

Saturday, 17th March, 1860

PROCEEDINGS

OF THE

**LEGISLATIVE COUNCIL OF
INDIA**

Vol. VI

(1860)

Committee on the Bill "relating to the Emigration of Native laborers to the British Colony of St. Vincent."

BILLS OF EXCHANGE, &c.

MR. HARINGTON presented the Report of the Select Committee on the Bill "for declaring the law in relation to Bills of Exchange and Promissory Notes becoming payable on days generally observed as Holidays."

ZILLAH COURT OF FURRUCKABAD.

MR. HARINGTON also presented the Report of the Select Committee on the Bill "to repeal certain laws relating to the jurisdiction of the Zillah Court of Furruckabad.

TOLLS (CIRCULAR AND EASTERN CANALS).

MR. SCONCE presented the Report of the Select Committee on the Bill "to amend and extend Act XXII of 1836 (relating to the levy of a Toll on Boats, Rafts, and Floats passing through the Circular and Eastern Canals)."

KING OF OUDE.

MR. HARINGTON presented the Report of the Select Committee on the Bill "to provide for the execution of processes within the precincts of the residence of His Majesty the King of Oude."

TRANSPORTATION OF CONVICTS.

MR. HARINGTON moved the second reading of the Bill "relating to the Transportation of Convicts."

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

STAMP DUTIES.

MR. SCONCE postponed the Motion (which stood in the Orders of the Day) for a Committee of the whole Council on the Bill "to consolidate and amend the law relating to Stamp Duties."

TRANSPORTATION OF CONVICTS.

MR. HARINGTON moved that the Bill "relating to the Transportation

of Convicts" be referred to a Select Committee consisting of the Vice-President, Mr. Forbes, and the Mover.

Agreed to.

The Council adjourned.

Saturday, March 17, 1860.

PRESENT :

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

Hon. Sir H. B. E. Frere,	Hon. Sir C. R. M. Jackson,
Right Hon. J. Wilson,	and
P. W. LeGeyt, Esq.,	A. Sconce, Esq.
H. B. Harington, Esq.,	

ARTICLES OF WAR (NATIVE ARMY) ;
AND JOINT STOCK BANKING COMPANIES.

THE VICE-PRESIDENT read Messages, informing the Legislative Council that the Governor-General had assented to the Bill "to amend Act XIX of 1847" (Articles of War for the Native Army), and the Bill "to enable Joint Stock Banking Companies to be formed on the principle of Limited Liability."

POWERS OF MAGISTRATES.

THE CLERK reported to the Council that he had received a communication from the Officiating Under-Secretary to the Government of the North-Western Provinces, relative to the proposed increase of the powers of Magistrates.

MR. HARINGTON moved that this communication be printed.

Agreed to.

EMIGRATION.

THE CLERK also reported that he had received from the Home Department a further communication from the Secretary of State for India, regarding Emigration to the Island of St. Vincent.

COTTON FRAUDS (BOMBAY).

MR. LEGEYNT presented the Report of the Select Committee on the Bill

"for the better suppression of frauds in the Cotton Trade in the Presidency of Bombay."

CONSERVANCY.

THE VICE-PRESIDENT presented the Report of the Select Committee on the Bill "to amend Act XIV of 1856."

KOONCH AND CALPEE.

Mr. HARRINGTON moved the first reading of a Bill "to remove the Pergunnahs of Koonch and Calpee in Zillah Jaloun from the operation of the general Regulations." He said, the Pergunnahs of Koonch and Calpee, to which this Bill related, were formerly included within the limits of the district of Humeerpore, which formed part of the Province of Bundelkund, and, equally with the rest of that district, they were subject at present to the Regulations of the Bengal Code. In the year 1853 the two Pergunnahs in question were transferred by a Resolution of the Honorable the Lieutenant-Governor of the North-Western Provinces from the district of Humeerpore to the district of Jaloun, to which they continued attached. But Jaloun was what was called a Non-Regulation District, and in order that the entire district might be placed on the same footing in this respect, it was proposed to remove the Pergunnahs of Koonch and Calpee, which, as already noticed, now formed part of the district, from the operation of the general Regulations, or, in other words, to make them also Non-Regulation. This was what was done when the Delhi Territory was taken away in the course of the year before last from the Government of the North-Western Provinces and placed under the Government of the Punjab, and as the same reasons existed for the passing of the present Bill which were deemed sufficient in the case of the Delhi Territory on the occasion of its transfer to the Punjab, and which led to the passing of Act XXXVIII of 1858, upon the model of which the Bill now proposed had been framed, it was hoped that the Council would not object to give their assent to it.

