless thought there was some force in the Honorable gentleman's objection to the words as they stood. It seemed to him (Sir Bartle Frere) that the words would justify a Magistrate in punishing a dealer who refused to point out where arms &c. were kept, and which the Magistrate might have strong reasons to believe were kept on the premises, though he might be unable to find them himself. This was not, he supposed, intended, and he thought it would be better to alter the words so as to make it necessary that the concealment of the arms should be clearly proved before the penalty for refusing to point them out was enforced.

THE CHAIRMAN thought the words were sufficiently clear as they stood, and the subject was not pressed.

SIR BARTLE FRERE pointed out that the words in this Section, authorizing the seizure and confiscation of "all the stock-in-trade" belonging to any one who had concealed arms or ammunition, might operate far more extensively than was probably intended by the framers of the Bill. He concluded it was intended to give power to confiscate all arms and ammunition of such dealer, but as the words stood they would authorize the confiscation of the whole stock-in-trade

of any miscellaneous dealer, such as those so common up-country, who, among mess stores and other goods, might deal occasionally in guns or pistols, and neglect to take out a license. This could never have been intended, and he therefore recommended that the words should be limited so as to render arms and ammunition only liable to confiscation.

SIR MORDAUNT WELLS thought it would be sufficient to follow the course pursued by the excise law at home with regard to smuggled articles. In England if a general dealer were found in the possession of smuggled tobacco his whole stock of tobacco would be confiscated; but the sugar, tea, or other articles, besides tobacco, would be left alone.

THE CHAIRMAN said, he did not think, if the stock-in-trade of a man carrying on an illicit trade in arms and ammunition consisted of other articles, that those other articles ought to be confiscated.

MR. FORBES said, as the Section now stood, the whole stock-in-trade of a dealer was liable to confiscation. Some shop-keepers, such as Charles Nephew & Co. for instance, who sold arms and ammunition, also sold other valuable articles.

THE CHAIRMAN then moved the substitution of the words "any arms, percussion caps, sulphur, gunpowder, or other ammunition" for the words "all the stock-in-trade" near the end of the Section.

The Motion was carried, and the Section, as amended, then passed.

Sections XV to XXIII were passed as they stood.

Section XXIV provided as follows:—

"No person shall go armed with or carry any arms of the description mentioned in Section V of this Act, unless he shall have obtained a license from a Magistrate or other Officer authorized by the Governor-General of India in Council, or the local Government to grant such license, authorizing him to carry arms; and if any person shall go armed or shall carry arms without such license, and shall fail to show that he is exempted by Government, or give reasonable proof of his being otherwise exempted, he shall be liable to a fine not exceeding one hundred Rupees. Any Magistrate, Joint-Magistrate, or Deputy Magistrate, or Assistant to a Magistrate, may disarm a

person going armed or carrying arms without a license, or not exempted as above."

MR. SCONCE moved the omission of the last Clause in the Section. He thought it quite unnecessary to empower a Magistrate, Joint Magistrate, Deputy Magistrate, or Assistant to a Magistrate to take away a gun from a person simply because he had no license in his pocket. The preceding Section already authorized any Magistrate, Deputy Magistrate, Assistant to a Magistrate, Police Officer, or any other person to apprehend without warrant, and to detain in custody in view to his being dealt with according to law, any person found carrying arms &c. under circumstances affording just grounds of suspicion that the same might be used for any unlawful purpose dangerous to the public peace; and was quite sufficient to secure the maintenance of the public peace without the necessity of summarily empowering Magistrates to stop any quiet person on the road.

MR. HARRINGTON said, the following words, which were in the present Act, and to the insertion of which he should not object, would probably meet the objection of the Honorable Member for Bengal—

"If in the judgment of such Magistrate or other person as aforesaid it is dangerous to the public peace to allow such person to go armed."

SIR MORDAUNT WELLS said, he entertained a decided objection to this Section as it applied to Europeans. Before he entered upon that subject he wished to call the attention of the Council to the radical change which had been made in the Bill by the Select Committee. Section V Act XXVIII of 1857 was simply as follows:—

"In any district or place to which the provisions of this Section shall be extended by order of the Governor General of India in Council, or of the Executive Government of any Presidency or place, if any person goes armed with any such arms as aforesaid, and shall not produce a certificate from a Magistrate or other Officer authorized by Government to grant licenses to go armed, that he has obtained such a license, or that he is

exempted by Government from the foregoing provisions, or give reasonable proof of his being otherwise exempted from the said provisions, he shall be liable to be disarmed by any Magistrate, Deputy Magistrate, or Assistant to a Magistrate, or by any European Commissioned Officer in the service of Her Majesty, or of the East India Company, or by any Member of a Volunteer Corps enrolled by authority of Government whilst on duty, or by any Police Officer, if, in the judgment of such Magistrate or other person as aforesaid, it is dangerous to the public peace to allow such person to go armed. Provided always that if any person shall have a license from the Magistrate of the district or place at which he resides or may be, to carry on a journey such arms as the Magistrate may consider reasonable for his private use, and shall obtain from such Magistrate a certificate stating the name and address of the licensee, the route by which he intends to proceed, the time which such journey is expected to occupy, and the Arms which he is permitted to carry, such certificate shall have the same force and effect according to its tenor in every district or place specified therein as if leave to go armed had been granted by the Magistrate of such district or place."

