

Saturday, 24th March, 1860

PROCEEDINGS

OF THE

**LEGISLATIVE COUNCIL OF
INDIA**

Vol. VI

(1860)

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., James Outram,	Hon. Sir C. R. M. Jackson,
Hon. Sir H. B. E. Frere,	
Right Hon. J. Wilson,	and
H. B. Harington, Esq.,	A. Sconce, 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. SCONCE 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-

nity of considering them before their second reading, which he proposed to move next Saturday, it appeared to him that it would be most convenient for the Council if he introduced the Bills without any further remarks. He, therefore, begged to move the first reading of a Bill for imposing a tax upon Incomes and a Bill for Licensing Trades and Professions.

SIR BARTLE FRERE seconded the Motion, which was put and carried, and the Bills were severally read a first time.

INDIGO CONTRACTS.

MR. SCONCE moved that the Standing Orders be suspended, to enable him to introduce a Bill "to enforce the fulfilment of Indigo Contracts."

SIR BARTLE FRERE seconded the Motion, which was carried.

MR. SCONCE said, he very much regretted that circumstances had arisen to necessitate the sudden introduction of this Bill. It was within the knowledge of the Council, generally, that for some time past, in one or two districts of Lower Bengal, much excitement had prevailed, arising out of disturbances connected with the cultivation of indigo. Happily this excitement seemed to have been greatly exaggerated. In only one or two districts such scenes had occurred. In Nuddea, happily, the excitement had not reached the point to which it had gone in the neighboring district of Moorshedabad; still the combination of the ryots against the Planters had presented itself in such a light as to render the immediate passing of a law on the subject necessary. From time to time some correspondence had been published in the newspapers. He would read a letter from the Commissioner of Nuddea, dated the 13th instant, in which that gentleman described generally the state of things in Nuddea up to that date. In the second paragraph the Commissioner observed:—

"Since the beginning of February the villagers of Messrs. Hill's Concern have been manifesting a determination to sow no more

indigo. More recently this feeling has spread to the Lokenathpore, and to several villages of the Mulaath Concern, and in some cases it has led to noisy demonstrations, which have caused alarm and given rise to reports of outrages."

So far then it would appear that, even in the district of Nuddea, the excitement had only partially extended itself among the ryots, but it must be admitted that it was attended by acts of violence and supposed acts of arson. He need not enter in detail into all these cases, but simply refer, in the first instance, to an outrage perpetrated on Mr. Campbell, respecting which the Officiating Magistrate of Nuddea thus wrote:—

"The most serious one, in which Mr. Campbell stated that he had been knocked off his horse and beaten till he was insensible, has to a certain extent proved a mistake. Mr. Campbell had just been measuring some lands, which the ryots assert he had no right to do. The villagers gathered together, one or two men seized his horse's bridle, two men from the crowd struck him with their lathies, one on the shoulder, and the other more slightly on the back. The horse reared and fell, and Mr. Campbell must have been stunned by the fall. It is quite clear, from the absence of all other marks, that he was not struck after he fell. I am bound also to say that the witnesses in this case had not been properly warned on being produced. Mr. Campbell's own statement of what occurred up to the moment of his fall was temperate and reliable, and one man has been convicted on it, and sentenced to a year's imprisonment. I regret much that no more of the defendants could be punished. In none of the other cases was any very serious bodily harm done, and the sentences have been in proportion. I mention this much, as the temper of the ryots here is supposed to be more violent than it really is. In all these cases their object seems to have been to show determination enough to prevent the Planters from coming to the village again, but not to revenge supposed injuries. The difference appears to me material, and its record but just."

That was one kind of violence which had been exhibited. Another reported on by the Magistrate referred to kidnapping of ryots. In a letter, dated 3rd March, the Magistrate thus wrote:—

"A complaint, however, was preferred in December last, to the effect that six men of the village of Soumpookeria had been seized on the 26th of that month by a party of

lattials despatched from the Murdah Factory. Search for them failed, and it was only by an accident that they were all released on the 23rd February. Their depositions wear an appearance of truth, which the unanimous *alibi* pleaded by all the defendants supports. They relate they were marched about to almost every factory on Mr. Hill's Concern. They do not, however, charge any one, except the lattials originally employed to seize. They say they never saw any one but their guards, and never saw daylight. The case is not absolutely free from doubt; it is, however, impossible, but that, if true, it will be perfectly clear at last.