In the letter from the Secretary to the Government of the North-Western Provinces, in which he (Mr. Harrington) had been requested to bring in the present Bill, it was observed that the proposition to remove the two Pergunnahs, to which the Bill related, from the operation of the general Regulations, involved no question as to the preference of one system of administration over the other—that the object in view was simply to put an end to the inconvenience and confusion that must arise from the necessity of applying the system prescribed by the Regulations to a few scattered villages of a district, the greater part of which was administered in accordance with other rules. Concurring in these remarks, he did not propose on the present occasion to enter into a consideration of the comparative merits of the two systems referred to, that was to say, the Regulation system and the Non-Regulation system. The question was a very large one, and at the proper time he should be quite prepared, as he had said more than once before, to go into the subject and fully to discuss it.

Meanwhile, he might say that nothing was farther from his thought or desire than to speak disparagingly of the labors of the many able and excellent Officers who had been, and were still, engaged in administering what was called the Non-Regulation system. To those Officers as a body he most willingly accorded the highest praise, but he must observe that, whenever he heard comparisons drawn between the Non-Regulation and Regulation systems unfavorable to the latter, he could not help wishing that those who made the comparison would take the trouble of pointing out wherein the difference lay, and in what the superiority of the one system over the other consisted, and that they would give them something more than bare assertion in the way of proof. He believed that very great misapprehension prevailed in respect to the difference of the two systems and as to their results. Those who were in the habit of lauding the Non-regulation system at the expense of the Regulation system, would seem to be ignorant of the fact that, as regarded the Punjab at least, their

Revenue and Criminal systems were copied from the system of the North-Western Provinces. This, if he recollected rightly, had been frankly admitted by the Punjab Government so far as the administration of Criminal justice was concerned, in one of the early reports of that Government, and with the new Code of Civil Procedure which had lately been introduced, and which he (Mr. Harrington) was assured, by competent Judges in all parts of the country, was working admirably, and producing all the good effects expected to follow its introduction, he felt certain that the administration of Civil justice in the Regulation Provinces would be able to challenge comparison with that of any other part of India. He would not trust himself to say more on this subject at present.

The Bill was read a first time.

ESCAPED OFFENDERS.

MR. HARRINGTON moved the first reading of a Bill "to amend Act V of 1858 (for the punishment of certain offenders who have escaped from jail, and of persons who shall knowingly harbour such offenders)." He said, this Bill, to amend the law for the punishment of persons who escaped from jail during the late disturbances, and of persons who knowingly harboured such persons, was introduced at the request of the Honorable the Lieutenant-Governor for the North-Western Provinces, who, without questioning the propriety or necessity of Act V of 1858, in which the present law was contained, at the time that Act was passed, had brought to notice that in some places under his Government, such, for instance, as the Provinces of Rohilkund and Bundelkund, the authority of the British Government was not re-established until several months after the date upon which Act V of 1858 received the assent of His Excellency the Right Honorable the Governor-General, and it was consequently quite impossible for persons who had escaped from jail in those places to comply with the particular provision of the Act, which required that they should surrender themselves to a Magistrate

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or Police Officer within one month from the passing of the Act.

In the last communication received by him from the Honorable the Lieutenant-Governor on the subject of this Bill, His Honor remarked:—

"The Law cannot be properly held to enact or demand impossibilities; and it was impossible for a prisoner, say of Bareilly, to surrender himself within one month from the passing of the Act, namely, on or before the 1st March 1858, because until May following there was not, in the district of Bareilly, any Magistrate or Police Officer of the British Government to whom an escaped convict could surrender himself."