Before addressing himself to the question as to whether a Clause like Section XXIV of this Bill ought to be applied to Europeans or not, he wished to observe that Section V Act XXVIII of 1857 went sufficiently far as regarded Europeans as well as Natives, for he did not wish to see even respectable Native Gentlemen, such as the Rajah of Burdwan and others, unnecessarily harassed by the provisions of such an Act; such loyal Native Gentlemen might, he thought, be allowed to carry their rifles without danger to the public peace. Section V Act XXVIII of 1857 imposed no fine, but left it to the discretion of the Magistrate to disarm any person found going armed, if in the opinion of the Magistrate it was dangerous to the public peace to allow such person to go armed; but this Section XXIV imposed a penalty of one hundred Rupees upon every gentleman in India who carried his rifle, unless he took out a license, for which, under Section XXX, he would have to pay one Rupee. There might not be a Magistrate within reasonable distance to whom to apply for a license. Then with regard to Europeans, he should like to know whether

in Canada, Australia, the Cape of Good Hope, or in any other British possession such a law would be tolerated; that is, not only that the right of any Englishman to carry arms should be restricted, but that he should have to pay one Rupee for the privilege. Fancy an English gentleman having to pay a Rupee for the privilege of carrying a rifle or a gun, a privilege which he claimed as a right wherever he went. As he had already remarked, Section V Act XXVIII of 1857 was quite sufficient even as regards the respectable and loyal portion of the native community, and that Clause was probably prepared with great care. Upon what grounds, he would ask, could the change now proposed be justified? Did the conduct of the Europeans during the mutiny, when the life of every European in the country was in jeopardy—and there could be no doubt that on that occasion it was a struggle on the part of the native races to exterminate Europeans in this country—did the conduct of the Europeans afford any justification for the change? Were Europeans to be deprived of their arms, when they not only took no part in this Mutiny, but on the contrary assisted in its suppression? The measure would be no hardship to the natives, but would be otherwise to the Europeans, as 99 out of a 100 of them were in the habit of using their rifles for the purpose of sport and amusement. He might adduce more than a hundred arguments to show how essential it was that such a restriction should not be extended to Europeans.

On what ground then was the measure based? Was it on the ground of expediency? Was it on the ground of equality? There was no equality, as late events had shown, when Europeans had to defend their very lives against hordes of natives. It was not, he contended, a matter of English feeling—it was a matter of strict justice. He was not sitting there as a representative of any class, but he considered it was his duty to express his opinions openly and fearlessly. In legislating he would take care that no injustice was done to any class, and

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he would support any measure which he considered consistent with his duty as a Member of this Council. There could be no equality in treating Europeans, of whose loyalty there never was any suspicion, on the same terms, with regard to this question, as natives. It had not been shown by the Honorable Mover of the Bill that this measure had emanated from the Executive Government, and he would ask the Right Honorable Gentlemen and the Honorable Member of the Council opposite (Sir Bartle Frere) on what principle they were prepared to say that it was important to alter the law as regards Europeans. It might be said that a disarming Act was one time passed in Ireland: but what was the state of the country? It was very different from this at that time. A large portion of the Christian population were disaffected, and showed a rebellious spirit, and it was found necessary to disarm them; but had the Europeans in India done a single act which called for the passing of such a law? The only reason for the change, as far as he could understand, was that there had been many cases of acts of violence committed by Europeans up the country. Now, since he had been in the country, cases of the kind had come before him in the Supreme Court, but not one of them afforded the slightest ground that, for the protection of the public peace, Europeans should be deprived of their arms. Acts of violence were, no doubt, greatly to be deplored and should be severely punished. But what were the cases referred to? Why, they were attacks made upon natives by Europeans, who in assaulting them neither used fire-arms nor swords, but either a whip, or kicks or blows.

Mr. HARRINGTON here asked the speaker, if he did not remember the case of the Sergeant in Oude who was tried for shooting a native.

Sir MORDAUNT WELLS said, he did not remember the case. It was not in his time, but he was obliged to the Honorable Member for mentioning the case, as it just reminded him of another ground why he should claim the exemption. The prisoner

was a Military man, and the Act exempted those who used arms for the public service, so that soldiers were allowed the privilege of carrying arms. Surely the Honorable Member did not expect that the soldier would be made, after his parade was over, to lock up his musket in a godown. He would again repeat, and he said so deliberately, that the cases mentioned did not afford the slightest justification for the enactment. He had expressed his opinion freely, not from any feeling of partizanship, but rather as an Act of simple justice towards his European countrymen. He had the same feeling for the loyal natives, and would very much wish to see that they should also be excluded. He wished to see justice done, but was injustice to be done from a feeling of timidity? He regretted very much that this question had not been considered seriously by the Government.

The foregoing remarks applied to Section XXIV as well as Section XXX pre-cribing a fee for license, Section XXXV providing for imprisonment if fine be not paid, and Section XXXVI regarding rewards to informers. He concluded by moving as an amendment the insertion of the following Clause:—

“Nothing in this Act shall extend to Europeans or Americans.”

Mr. HARRINGTON said, when he brought in the present Bill he had the honor of a seat in the Supreme Government, and it was in his capacity of a Member of the Government of India that he introduced the Bill with the full concurrence of His Excellency the Governor General, and the other Members of the Government; no doubt he was now carrying on the Bill as a Member of the Legislative Council only, but this was in accordance with the custom of the Council, which was that the Member who brought in a Bill should ordinarily continue in charge of it until it passed into law. Had the Bill been sent to him by the Government of the North-Western Provinces for the purpose of being introduced, he should have deemed it

right to consult the Executive Government before bringing it in. He considered that all Bills of this nature which involved important principles, and were of general application, ought to be introduced with the consent of the Executive Government, and he believed this to be in accordance with the intention of the Act of Parliament under which this Council was established. He trusted that what he had said would satisfy the Honorable and learned Judge, as to the manner of the introduction of the present Bill.