There were several other cases of the same kind, but in none had the termination of the prosecutions been reported. He had said that cases of arson had also occurred in some districts. One case had occurred in the verandah of the Khajoorah Factory, regarding which the Magistrate wrote that he had very little doubt that it was the act of an incendiary. Another fire occurred in a village of Doodhpetley, in which the village was fired, twenty-eight houses burnt down, and property estimated at 5,000 Rupees in value burnt. Respecting that case, Mr. Herschell, the Magistrate of Nuddea, wrote :—

"In regard to the Doodhpetley fire, I regret to say that Mr. Meares has shown no desire to remove the suspicion of the ryots against the factory—a suspicion resting on grounds much stronger than in the Khajoorah case against the ryots. The ryots do not prosecute, but I have directed Mr. Maclean to offer a reward of one hundred Rupees for the discovery of the offender. No further breach of the peace has occurred in any part of the district."

The Magistrate, in a subsequent Report, made the following remarks regarding the conduct of the Police :—

"The conduct of the Police has been much blamed in the public journals during the last fortnight, but a distinction should be made between village chowkeedars and the Thanah Police. The co-operation of the former with the ryots is described as misconduct on the part of the latter. These are not proved to have taken part in any overt act, and on one recent occasion, I have reason to believe that the firmness of a single burkundauze prevented a disturbance at Lokenathpore. A villager had been summoned to the factory to continue his daily work which, since the present difference, he had discontinued. Having gone to the factory, he was severely

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thrashed by two men, one of whom has been sentenced to imprisonment for a month, the other being acquitted for want of proof. Another old man was (immediately afterwards) literally dragged to the factory, there beaten, and finally released by the burkundauze, who prevented the villagers, already assembled from resorting to violence, and volunteered to release the man from the factory. This case is under trial."

So far then on both sides there were complaints of violence, and acts of arson—to meet which, it might be presumed, no special law was needed. The events which had occurred in the Moorsheadabad district, west of the Bhagiruttee, were, no doubt, of a somewhat graver character, but respecting which no official account had been received; but, upon the whole, looking to the combination on the part of the ryots to disregard their engagements for the cultivation of indigo, it was incumbent on the Government to pass a law to meet the emergency which had arisen. With the permission of the Council, he would read a letter from the Lieutenant-Governor of Bengal, which contained his reasons for recommending the Bill now before the Council. The Lieutenant-Governor observed as follows :—

"My reasons for recommending the Bill are, in short, these :—

"That there is ground for believing that a great commercial calamity is threatened by the feeling which has suddenly manifested itself amongst indigo ryots, to repudiate their agreements to cultivate indigo; although advances have been made to and accepted by them only a short time ago, in the usual manner, and upon the usual understanding, namely, that they should cultivate indigo for the Planters at the usual rate.

"I am myself of opinion that the indigo cultivators have, and long have had, great and increasing ground for just complaint against the whole system of indigo cultivation. But if they desired to break off their connexion with that system, they should have done so before receiving the season's advances. After working off existing engagements, for which they have received the usual advance, they have it in their power honestly to refuse to grow another plant of indigo, unless it is made for their own interest to do so. It will be monstrous if they are not allowed, not merely by the theory of the law, but in effect, to exercise their legal and moral rights in this matter. But they have, in my opinion, no moral right, and certainly they have no legal right, to turn suddenly round upon the Planters, and, with nothing to complain of now

more than they had before, to refuse to do what, up to this moment, they have led the Planters to expect that they would do according to custom and agreement. I conceive that, whether the custom is good or bad, and whether the agreement on the ryots' parts be provident or improvident, and whether the general position of the ryots who grow indigo be or be not for the time being one of great hardship; no individual ryot has a moral right to break his agreement. And still less can I think that a mass of ryots who have agreed and accepted advances, in the usual manner, have any moral right to combine for the purpose of simultaneously breaking their agreements in order to ruin the other party.