But the terms of Section I Act V of 1858 were imperative, and expressly directed that, unless an escaped convict surrendered himself in the manner and within the time already mentioned, he should be transported for life. Here no discretion was left to the Court or Officer trying the case. On conviction, sentence of transportation for life must be recorded, and a modification of the law, as pointed out by the Honorable the Lieutenant-Governor of the North-Western Provinces, appearing to be called for on principles of justice, the Bill, to the first reading of which the assent of the Council was requested, commenced by enacting that—

"It shall be competent to the Executive Government of any Presidency or place to declare by an order, as regards any or all of the districts under such Government, the time within which the persons who, within such district or districts shall, since the 1st of May 1857, have escaped from jail or other lawful custody, whilst detained either under sentence of imprisonment for any of the crimes mentioned in Section III of the said Act, or under committal for trial, or under a charge of being guilty of any such crimes, ought to have surrendered themselves to a Magistrate or Police Officer; and no such person who shall have so surrendered himself within the period fixed as aforesaid, shall be liable to be prosecuted under the said Act."

The Executive Government would, he apprehended, have no difficulty, from the information before it, in fixing, as regarded the several districts subject to its authority, the time at which the surrender of escaped convicts, in the manner pointed out in Act V of 1858, might have taken place, and he thought that the proposed amendment, which he

had just read, would do all that was necessary as regarded this part of the case.

But the Honorable the Lieutenant-Governor of the North-Western Provinces was also of opinion that the penalty of transportation for life, which the Court had no alternative but to award in all cases falling within the provisions of Section I Act V of 1858, was too severe, particularly when the convict, at the time of his escape, was undergoing a sentence of imprisonment on conviction of an affray, which, if attended with personal violence, was one of the offences rendering the infliction of the penalty in question imperative.

The great severity of this provision might perhaps explain in some measure why it was that so small a number of escaped convicts had surrendered themselves, or had been arrested since Act V of 1858 was passed. From a return which he had received, he found that the number of prisoners reported to have escaped from the jails in the North-Western Provinces, since the month of May 1857, was 19,708, and that the number ascertained to have been recaptured, or to have surrendered themselves, was only 3,763, leaving nearly 16,000 escaped prisoners unaccounted for. The period allowed for surrender in Act V of 1858 having long since expired, the prisoners, who were still at large, might fairly argue that, as they could gain nothing and must lose every thing by giving themselves up, it was better for them to keep out of the way as long as they could. But whether the great severity of the law had or had not had any thing to do with the small number of surrenders or arrests, he thought that all would agree with the Honorable the Lieutenant-Governor for the North-Western Provinces, that the time had arrived when some mitigation of the punishment prescribed in the Act might be properly and perhaps beneficially allowed, and accordingly the second Section of the proposed Bill declared in modification of Sections I and II of Act V of 1858, that

“ Every person who, since the 1st May 1857, shall have escaped from jail or other lawful custody, whilst detained as aforesaid, and who

shall not have surrendered himself within the time declared by the Executive Government as aforesaid, may be sentenced to transportation for life or for any shorter period not being less than five years, or to imprisonment with or without hard labor in irons for any period not exceeding three years, in addition to any unexpired term of his original sentence. In any case falling within the provisions of this Section, in which the Magistrate shall be of opinion that a more severe sentence than three years' imprisonment, with or without labor, is not called for, it shall not be necessary for the Magistrate to order the commitment of the accused to the Sessions Court, but he may himself pass sentence, and proceed to carry the sentence into execution.”

The last part of this Section had been introduced in accordance with a suggestion of the Honorable the Lieutenant-Governor of the North-Western Provinces, in order to obviate the necessity of a commitment to the Sessions Court, in cases in which the Magistrate should be of opinion that a more severe punishment than three years' imprisonment, with or without labor, was not called for. In practice this provision would no doubt cause a great saving of time and labor to the Sessions Court, and it would at the same time greatly promote the convenience of witnesses who would, by means of it, often escape the necessity of a second attendance for the purpose of giving evidence.

The next Section declared that—

“ All sentences already passed, which would be valid under Sections I and II Act V of 1858 as now amended, shall be deemed valid sentences.”

It appeared that, either from ignorance of the law or from an erroneous construction of its provisions, many sentences had been passed by the Criminal authorities in the North-Western Provinces, which were not warranted by the terms of the existing law, and as it was not considered desirable or expedient to disturb these sentences, or to re-open the cases in which they had been passed, the Section which he had just read had been introduced to give validity to any sentences of this nature and to prevent their legality from being called in question hereafter.