He (Mr. Harington) thought that the Honorable and learned Judge would have done well to have made himself acquainted with the history of Act XXVIII of 1857 before delivering the speech which they had just heard from him. Had he done this he would have found that when that Act was first brought before the Council the Honorable Member, by whom the Bill was introduced, and who was at the time the Vice-President of the Council and a Member of the Executive Government, distinctly raised the question as to whether the Bill should apply alike to Europeans, Americans, and Natives, or whether it should be confined in its operation to Natives alone. The Honorable Member said :—

“It was a question for consideration whether several further exemptions might not be made, whether any particular class or classes of persons should not be exempted. But to him it appeared that it would be inexpedient to make any special exemption of this nature. He was perfectly satisfied that there were many Sections of the community who could be trusted by the Government with the possession of arms without being subjected to the necessity of taking out licenses. All Europeans, our East Indian brethren, many educated Native gentlemen, and (he believed he would be supported by the Honorable Member for Bombay in adding) the Parsee gentry and Community, might, he was quite sure, be allowed unrestricted possession of arms without any danger to the State. Other Sections of the general Community might be added. But it appeared to him that, in a measure of legislation like this, it would be difficult to exempt particular classes without appearing invidious and exciting ill-will; and, accordingly, he had made the Bill applicable to all, merely reserving to the Governor General in Council (by Section VI.) the power of exempting from its operation any

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persons or classes of persons whom he should think fit.”

He (Mr. Harington) had looked very carefully through the debates which took place on the Bill as it travelled through its several stages, and which were unusually numerous, the Bill after passing through a Committee of the whole Council having been re-committed twice, but he had failed to discover in any thing that fell from Honorable Members in the course of those debates, the shadow of an attempt to exempt Europeans from the operation of the Bill generally, or from any Section in particular, nor was there a word in any of the speeches which had been made which by any latitude of construction could be construed into a dissent from the views expressed by the Honorable Member who brought in the Bill in the part of the speech which he had just read to the Council. Surely then he was justified in assuming that those views were concurred in by the Honorable and learned Vice-President and the other Members who then sat in the Council. It appeared to him that what he had just stated was entitled to much consideration, for if there ever was a time in the history of India since it came under British rule when the exemption, now asked for in favor of Europeans, could properly have been allowed, it was when the Bill to which he was referring was introduced. The Bill was read a first time on the 1st August 1857, and he would ask Honorable Members to go back to that date and to call to mind what was then the state of the country. Delhi had not yet fallen. Every one trembled for the fate of the brave men and women who composed the illustrious Garrison of Lucknow. The gallant Havelock had not succeeded in his attempts to release that illustrious Garrison. The whole country from Cawnpore to Meerut and far away to the South-west was in the hands of the rebels. European life was no where really safe, and, yet, in the face of all this, the Council passed the Act, now in force, without making any distinction in favor of Europeans. Then on what ground he would ask, could such a distinction be made now?

STR MORDAUNT WELLS here remarked that Act XXVIII of 1857 was a temporary Act only.

MR. HARRINGTON resumed. The Honorable and learned Judge was quite right. Act XXVIII of 1857 was a temporary Act only; but so far from the temporary character of the Act affording any ground in favor of the exemption now contended for, it appeared to him (Mr. Harrington) to tell just the other way. The two years during which it was originally provided that Act XXVIII of 1857 should remain in force were just the very years when, looking to the state of the country, European life would most probably be in the greatest danger, and would most require the protection of arms. Yet, as he had already noticed, this Council did not think it proper to exempt Europeans by express words during those two years from the operation of the Act, and *a fortiori*, it appeared to him that such exemption could not properly or consistently be introduced into the Bill before the Council. It was well known that the number of Europeans of the lower orders in India was daily increasing, and that large numbers of these men were finding their way up the country in the employment of the Railway Companies or of other private companies or individuals, and what was infinitely worse, without any employment at all. These men were for the most part quite ignorant of the language, character, and habits of the people. They looked upon themselves as the dominant race, and they were encouraged to do so. They held native life very cheap, and they considered that they were at liberty to treat the natives pretty much as they pleased. He thought that Honorable Members would agree with him that these men should not be allowed to carry loaded revolvers and other arms into their daily work, and whenever they liked, without the Magistrate having any power of interference. See, how differently the Legislature had acted in the case of the Presidency Towns. Let them turn to Section XLVII Act XIII of 1856. What did that Section say?

"Whoever (not merely 'any native,' but 'whoever' be he European or be he native) not being a soldier or sailor in the Army or Navy of the Queen or the East India company, or a Police Officer, goes armed with any sword, spear, gun, or other offensive weapon, in any street, thoroughfare, or public place unless by leave of the Commissioner of Police, shall be liable to be disarmed by any Police Officer; and the weapon so seized shall be forfeited to the Government unless redeemed by payment of a fine at the discretion of the Commissioner not exceeding ten Rupees."