"Against such a combination, and for the purpose of saving, if possible, a great commercial interest, which, however false its position may long have been, has certainly done nothing to the injury of the ryot since the last advances were made and accepted, in the usual course, a few weeks ago, it appears that a law, giving a very summary but still a fair trial, and inflicting penal damages on the party who, after a fair trial is found, to be determined willfully to break his engagement, is both justifiable and proper.

"The draft of a law which I enclose does no more than this.

"But I am of opinion that no law that could be framed regarding indigo-planting at the present moment, should be more than temporary; especially, I think, that no law in the interest of the Planter could, at the present moment, be honestly proposed which should have any effect beyond the season now running on. We all of us know that the system is full of abuses.

"If we had never heard a word about indigo-planting since we arrived in India; if there was not, upon record, a single case of abuse on the part of an Indigo Planter or a Zemindar, (and in this respect I desire to draw no invidious distinction between one class and another), the mere fact of the existence of the present difficulty would in itself prove that the system is rotten, and that the rottenness consists in this, that in practice the ryot is made to act like a slave, not like a freeman. Under a wholesome and fair system of trade, there must be, in all dealings between two parties, mutual gain, or at least the hope of mutual gain, and both parties to every dealing must be free agents. If therefore, the indigo-planting trade were in a wholesome and fair state, and an equal law were practically applicable to the rich and to the poor party, in dealings between Planter and ryot, it is certain that the ryot would be as much afraid of the manufacturer not buying his plant, and as clamorous for a special law on his side, as the manufacturer is afraid that the ryot will not cultivate and supply him with enough of the plant, and clamorous for a special law on his side. We see that the present struggle on the part of the ryots is to avoid the cultivation of indigo. From this it is certain that ryots who cultivate indigo are forced to do so by some illegitimate coercion. The same men who fight for the

privilege of cultivating a field with rice for sale in the open market are now almost in rebellion in order to escape the calamity of cultivating a field with indigo for sale (if sale it can be called) to the Planter. There must be a thorough enquiry into the whole system. There would have been such an enquiry long ago, I believe, if people had not been afraid of bringing on such a crisis as has now occurred. The system was such that sooner or later a crisis was inevitable. The crisis has come in the natural course of things, and there is no longer an excuse for shirking the disclosure of the disease, and the application of the remedy.

"For these reasons I could recommend no law other than a temporary law, and no law of any kind unless its promulgation to the ryots may be accompanied with a promise of a full and thorough enquiry into past practice, and thereafter of a well considered law which shall afford, practically, equal and complete protection to the ryot as well as to the Planter."

It would be understood from what he had just read that it was not the intention of the Bill in any way to solve the many conflicting and contradictory interests asserted by the ryot on the one side and the Planter on the other, or to determine the legal relation which the Planter and the ryot ought to occupy towards each other for the future. The Bill was grounded on the assumption that an advance had been made to the ryot by the Planter to sow indigo, and that the ryot received the money paid on that understanding, and he believed that the Government were fully justified in asking this Council to pass a law which would strengthen its hands, and enable it to check, if possible, the disaffection on the part of ryots. No doubt the first object of the Executive Government was the preservation of the public peace. Next, to express the sympathy with the Planter in this sudden difficulty, and as far as possible to give him legitimate support. Looking at the enormous amount of advances made in the different districts for the cultivation of indigo and for the purchase of seed which had been, or was about to be, distributed, he had no doubt that the Legislature might very properly lend its aid for the protection of so great property now seriously imperilled. But it would be already understood from the letter of the Lieutenant-Governor, which he had