The next and last Section had been introduced with a somewhat similar

object. In the cases to which this Section would apply, no sentence had indeed been passed, but—which amounted very much to the same thing in so far as affected the legality of the proceeding—the persons concerned had been remanded to jail to undergo the term of imprisonment remaining unexpired at the time they broke jail, without being subjected to any new trial or additional punishment for making their escape. In these cases also it did not seem advisable that any further proceedings should be held.

He had now explained the several provisions of the Bill. At one time it occurred to him that Act V of 1858 might be repealed altogether without much, if any, injury to the cause of justice. But amongst the prisoners who were still at large, there were a great number of old and hardened offenders, whose removal from the country, either for the rest of their lives, or for a term of years, whenever they might be apprehended, would be very desirable, and, upon the whole, he was disposed to think that it would be better to continue the Act, as now proposed to be modified, if only to meet the cases of prisoners of this description. The Honorable the Lieutenant-Governor of the North-Western Provinces concurred in this view. Under any circumstances the Sections relating to the harbouring of escaped convicts would require to be retained.

He would only add that the Honorable the Lieutenant-Governor for the North-Western Provinces, in the exercise of the large powers vested in him by law, might modify any sentence which appeared to him too severe, or he might remit any additional punishment awarded against an escaped convict for breaking jail, in cases in which he should consider that such additional punishment could not justly be enforced. But the number of cases calling for His Honor's interference in either of the two modes just mentioned, would necessarily be very large, so much so as to give to this proceeding the appearance of setting aside the law altogether. The Honorable the Lieutenant-Governor had therefore deemed it preferable to come up to the

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Legislature and to ask for such modification of the law as might be considered proper under the circumstances represented by him, and he thought that they would all agree that His Honor was right.

The Bill was read a first time.

STAMP DUTIES.

Mr. SCONCE moved that the Council resolve itself into a Committee of the whole Council on the Bill "to consolidate and amend the law relating to Stamp Duties;" 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.

Section I provided that, "From the day of 1860," the several Regulations therein specified, relating to the collection of Stamp Duties, should be "repealed, except in so far as they rescind other Regulations or parts of other Regulations, and except as regards deeds, instruments, or writings which shall have been made or executed, and all proceedings or matters which shall have taken place before that day."

Mr. SCONCE proposed to fill up the blanks in the beginning of the Section, by inserting the "1st August" as the date for the commencement of the Act.

Mr. LeGEYPT would prefer if the 1st of October were fixed for the commencement of the Act, so as to give time for its translation.

Mr. FORBES would leave it to the discretion of the Executive Government to fix the time from which the Act should take effect.

Mr. WILSON said, though it was very necessary that the Bill, which was a Revenue Bill, should come into operation as soon as possible, yet the Bill was of such a nature that it should not be allowed to take effect until it was properly understood; and therefore he was inclined to think that it would be better to forego the additional revenue to be derived from the Bill for a little while, in order to give

time for its being carefully considered. He entirely concurred in the suggestion of the Honorable Member for Madras, and if the Honorable Member for Bengal had no objection, he would move to substitute "From and after a date to be notified in the Official Gazette by the Governor-General in Council" for "From the day of 1860."

The CHAIRMAN said, that the Section under consideration did not provide for the commencement of the Act, but was only a repealing Clause. He would propose, in lieu of the words "From the day of 1860," the insertion of the words "From the time when this Act shall come into force." A new Section might be introduced at the end of the Bill, providing that the Act should take effect from and after a date to be notified as proposed by the Right Honorable Gentleman.

The CHAIRMAN'S Motion was carried.

A similar alteration was made at the conclusion of the Section, and after the inclusion of Regulation VI. 1828 of the Bombay Code among the Regulations to be repealed, the Section was passed.

Section II was passed after some verbal amendments.

Section III was passed as it stood after some discussion.

Section IV provided as follows:—

"The Governor-General in Council may, from time to time, prescribe the form and material of the stamps to be used, and the mode and place of impressing, affixing, or denoting thereon the value thereof under the provisions of this Act."

Mr. HARRINGTON moved the substitution of the word "shall" for the words "may from time to time," and the addition of the words

"And may from time to time alter and vary such orders. All orders made by the Governor-General under this Section shall be published in the Official Gazettes of the several Presidencies and places in which such orders are to be in force."