Here they had no exceptions, no exemption of this class or of that class, but a law of general application; and why was this, for the simple reason that no distinction could properly have been made. Then why was there to be a different law as soon as the Mahratta ditch was passed? He had never heard of any objection being made to the Section which he had just quoted, on the ground which the Honorable and learned Judge objected to the Section before the Committee. Was the maintenance of the public peace, he would ask, of less importance at Burdwan or at any other Mofussil station than it was in Calcutta. In considering these remarks he would beg the Council to keep in mind what he had just said on the subject of the large influx of Europeans into India and the number going Up-country. He willingly admitted that it was the duty of the Government to make a law of this kind as little harassing and vexatious to the people at large, and he had no objection to say to Europeans in particular as was possible consistently with the object in view, and this was what the Select Committee had earnestly striven to do. No interference was proposed with the mere possession of arms and ammunition, unless the Magistrate should have reason to believe that they were being kept or collected for any unlawful purposes, or that their retention by the person in whose possession they were, was dangerous to the public peace. The written notice of the possession of arms and the general search authorized by the present law were discontinued, and any person might be exempted by the Government

from the operation of the Section relating to the carrying of arms, or by paying a rupee he might obtain a license to carry arms for a whole year. He could not suppose that any respectable European would object to the payment of this small fee, nor did it appear to him that there would be any thing more derogatory in taking out a license for carrying arms in this country, than there was in taking out a game license at home where no man could shoot a hare crossing a common without such license. With regard to the penalty prescribed in the Section, to which the Honorable and learned Judge objected, it was intended chiefly for the natives, and the object was to prevent them from evading the law, and thereby to make the law more effectual. Still if the majority of the Council considered the penalty objectionable he was not prepared to press its adoption.

He trusted that after what he had said, the Honorable and learned Judge would allow the Section to pass.

SIR BARTLE FRERE, while agreeing generally in what had fallen from his Honorable friend the Member for the North-Western Provinces, thought he had omitted to point out sufficiently clearly that this Act was not intended as a Penal Act, nor was it intended, like the Act now in force, and which it was meant to supersede, to effect the summary disarmament of a large armed population. That Act (XXVIII of 1857) was passed at a time of great danger, and was necessarily more strict and summary in its provisions than this, which was intended simply as a measure of ordinary and permanent police management. To maintain order and suppress crime among a population, the persons composing which are habitually and generally armed, is of course very much more difficult than among a population which is habitually unarmed, and there is of course an important Fiscal object at stake, because the existence of a large armed population renders necessary an armed police, and a large Native Army, which can to a considerable extent

be dispensed with, if you have only an unarmed population to manage.

Regulations of this kind, though comparative novelties on this side of India, had been long in force in many parts of Western India. One of the first measures of Sir Charles Napier in Sind was a proclamation forbidding persons to carry arms without license. He allowed no search for arms, but simply directed the Police to disarm all persons carrying arms, and occasionally persons offending against the Police regulations in this respect were fined. It was in fact a system very like that proposed in this Section. The effect of this simple measure was such, that in a few years the arms had almost entirely disappeared; they had been sold or disposed of, and very few were to be found when there was a call for them to arm local levies in 1857 and 1858. Of course this made an immense difference in the force required to keep such a population in order. It was this object and not any penal object which the Bill aimed at. He could not agree with the proposal of the Honorable and learned Judge to exempt Europeans. As he had said the Bill was not a Penal Bill which would, he trusted, dispose of the Honorable and learned Member's objections, as far as they referred to any indignity or hardship in refusing to allow men to go about armed. But exemption was claimed for Europeans as a class. Now what were the alleged grounds and what would be the effect of granting such class exemptions? He (Sir Bartle Frere) could not answer for other Members, but judging from his own experience, he confessed he was frequently reminded by his own feelings that we come of a very irascible race, prone to get angry and to be guilty of assault and battery to an extent unusual among other races. There was no denying this fact, which every one knew, no race in the world knew better how to use such weapons as nature gave them, or were better able to defend themselves under the greatest disadvantages. This had been repeatedly shown of late years, and would be shown again should occasion ever

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arise. It was difficult therefore to find any section of the community for whose exemption as a class from any such Police regulation fewer good reasons could be shown. Then as to the alleged difficulty of carrying arms for necessary purposes, when really required for safety or recreation, had any difficulty been found by Europeans of all classes and professions during two and a half years under the present law, which is so much more stringent than this Bill before the Council? No body pretended that any such difficulty existed. Every one who really required to carry arms could obtain permission to carry them, and there was not a pretence of any real practical difficulty.

The great objection to any such exemption was the objection to class exemptions of every kind. Supposing we acted on the principle among ourselves, and enacted that all of certain classes, respectable Shop-keepers, Officers of the Army and Navy, Barristers, Clergymen, Civilians, should be allowed to carry arms, but discharged Soldiers and Sailors, and people who have no visible means of living, should not? Would any one tolerate such legislation? No doubt, as a matter of fact, it might be said that the favored classes might to a man be trusted with arms, and among the proscribed classes would be found many loafers and dangerous characters, but would not common sense and common justice condemn any such attempt at class legislation?

But there was a stronger reason. Such class exemptions, unjust to all, were most injurious to the exempted class. All such exceptions were curses, which clung like the poisoned garment to the limbs of the demi-god, eating into the flesh and causing a canker which nothing could remove. We could see this plainly enough in other nations wherever a race of conquerors had such privileges of bearing arms or of any other character, such privileges were invariably a curse rather than an advantage. We were never tired of inculcating this on nations in which slavery prevailed. We were convinced of it ourselves, and were, as we flattered our-

selves, fast persuading other nations to agree with us. The principle in all these cases of class privileges and class exemptions was the same, and he (Sir Bartle Frere) believed we could not make a more fatal gift to our countrymen than by conferring such privileges on them. This was not a speculative opinion. He had very lately met the case of a gentleman who had bought land in the Hills and wished to get a European, a steady experienced man, to manage his estate. But when he found that the man would be practically exempt from all law, that whatever he did it would be difficult to deal with him except by sending him to Calcutta, he broke off his negotiation, and declined to employ the man. He would have been glad to have an honest Englishman for his servant, but he shrank from employing a man who would be practically free from all restraint of law. The Government was most anxious to do all in its power to promote the settlement in this country of as many Europeans as could make a fair livelihood in it, convinced that they would add greatly to the strength of the Government and to the resources of the country. The way to encourage them was not by making special exemptions in their favor, but by improving our administration, so that we could reasonably expect them to live under the same laws as their fellow subjects. He would go heartily with his Honorable and learned friends in all such reforms, but he trusted the Council would pause before they granted exemptions, which would, he felt convinced, be most injurious to the true interests of those it was intended to favor.