read, that in proposing this Bill there was no intention to prejudice the conflicting issues raised by the Planter and ryot. On the contrary, it was announced in the Preamble that it was the intention of the Government to appoint a Commission, after the close of the present season of cultivation, for the purpose of enquiring into the present practice of indigo-planting in Bengal, and of investigating the grievances which might be felt on the part of the ryot; and, as the result of that enquiry, it would be the object of the Government to propose such laws as would protect the rights of ryots and Planters. He would not, for his own part, venture to offer himself to the Council as any authority in this matter, but it seemed to him important to lay prominently before the Council, when the Government were about to introduce a law like this, what sort of consideration should be the basis of the law. What, he would ask, was a ryot? He always understood a ryot to be the cultivator of his own land. To him belonged the produce of the land, and on him rested the risk attending the cultivation of what was understood to be a most precarious crop. In that sense it appeared to him that the ryot was, properly speaking, a farmer or planter, and that the Indigo Planter as he was called, contracting by an advance to purchase the plant, was more on the footing of a manufacturer of the dye. This was not a question of names, but of things. We were not to ignore the position and rights of the cultivating ryot. He had observed that, in a petition lately presented by the Indigo Planters' Association to the Lieutenant-Governor, the Planter and ryot were represented as capitalist and laborer. If it was so, if that definition accurately exhibited the position of the Planter and ryot, it appeared to him that, as regarded on the one hand the legal interest of the Planter and on the other the exact footing on which the ryot stood towards him, there was the widest difference in the estimation they respectively formed of their own rights. He need hardly say that a farmer was one thing, and a laborer

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was another. As a farmer, the ryot was subject to the direction of his employer, whilst as a laborer, he was his own master. But under any circumstances the ryot was entitled to have his status fairly understood, and to demand that, if he had a right to cultivate, he should not be considered to be on the footing of a laborer.

He would also desire to illustrate what seemed to him the idea which constituted a radical difference in the opinion of the two parties, by bringing to the notice of the Council a letter which had been written by the Manager of the Lokenathpore Concern, Mr. Meares, and printed in the *Bengal Hurkaru* of the 19th March. The observation which he wished to bring to the notice of the Council was as follows:—

“The Darogah of the Dumahoodah Thannah, soon after the Joyrampore disturbance broke out, in a report to the Magistrate, stated that the ryots had that idea in their heads. I at once let the ryots off a portion of the land. I had intended they should give us in indigo, as I heard that the small increase I had ordered to be made in that village, was the reason of their discontent; they then came in and took their advances from our assistant, Mr. Tweedie, and I hoped there was an end of the matter, but the Darogah of the Dumahoodah Thannah again put them up to oppose the factory, and the consequence was they got up a number of false cases against our servants, cut out our marks from indigo land, and prevented our servants looking after their usual work.”

He would ask the Council to consider the representation which Mr. Meares had made in his letter as to his own bearing towards the ryots. His remark was that, by being conciliatory towards them they had come in and taken their advances. But what was the nature of the conciliation he had used? He said that he had ordered the land under indigo cultivation to be increased, and the ryots being discontented, he had let off a portion of the land which he had intended they should give him in indigo. Here it must be observed that the ryot had not entered into a voluntary engagement for the cultivation of indigo; there was nothing more than Mr. Meares' intention to increase his crop. Mr. Meares might have been right or wrong; he (Mr. Sconce) did not ask the Council

to give an opinion on that matter. What he wished to notice was that, if the right of occupancy was vested in the ryot, nevertheless Mr. Meares, dis- regarding that right of his own motion, seized the ryot's land, regulating his conduct solely by the interest of the factory, and his power to enforce it, and not at all by the assent of the occupying cultivator. He might adduce other cases of a similar kind, but it was not the intention of this Bill, as he said before, to enter into any such questions, the full investigation of which would be the duty of the Commission about to be appointed, when the question might be fully considered.

He would now proceed to draw attention to the provisions of the Bill. The Preamble recited :—

“Whereas it is expedient, pending a Commission of enquiry into the practice of indigo-planting in Bengal, which the Executive Government purposes to appoint after the close of the present season of cultivation, to make temporary provision for enforcing by summary process the execution of agreements entered into for the cultivation of indigo plants, and better to provide for the punishment of certain unlawful acts connected with such cultivation, it is enacted as follows :—

The first Section of the Bill provided that in case a cash advance had been made to a ryot, upon his agreement to cultivate indigo plant during the current season, if he should

“Wilfully delay or omit from and after the 24th day of March 1860, to cultivate, according to the condition of his agreement, the whole quantity of land which he has agreed to cultivate, and for the cultivation of which the cash advance was made, it shall be competent to the Magistrate to entertain a complaint made to the above effect on oath by the Planter who has made the advance, or by any person on his behalf, and to summon the person complained of to appear before him, in order to the investigation of the complaint proffered. If the Magistrate has reason to believe that the person complained of will not appear in obedience to the summons, he may issue a warrant for the arrest of such persons.”