The amendments were severally agreed to, and the Section then passed.

Section V was passed after a verbal amendment.

Section VI. provided as follows:—

"In any case where an adhesive stamp shall be used for the purpose aforesaid on any receipt, or upon any draft or order chargeable with the duty of one anna by this Act, the person by whom such receipt shall be given, or such draft or order signed or made, shall, before the instrument shall be delivered out of his hands, custody, or power, cancel the stamp so used, by writing thereon his name, or the initial letters of his name in such a manner as to show that such stamp has been made use of, and so that the same may not be again used; and if any person who shall write or give any such receipt or discharge, or make or sign any such draft or order with any adhesive stamp thereon, and shall not *bonâ fide* in manner aforesaid cancel such stamp, he shall forfeit a sum not exceeding one hundred Rupees."

SIR BARTLE FRERE proposed the omission of the words in italics.

The Motion having subsequently been withdrawn—

MR. WILSON moved the substitution of the words "or in such other manner," for the words "in such a manner," thus retaining the words proposed by Sir Bartle Frere to be omitted as containing a fair suggestion as to a mode of cancelling a stamp.

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

Sections VII and VIII were passed as they stood.

The further consideration of Section IX was postponed after amendments.

Section X was passed after verbal amendments.

Section XI was passed as it stood.

Section XII provided as follows:—

"No instrument or writing, for which such duty shall be payable under Section II of this Act, shall be received as creating, transferring, or extinguishing any right or obligation, or as evidence in any civil proceeding in any Court of Justice, whether established by Royal Charter or otherwise, or shall be registered in any public office, or authenticated by any public officer, unless such instrument or writing be upon a stamp of a value not less than that indicated to be proper for it by the said Schedule."

After two verbal amendments on the Motion of Mr. Sconce—

MR. HARRINGTON proposed the addition of the following proviso:—

"Provided that nothing in this Section shall be held to debar a Court from receiving any

such instrument and writing which, although written upon stamp paper, is upon a stamp of a value less than that indicated as proper for it by the said Schedule, subject to the conditions contained in Section 130 Act VIII of 1859 (for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter.) The party producing such instrument or writing, or requiring its production, shall pay into Court the deficiency of the Stamp Duty, and a penalty equal to ten times the amount of the deficiency."

The Motion having subsequently been withdrawn,

THE CHAIRMAN moved that the words "except as otherwise provided by this Act" be prefixed to the Section.

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

Section XIII, Clause 1, was passed as it stood.

Clause 2 was passed after a verbal amendment.

The consideration of Clauses 3 and 4 was postponed.

Section XIV was passed after verbal amendments.

Section XV (which prescribed the duty payable on the issue of Bank Notes) was omitted on the motion of Mr. Wilson.

Section XVI provided as follows:—

"The expense of providing the proper stamp whereon to write any receipt shall be borne by the party giving the receipt."

After some discussion, Mr. WILSON moved the substitution for the above of the following Section:—

"Every person receiving payment of any sum of money, the receipt for which under this Act requires a stamp, shall, if required, give a receipt bearing the proper stamp indicated by this Act, and shall bear the expense of furnishing the same, and in case of refusal shall be liable to a penalty not exceeding one hundred Rupees. The expense of providing the stamp of all Bills of Exchange, letters of credit, drafts, cheques on bankers, or others, promissory notes, hundees, and other orders and obligations for the payment of money made or drawn in the British Territories in India (not being bonds, or instruments, or writings bearing the attestation of one or more witnesses) shall be borne by the person making or drawing the same."

Agreed to.

Section XVII was passed after verbal amendments.

Section XVIII was passed as it stood.

Section XIX provided as follows:—

"The Governor-General in Council may, by an order, direct that in any district not subject to the general Regulations, lower rates of Stamp Duty shall be taken on all or any of the instruments and writings specified in Schedule A annexed to this Act, except Bills of Exchange or other instruments classed as Bills of Exchange and receipts, and may prescribe such lower rates of duty, or may exempt from Stamp Duty the instruments or writings specified in Schedule B annexed to this Act."