MR. FORBES wished to say a few words to the Committee on two points, one the general objection that had been taken to a disarming Act as a new law unknown before the Mutiny, and which should therefore cease when the Mutiny had died out; and the other regarding what had fallen from the Honorable and learned Judge opposite, as to the fact that since he had sat on the bench of the Supreme Court, no European had been tried for any act of violence com-

mitted with any of the weapons referred to in the Bill.

If the Committee would refer to Act XXIV of 1854, they would see that that law was passed to prohibit the use, in Malabar, of a war-knife or any similar weapon: to call upon all possessed of such weapons to deliver them up to the Magistrate, and to subject to fine and imprisonment all who should, after the passing of the law, retain possession of such weapons.

With reference to the Honorable and learned Judge's remark that no European had been charged of late before the Supreme Court for any act of violence, committed with any other weapon than a whip or a stick, or with assaulting otherwise than by kicks; he confessed he thought that the fact in no way established a claim for Europeans to be allowed indiscriminately to carry arms. A man might use a deadly weapon in a hasty moment without deliberation, and without any determined purpose to do serious injury, but if one man killed another with a stick, or a whip, or by kicks, which were the means stated by the Honorable and learned Judge to have been used in all the cases which had come before him in the Supreme Court, he did think that a determined purpose was developed which would make it most unwise to allow those, who from habits, from temper, or imperfect education, were given to the perpetration of such acts, to go all over the length and breadth of India in the possession of such deadly weapons as were enumerated in Section V of this Bill.

THE CHAIRMAN said, before we came to a vote upon this Bill it became necessary to consider the object of it, whether it was a Fiscal Bill, a Police Bill, or a Bill for State purposes. It could not be intended as a fiscal measure, as it had been shown by the Right Honorable Gentleman that it was not the intention of Government to raise any other taxes than those specified in his Financial Statement to the Council. Then the question was whether it was necessary for Police purposes, and whether it was necessary for the maintenance

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of the public peace that the Bill as it now stood be passed. After reading Section V Act XXVIII of 1857, and drawing particular attention to the words "if in the judgment of such Magistrate or other person aforesaid it was dangerous to the public peace to allow such person to go armed," he proceeded to observe that the Section now before the Council contained no such provision, so that it was hardly necessary for him to tell the Council that the Bill had undergone a very material change. The Honorable Member for the North-Western Provinces had referred to the debates which took place in 1857, and complained that the Honorable and learned Member (Sir Mordaunt Wells) had not sufficiently studied the history of the Act which was passed at that time. He (the Chairman) might say the same thing of the Honorable Member for the North-Western Provinces, for had he done so he would have found that the Arms Bill introduced in 1857 was quite different from the Bill passed in that year. He (the Chairman) wished it to be distinctly understood that at that time he was not the Vice-President, and was therefore not responsible for what had then fallen from the chair. The Honorable Member for the North-Western Provinces went on to say that he (the Chairman) was present at the debate which took place upon the Bill which was introduced in 1857, and did not oppose the measure—but what did the Act of 1857 require? It only empowered Magistrates to take away arms from persons going armed under circumstances which might be considered dangerous to the public peace. So far was he (the Chairman) from not opposing the measure then, that when it was proposed to make it necessary for all persons to take out a license, he refused to assent to it with regard to Europeans, and he believed, in deference to the opinion which he entertained, the Bill, as amended by the Select Committee, was quite different from that originally introduced, all the provisions requiring Europeans to take out a license to possess arms having been

struck out of the Bill. The Honorable Member for the North-Western Provinces compelled him to make this disclosure by charging him with having changed his opinion. Even had he changed his opinion he denied the Honorable Member's right to twit him with having done so. But let us compare the Bill as originally brought in by the Honorable Member for the North-Western Provinces with the Bill now before the Council. The Bill as brought in merely proposed to make perpetual Act XXVIII of 1857; while the Bill now before the Council proposed considerable modifications, not in mitigation as the Honorable Member had stated, but as it appeared to him (the Chairman), in greatly increasing the stringency of that Act.

The Honorable Member of Council on the right (Sir Bartle Frere) had said that the Bill was merely a fiscal measure. Was it, he (the Chairman) would ask, to enable the Government to obtain a rupee from every person carrying arms in the country?

SIR BARTLE FRERE explained that when he spoke of this Bill as a fiscal measure he meant it only in this sense, that, to preserve order in an armed population, you required a large armed Police and a large Native Army, whereas among an unarmed population you could do with a smaller Police and a smaller standing Army.

THE CHAIRMAN continued-- That argument could be no ground for including Europeans. But this Bill would authorize a Magistrate to grant a license to a Native Rajah—and not only to a Rajah but to his followers also—to carry arms, a privilege which perhaps he might refuse to a European, and there was no appeal from the decision of the Magistrate. He (the Chairman) did not think that this was a power which ought properly to be vested in a Magistrate.

The Honorable Member for the North-Western Provinces had alluded to the license for shooting game in England. But this was only a remnant of the game laws kept up for the landed interest. There was no power to pre-

vent any one who pleased from taking out a license in England, but here it was to be made discretionary. How was this discretion to be exercised? Upon what principle was it to be determined whether a license ought to be granted or not? The Honorable Member of Council (Sir Bartle Frere) had called exemptions a curse to the class exempted. If so, he (the Chairman) would ask why the Government was allowed to throw that curse upon any person by exempting him from the conditions of the Act.