MR. WILSON moved the substitution for the above of the following Section:—

"The Governor-General in Council may, by an order to be published in the Calcutta Gazette, direct that in any district such lower rates of Stamp duty as he shall prescribe shall be taken on all or any of the deeds, instruments, or writings specified in the Schedules to this Act, or altogether exempt the same, provided that this Section shall not extend to Bills of Exchange or other instruments classed as Bills of Exchange."

Agreed to.

Sections XX to XXX were severally passed as they stood.

Section XXXI was passed after verbal amendments.

Section XXXII was passed as it stood.

Section XXXIII was passed after several amendments.

Section XXXIV provided that any person fraudulently counterfeiting or altering stamps should be "punished by imprisonment, with or without hard labor, for a term not less than two years nor more than seven years."

MR. HARRINGTON moved the omission of the words in italics, and the substitution for them of the words "exceeding four years, or by transportation for a term not exceeding seven years."

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

Section XXXV was passed after verbal amendments.

Section XXXVI was passed as it stood.

Sections XXXVII and XXXVIII were passed after amendments.

Section XXXIX provided as follows :—

“No person shall be proceeded against for any offence under this Act, except at the suit or prosecution of the Collector of the Stamp Revenue.”

Mr. WILSON moved the insertion of the words “affecting the public revenue” after the word “offence.”

Agreed to.

Sir BARTLE FRERE moved the addition of the following words to the Section :—

“Acting under the orders of the Board of Revenue or other authority charged by Government with the duty of carrying out the provisions of this Act.”

Agreed to.

THE CHAIRMAN moved the further addition of the following words to the Section :—

“Or other public Officer duly authorized by Government.”

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

Sections XL to XLII were severally passed as they stood.

Section XLIII was the Interpretation Clause.

After a verbal amendment, on the motion of Mr. Seone—

THE CHAIRMAN moved the insertion of the following interpretation :—

“The term ‘Bill of Exchange’ shall include a hoondee or any other instrument of a like nature.”

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

The further consideration of the Bill was postponed till Saturday next, and the Council resumed its sitting.

POSTPONED ORDERS.

The Orders of the Day for Committees of the whole Council on the following Bills were postponed till Saturday next :—

Bill “relating to the Emigration of Native Laborers to the British Colony of St. Vincent.”

Bill “to repeal certain laws relating to the jurisdiction of the Zillah Court of Furruckabad.”

Bill “to provide for the execution of processes within the precincts of the residence of His Majesty the King of Oude.”

Bill “to amend and extend Act XXII of 1836 (relating to the levy of a Toll on Boats, Rafts, and Floats passing through the Circular and Eastern Canals”).

DUTY ON COUNTRY TOBACCO.

Mr. HARRINGTON said, there was one rather important question which, before the Council adjourned, he was anxious to put to the Right Honorable Gentleman opposite, in reference to that part of the very able financial statement made by him in that Chamber a few weeks ago, in which he mentioned that it was in contemplation to impose a duty upon tobacco grown in the country. The Right Honorable Gentleman was reported to have said—“The only other tax we propose is a duty upon home grown tobacco to an amount as nearly corresponding with the import duty as possible.” He need not remind Honorable Members that the Bill to amend the Customs Act of last year, which was lately passed by the Council, and which now only awaited the assent of the Right Honorable the Governor-General to become law, imposed an import duty of eight annas per seer on unmanufactured tobacco, and of one Rupee per seer on manufactured tobacco, from whatever place it might be imported into British India, and the natives, understanding from the words of the Right Honorable Gentleman which he had quoted, that the imposition of a duty on tobacco grown in the country, at nearly the same rate as was proposed for imported tobacco, was what was intended, had, not unnaturally, become very seriously alarmed. He (Mr. Harrington) had said, in reference to the apprehensions which were very generally entertained in respect to the proposed duty upon tobacco, that they were not unnatural, because all who heard him must be sensible that any thing approaching to a duty of eight annas per seer on tobacco grown in the country would add so greatly to the price of that article as to place it beyond the reach of a very

large portion of the population who had been accustomed to the use of tobacco almost from their childhood, and who regarded it not as a mere luxury or pleasant pastime, but as an absolute necessary of life, and it could be no matter of surprise, therefore, that the introduction of a measure which, it was believed, would deprive large classes of the native community of what they valued as much as any article of daily food, should be viewed with considerable alarm and great dissatisfaction. There could, he thought, be no doubt that the words of the Right Honorable Gentleman had been altogether misunderstood. Looking to the great difference between the price of American and other imported tobacco, and the price of tobacco grown in the country, he believed that what the Right Honorable Gentleman really meant was that the duty on home grown tobacco would be fixed at a rate which would bear about the same proportion to the selling price of tobacco of that description as one Rupee or eight annas, according as the tobacco was manufactured or unmanufactured, bore to the market value of imported tobacco. He was sure the Right Honorable Gentleman would agree with him that this was a point on which no doubt should exist, and that it was especially desirable that all causes of alarm in respect to the schemes of taxation which were under consideration should, as far as possible, be removed from the native mind, in order that the introduction of the important measures, of which the Right Honorable Gentleman had given notice, might not be accompanied by groundless apprehensions and mistaken notions. It was for this reason that he thought further explanation was called for from the Right Honorable Gentleman. If the Right Honorable Gentleman considered that he could properly and without inconvenience answer the question at the present time, he would ask him what was the intention of the Government in respect to the amount of duty to be imposed upon home grown tobacco, as distinguished from tobacco imported from other places into the British Territories in India.

Mr. Harrington

MR. WILSON said, he was very glad the Honorable Gentleman had put this question to him, because he had reason to believe that he was quite correct in saying that much misapprehension prevailed as to the scope of the measure with regard to tobacco, which it was his intention, on behalf of the Government, to introduce. He did not think it would be quite right to call that misapprehension a state of alarm; but he that as it might, no doubt, from what he had seen in the public papers, there was an erroneous notion abroad as to the extent to which it was their intention to impose a duty on tobacco, and he was therefore obliged to the Honorable Member for affording him an opportunity to correct it. The expression which he used in explaining the intentions of the Government upon this subject was this: "We propose a duty on home grown tobacco to an amount as nearly corresponding with the import duty as possible." He had just explained that the import duty under the new tariff would be eight annas the seer upon unmanufactured foreign tobacco. The great bulk of the foreign tobacco imported was American, which was valued at 18 Rupees the maund in the tariff valuations, while the tobacco imported from the Gulph and the Red Sea was valued at 20 Rupees. Now, the quality of the home grown tobacco was generally, he might say always, much less than what had been quoted, and it would be in relation to the actual average value of Indian tobacco, as compared with foreign tobacco, that the duty would be determined, and which was a point now under consideration. This was a subject upon which he made very extensive enquiries during his journey in the North-West. He found in Oudh, for example, that the average produce of tobacco per beegah was about 12 maunds of dry leaf, the value of which on the ground was, if of good quality, about 5 Rupees a maund or 60 Rupees, while 2 Rupees more were obtained for the refuse or stalks, making the value of the produce about 62 Rupees, and he found that the value of this leaf in the bazars at Lucknow was 6

to 8 Rupees the maund. Now, assuming this as a fair average for his present purpose, the proportionate duty upon a price of 6 to 8 Rupees a maund, to that which was charged upon foreign tobacco worth 18 Rupees a maund, would be as nearly as possible, say three annas the seer, in place of eight annas—and we might find, when our enquiries were completed, that upon the whole average our home duty would come out even lower than this—indeed when the very low qualities of tobacco grown in some districts were taken into account, he doubted whether the average would come out much, if at all, above two annas and a half the seer. But we should be committing a great mistake if we supposed that this amount would be added to each seer of tobacco as purchased by the consumer in the bazar. Now, Honorable Gentlemen were no doubt aware that that which was sold in the bazars as tobacco for consumption was a compound mixture, containing a very large proportion of other articles. For example, he found in the North-West, and especially at Lucknow, that the mixtures sold in the bazars as tobacco to the public men was of three kinds. The first and commonest description used by the masses of the people was called Lalla Sahie, and was made in the following proportions:—24 maunds of inferior half dried leaf, and 36 maunds of "Sheera" or "Chota," that is, sugar-cane juice, with 24 maunds of sujje, or coarse soda. Now, this mixture produced of the article sold to the public a quantity of 60 maunds, but of which the duty would be paid only upon 12 maunds, or one-fifth, so that assuming the duty to be two annas and a half the seer upon the dry leaf of the tobacco used, it would be only half an anna the seer upon the price now paid for this mixture in the bazar by the public. This was the description which was chiefly used by the poorer classes. The next kind was called Sadah, and consisted of 18 maunds of dried leaf to 18 maunds of Sheera or sugar-cane juice, and 1 seer of sujje: these quantities resulted in a mixture