SIR BARTLE FRERE observed that his remarks applied only to exemptions in favor of classes, not of persons. Exemptions of particular persons might be fair and reasonable on account of individual character or other cause. Exemptions of classes, as classes, must always be more or less unfair and unreasonable.

THE CHAIRMAN continued. Well then why did the Lieutenant Governor of Bengal exempt Europeans as a class when the Act of 1857 was extended to Shahabad. Was that a curse thrown upon the class? [Sir Bartle Frere. I believe so.] In Pegu also Europeans were exempted. If the exemption be a curse, why should we give the Government the power of throwing that curse. In the North-Western Provinces only, where the rebellion raged to the greatest height, and where European life was most insecure, Europeans were not exempted by the proclamation by which the Arms Act of 1857 was extended to them. When we found that Europeans were exempted in some places and not in others, he thought it was the duty of this Council to take care that they should be exempted by this Act. The present Bill gave not only a European but even a Native Magistrate the power of disarming Europeans; while a drunken Soldier walking with his bayonet by his side, or a Native and his followers, however disloyal and dangerous they might be, could not be disarmed if they had obtained a license.

The Honorable Member for Madras had remarked that this Bill was nothing

new, and had referred to the Mopla Act as a precedent. But that Act prohibited the carrying of arms altogether, whereas this was a Bill for licensing the carrying of arms. Besides there was no similarity between the Moplas for whom that Act was intended, and the Europeans and others who were to be affected by this Bill.

MR. FORBES begged the pardon of the Honorable and learned Chairman, and said that he in no way whatever connected Europeans with the Mopla Disarming Act. He spoke on two separate and distinct points—one, the general question of disarming, and the other the remark of the Honorable and learned Judge (Sir Mordaunt Wells), that in all the cases tried by him, since he occupied a seat on the bench of the Supreme Court, of Europeans committed for acts of violence, the violent acts had been committed with sticks or whips, or by kicks. It was in regard to the general question of disarming that he referred to the Act of 1854, and in no respect did he connect it with the question of including Europeans in this Bill.

THE CHAIRMAN continued. The Honorable Member for Madras had also instanced the case of a European who had kicked a man and committed a violent outrage upon him. But an Arms Bill was not a remedy for such evils, inasmuch as one man could not be prevented from kicking or knocking down another by a licensing Bill; no more could the payment of a fee make him use his licensed weapon properly. But such a restriction would in the present state of the country be most unjust to Europeans. The Act of 1857 was sufficiently stringent as a temporary measure, and he saw no reason for the introduction by the Select Committee of more stringent clauses into what was intended to be a permanent Bill. Then again, if any exception was to be made, it ought to be made by this Council; and as it appeared that in every case—except in the case of the North-Western Provinces—when Act XXVIII of 1857 was extended to any

province, Europeans as a class were exempted from its operation, he saw no reason why the Council in now passing a general Law could not make a like exemption in express terms. It should not be overlooked that Act XXVIII of 1857 was not an Act of general application, and applied only to those districts to which it was extended by the Executive Government. The present Bill however was intended to be a permanent measure applicable to the whole of India without any exception; and if any exemption was necessary it ought to be made by this Council—not left to the discretion of the local Governments.

With reference to what had fallen from the Honorable Member for the North-Western Provinces as to the position of the Members of this Council, he (the Chairman) wished to say a few words. By the Charter Act of 1833 the power of making laws and regulations was vested in the Governor General of India and his Council consisting of four Members. The Act of 1853 only made an addition of certain Members to the Council for the purpose of assisting at meetings for making laws and regulations; it made no difference whether the Council consisted of four or more Members, or whether it sat with closed or open doors. Every Member was bound to decide and advise according to the best of his judgment, whether he was a Member of the Executive Council or a Member of the Legislative Council. He (the Chairman) should always feel it his duty to express his honest convictions as long as he had the honor of a seat in this Council.

MR. WILSON said, he entirely agreed with the Honorable and learned Chairman in his description of the duties and functions of the two Councils. He further agreed with him that it was not only desirable but it was also our duty to make our laws as complete and perfect as possible, and to leave nothing, not absolutely necessary, to the discretion of the Executive Governments. It was necessary, however, in a country like this, where there was so great a diversity of races, to leave a discretionary power in the hands of

the Government. The discussion which had taken place on the present Bill had been somewhat of a discursive character. His Honorable and learned friend (Sir Mordaunt Wells) had raised no question as to the policy of this Bill. He had raised no question as to whether the discretion proposed to be vested in the Government of exempting any persons which it might think fit to be allowed to carry arms was right and necessary. But the simple question which he had raised was whether the restriction to carry arms should be extended to Europeans or not. He (Mr. Wilson) however should have expected larger and more liberal views from his Honorable and learned friend. We were here as Members of a Legislative assembly legislating for the largest community of British subjects in the world, and he put it to his Honorable and learned friend whether we could, on any principle of justice, make the distinction proposed by him by granting privileges to one class and not to another. Such a distinction would be in direct contravention of the Queen's proclamation. If he understood that proclamation to aim at one thing more than another, it was to make the whole of India one body politic. The Native community represented the ninety-nine hundredths of the entire population in India. Knowing the ardent and generous temperament of his Honorable and learned friend, and the liberal views he had held in England, he (Mr. Wilson) little expected that he would deliberately raise such an issue in this Council by taking exception to equal legislation, and by proposing the insertion of a Clause in this Bill to grant exemption in favor of Europeans only. His Honorable and learned friend however, knowing that he had a very weak cause to defend, had, in the course of his argument, referred to the Irish Arms Act. But he (Mr. Wilson) fully remembered the circumstances under which that Act passed the House of Commons. The disaffected portion of Ireland consisted of a single class, the Roman Catholics alone, and when the question arose whether the Disarming Act should be extended to the Irish Protestants, of