sold equal to 30 maunds. In this case a duty of two annas and a half the seer upon the tobacco would be equal to an addition of one anna per seer on the mixture sold to the public. The third kind was called Khumeera, and contained the following proportion: 12 maunds of the best dried leaf, 24 maunds of Sheera, or sugar-cane juice, 3 maunds of Khumeer or native preserves for flavour, and 1 maund of scents. This mixture produced about 40 maunds for sale, and the duty on the 12 maunds of tobacco would therefore be less than one anna the seer on what was sold. So that, if we assumed that the duty was fixed at about 2 annas the seer, or from that to 3 annas, which he thought would be the highest, the actual addition to the price of the articles now sold in the bazar to the general consumer should not much, if at all, exceed about half an anna the seer, while that consumed by the higher classes would be increased in price about one anna the seer. He had now answered the question of the Honorable Member in the most explicit manner which his present information would admit of, and without pledging himself to the prices in detail, he had no doubt they would be found as near the truth as could be required for any practical purpose; and he trusted, with this explanation, that the public would see that the Government was disposed to deal with great leniency in the imposition of this tax, and to place it at a rate which would not be felt as a serious burden by the people.

PORTS AND PORT-DUES.

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 amend Act XXII of 1855 (for the regulation of Ports and Port-dues").

Agreed to.

BILLS OF EXCHANGE, &c.

MR. HARRINGTON moved that the Report of the Select Committee on the Bill "for declaring the law in

relation to Bills of Exchange and Promissory Notes payable on days generally observed as holidays" be adopted.

Agreed to.

The Council adjourned.

Saturday, March 24, 1860.

PRESENT :

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

Hon. Lieut-Genl. Sir H. Forbes, Esq.,	Hon. Sir C. R. M.
James Outrain,	Jackson,
Hon. Sir H. B. E. Frere,	and
Right Hon. J. Wilson,	A. Scence, Esq.
H. B. Harington, Esq.,	

ARMS AND AMMUNITION.

The following Message from the President in Council was read by the Vice-President :—

MESSAGE NO. 202.

The Honorable the President in Council has the honor to forward to the Legislative Council, in reply to their Message No. 125, dated the 3rd December last, the papers noted in the accompanying list (in original), which contain the information required as to the actual working throughout British India of Act No. 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).

By order of the Honorable the President in Council.

W. GREY,

Secy. to the Govt. of India.

Fort William, }

The 21st March 1860. }

Mr. SCENCE moved that the above papers be referred to the Select 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)."

Agreed to.

ELECTRIC TELEGRAPHS, RAILWAY CONTRACTORS, AND CUSTOMS DUTIES.

THE VICE-PRESIDENT also read Messages informing the Legislative Council that the Governor-General had assented to the Bill "for regulating the establishment and management of Electric Telegraphs in India"—

The Bill "to make provision for the speedy determination of certain disputes between workmen engaged in Railway and other public works and their employers"—

And the Bill "to amend Act VII of 1859 (to alter the Duties of Customs on goods imported or exported by sea)."

STAMP DUTIES.

THE CLERK presented to the Council a Petition from the British Indian Association, regarding the Bill "to consolidate and amend the law relating to Stamp Duties."

THE VICE-PRESIDENT said, he thought it would be useless to move to print the Petition, as the Bill was about to come under a Committee of the whole Council that day. When the Council resolved itself into a Committee on the Bill, he proposed to move that the Clerk be requested to read the Petition in *extenso*.

INCOME TAX; AND LICENSING OF ARTS, TRADES, AND PROFESSIONS.

MR. WILSON said, the course which he proposed to take with respect to the Bills on the above subjects was one which he was not quite sure was followed by this Council. But it was one perfectly consistent with the practice of the House of Commons, and, in his opinion, one which would be most convenient for the Council to adopt. He had already, on a former occasion, so fully explained to the Council the views of Government with respect to these Bills, as to render any lengthy observations unnecessary. As the Bills would be in the hands of Honorable Members on Monday morning, and they would have the opportu-