the 106 Irish Members who supported the Bill, not one of them claimed or asked for any exemption. Would it not be acting contrary to the spirit and law of the British legislature to stamp our legislation with an exceptional character of this nature? Even supposing the distinction was necessary or desirable, was it practicable in a country like India, where there were so many shades of people? Where was the line of distinction to be drawn with regard to East Indians and persons of mixed blood? If his Honorable and learned friend wished that part of the Bill which related to the license fee and the penalty struck out of the Bill, he was sure that the Honorable Member for the North-Western Provinces would not object. The Bill was intended merely as a Police measure, and he hoped that his Honorable and learned friend would not press his amendment. He would appeal to the Honorable and learned Judge on public grounds, whether, instead of raising a narrow issue, we should not follow the example set by those Irish Gentlemen, and act in the same spirit of self-sacrifice and patriotism.

SIR MORDAUNT WELLS said, he must observe that justice had not been done to him by any one Member of this Council, except the Honorable and learned Chairman. He had anticipated that he would be misunderstood out of the Council, but he did not expect that injustice from Members of this Council. He had based his argument on former legislation; he had intended that no reason had been shown that Act XXVIII of 1857 had not been found sufficient. He had no objection to adhere to the provisions of that Act, but if the Bill were passed with the objectionable Clauses proposed by the Select Committee, he (Sir Mordaunt Wells) would oppose the Bill at every stage through which it might be attempted to be passed.

MR. HARRINGTON said, he hoped the Honorable and learned Judge would excuse him for making the observation, but he must remark that he considered the Honorable and learned Judge's conduct as very extraordinary.

If he rightly understood what had fallen from the Honorable and learned Judge, he wished them to believe that the only objection which he had to the Section before the Committee was that it prescribed a penalty for carrying arms without a license, which was not in the present Act, and to which he thought Europeans generally and respectable natives should not be subjected. The Honorable and learned Judge, if he (Mr. Harington) recollected aright, went on to say that he had no desire to claim special privileges for Europeans, from the enjoyment of which respectable natives like the Rajah of Burdwan and others should be excluded. Such being the case, he (Mr. Harington) would ask why the Honorable and learned Judge did not content himself with moving the omission from the Section before the Committee of the words which contained the part of the Section to which he objected. What was easier than that. But, instead of adopting this very simple course, the Honorable and learned Judge proposed to move an amendment which applied to Europeans alone, and which, making no mention of natives, they could not enjoy the benefit of it. He must repeat that he did not think that any respectable European would object to take out a license, by obtaining which he could never come within reach of the penal part of the Section, nor did he think that any objection could be urged to the small charge of one Rupee as a fee on every license taken out. There was surely nothing derogatory in the payment of a fee of this nature. In most countries fees were charged on licenses. The money was required, not as revenue, but to pay for the establishment which must be entertained for the purpose of preparing licenses and other incidental expenses. But if any respectable person objected to take out a license, the Honorable and learned Judge would find, if he looked a little further on in the Bill, that he might go to the local Government and obtain a dispensation or order exempting him from the operation of the provisions

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of this particular Section. What more could be required? There could be no doubt that the desire of the Government would be that the Act should be leniently worked. On this point he would refer the Council to what had been so well said by the late Honorable and learned Chief Justice (Sir James Colvile) in a speech made by him in one of the debates on the Act now in force.

He wished to say a few words by way of reply to some of the observations which had fallen from the Honorable and learned Vice-President in reference to what he (Mr. Harington) had stated on the subject of the constitution of this Council, and of the debates which took place during the progress of Act XXVIII of 1857 through the Council. He thought that the Honorable and learned Chairman had mistaken what he had said on both these subjects. He quite agreed with the Honorable and learned Vice-President, that every Member of the Council was at liberty to bring in any Bill that he thought proper, and that every Member had a right to express his unreserved opinion upon any Bill before the Council. But the Honorable and learned Judge complained that the present Bill had been brought in by him (Mr. Harington), as Member for the North-Western Provinces, instead of by a Member of the Executive Government. He (Mr. Harington) explained for the information of the Honorable and learned Judge that it was as a Member of the Executive Government and not as Member for the North-Western Provinces that he had introduced the Bill, and he then went on to state what course he should have taken had the Bill been sent to him by the North-Western Government, namely, that before moving the first reading he should have communicated with the Executive Government on the subject of the Bill, and should have ascertained the views of that Government in respect of it. Looking to the character of the Bill, he considered that this would have been the proper course for him to adopt, and that it would have been quite consistent with his duty as a

Member of this Council. On the other point he would only say that he was not dealing with the former Bill, as originally introduced, but with the Bill as it passed into law, and it was quite unnecessary for him therefore to allude to the original Bill. What he stated was that Act XXVIII of 1857 made no exception in favor of Europeans, and that in the debates on that Act not a word had fallen from any Honorable Member claiming exemption in favor of that class, and having regard to the time and circumstances of the country at the time Act XXVIII of 1857 was passed, he argued that an exception not allowed then in favor of Europeans could not properly or consistently be allowed now.

As regarded the Section under consideration, he was in the hands of the Committee, and was quite ready, if the majority wished it, to alter the Section so as to make it conform to Section V of Act XXVIII of 1857, from which it really differed little more than in the penalty which it prescribed, and which had been introduced, as he had already said, to make the Act more effectual.

Ultimately Mr. Harington moved the omission of Section XXIV and the substitution of the following corresponding to Section V Act XXVIII of 1857:—

“If any person shall go armed with or carry any arms of the description mentioned in Section V of this Act, unless he shall have obtained a license from a Magistrate or other Officer authorized by the Governor-General of India in Council or the local Government authorizing him to carry arms, he shall be liable to be disarmed by any Magistrate, Joint Magistrate or Deputy Magistrate, or Assistant to a Magistrate, or by a Police Officer, if in the judgment of such Magistrate or other Officer aforesaid, it is dangerous to the public peace to allow such persons to go armed or to carry arms.”

Agreed to.

Section XXV was passed as it stood.

Section XXVI or the exemption Clause provided as follows:—

“The foregoing provisions shall not apply to—

“Officers, Non-Commissioned Officers, Warrant Officers, Soldiers, and Sailors in the Military or Naval Service of Her Majesty, in res-

pect of arms and ammunition kept by them for use in the public service.

“Members of Volunteer Corps in respect of such arms and ammunition.

“Police and Revenue Officers and other persons in respect of arms and ammunition furnished by Government for use in the public service, or provided by themselves with the sanction of Government for such use.

“Such other persons as the local Government may think fit to exempt from such provisions.”

After a verbal amendment on the Motion of Mr. Harington.

SIR BARTLE FRÈRE moved the insertion of the words “Magistrate or any Officer or Superintendent of Police” after the words “Local Government” in the last Clause of the Section.

MR. SCONCE said, with the permission of the Council, he wished to state what seemed to him to be the bearing of the amended Section XXIV. The result seemed to him to be this, that any person might carry arms, and that the only limit to this discretion was the power of disarming if going armed were dangerous to the public peace. In fact, therefore, the Bill had become an arming instead of a disarming Act, and he doubted if such was the intention of the Council.

After some discussion, the further consideration of the Bill was postponed on Mr. Wilson's Motion till Thursday morning, the 28th instant, at 7 o'clock, and the Council resumed its sitting.

STAMP DUTIES.

The Order of the Day being read for the adjourned Committee of the whole Council on the Bill “to consolidate and amend the law relating to Stamp Duties,” the Council resolved itself into a Committee for the further consideration of the Bill.

MR. WILSON said, he promised last Wednesday night to make enquiry on the subject of transfers of shares. He had done so, and had found that there were several Companies whose shares were of very small value.

He therefore begged to move the insertion of the following Clause before the “Exemption,” and after the

“Note” in Article 19 of Schedule A :—

“Transfers of the shares of any Banking Corporation or any Joint Stock Company by endorsement or otherwise - when the full nominal value of the share so transferred does not exceed Rs. 100 per share. 0 4 0
 When the value exceeds Rs. 100 and not 200, per share ... 0 8 0
 When the value exceeds Rs. 200 and not 300, per share ... 0 12 0
 When the value exceeds Rs. 300 and not 400, per share... 1 0 0
 “And for every additional value of Rs. 100, a further duty of 4 annas.

“And for the transfer of every quarter or half of any such share a corresponding rate of duty.”

The Motion was carried, and the Article as amended then passed.

MR. SCONCE moved the addition to Article 49 of the same Schedule of the following note, in adoption of the principle of Act XII of 1858 :—

“Any deed, instrument, or writing required by the foregoing Schedule to be stamped, may be written on one or more stamps, if the value of the stamps used amount to the value required by the Schedule.”

The Motion was carried, and the Article as amended then passed.

MR. HARRINGTON moved the introduction of the following New Article after Article 6 in Schedule B :—

“In suits for the recovery of arrears of rent or of money in the hands of an agent, the statement of claim shall be written on paper bearing a stamp of one-fourth the value prescribed for suits instituted in the Civil Court. In all other suits the statement shall be written on paper bearing a stamp of the value of eight annas. No stamp shall be required in respect of the production or filing of any document, or the summoning of any witness or of any application for the execution of any order or judgment passed in a suit under this Act.”

After some discussion, the Motion was by leave withdrawn at the suggestion of Mr. Wilson, with a view to its being again brought forward, if necessary, after the republication of the Bill.

MR. SCONCE moved the addition of the following Clause in Article 6 of Schedule B :—

“Petitions of plaint in suits instituted in the Courts of Collectors under Act X of 1859 shall be subject to the foregoing duties.”

The Motion was carried and the Article as amended then passed.

MR. FORBES asked if some alteration was not necessary in the last Section, which provided for the commencement of the Act from the 1st of September 1860, when three of the five months when that date was fixed had now elapsed.

It was ultimately agreed that the date should remain undisturbed for the present.

The Council having resumed its sitting, the Bill was reported and was ordered, on Mr. Wilson's Motion, to be republished for one month.

KOONCH AND CALPEE.

MR. HARRINGTON moved that the Council resolve itself into a Committee on the Bill “to remove the Pergunnahs of Koonch and Calpee in Zillah Jaloun from the operation of the general Regulations.”

Agreed to.

The Bill passed through Committee without amendment, and the Council having resumed its sitting, was reported.

BOUNDARY MARKS (FORT ST. GEORGE.)

MR. FORBES moved that Sir Bartle Frere be requested to take 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,” to the Governor-General, for his assent.

Agreed to.

POSTPONED ORDERS.

The Order of the Day for a Committee of the whole Council on the Bill “for imposing Duties on Profits arising from Property, Professions, Trades, and Offices,” and the Bill “for the licensing of Arts, Trades, and Professions,” was postponed.

The Council adjourned at half past five o'clock, on the Motion of Sir Bartle Frere, till Monday the 25th instant, at seven o'clock in the morning.