It was considered particularly necessary to restrict this Clause to cases in which cash advances had been made. There were cases where ryots agreed to cultivate, where no cash was advanced. He had seen a

case—and it was not a rare one—in which a written agreement was taken from a ryot to cultivate seven beegahs of land on a supposed advance of 7 rupees. But it was said that 6 rupees and 8 annas consisted of an old debt, and only 8 annas was the advance actually made. It might be that such cases were not general, but they were not uncommon, and therefore it was the intention of this Section to confine the law to cases where money was actually paid. Another Section provided for intimidation. It enacted that—

“If any person, from and after the 24th day of March 1860, shall by evidence, threats, or otherwise intimidate or attempt to intimidate any other person who shall have entered into any such agreement as aforesaid, with the intention of inducing such persons to break the conditions thereof; or if any person, from and after the date aforesaid shall conspire with any other person or persons for the purchase of causing the breach of any such contract or contracts as aforesaid, he shall, on conviction before a Magistrate, be liable to a sentence of imprisonment, with or without labor, for a period not exceeding six months, or to a fine not exceeding two hundred rupees, or to both, such fine being commutable, if not paid, to a further period of imprisonment not exceeding six months.”

Another Section provided for malicious destruction of, or damage to, crops. It was next provided that no appeal should lie from the decision of a Magistrate, and finally, that the Act should expire within six months from the 24th of this month. These were the provisions of the Bill which he had the honor to propose, and he now begged to move that the Bill be read a first time.

SIR JAMES OUTRAM said, the Preamble of this Bill recited that an enquiry would hereafter be made by a Commission to be appointed for the purpose, whereas he thought it preferable that express provision should be made in this Bill for such a Commission. It was hardly necessary for him to state that the course proposed by the Honorable Member for Bengal had the entire concurrence of the Government of India, and that such concurrence would neither have been asked for nor obtained if the proposed measure had been open to

objection as a piece of one-sided or of class legislation. The Government of India had felt it their duty to a great and important branch of industry, and to the owners of the vast capital embarked in indigo-planting, to give their prompt and hearty support to the measure which the Lieutenant-Governor of Bengal considered necessary for the protection of that industry and capital; but it was only due to the Lieutenant-Governor and the Honorable Member to state that, in asking the assent of the Council to this measure, they stipulated that it should be coupled with, and form a preliminary to a full and fair enquiry into the whole subject, such as they might hope would lead to a final settlement of this much-vexed question, satisfactory to the reasonable desires of the owner of land, as well as of the owner of capital, and alike just to the ryot and to the planter—to the laborer and the employer of labor.

The question was, as the Council knew, a very large one. It had been long and acrimoniously discussed, and he (Sir James Outram) thought the Council could not proceed better than by a Commission so selected as to deserve general confidence in its fairness and impartiality, and armed with such powers as should enable it to ascertain the whole truth, and to go to the root of the matter.

He therefore proposed that the following Sections be added to and form part of the present Bill, and the Government trusted that the announcement of the measure would have some effect in allaying irritation and alarm, by assuring all classes that it was the firm resolve of the Government of India, not only to afford the fullest protection in its power to persons and property, and to preserve the peace of the country for the present, but to provide for giving full and prompt justice to all Her Majesty's subjects, Natives as well as Europeans, and to secure to them the full and peaceful enjoyment of all their rights for the future.

The following were the Clauses which he proposed:—1.—Directing the issue of a Commission of enquiry. 2.—Providing for a change in the constitu-

tion of the Commission by death, resignation, or new appointment. 3.—Giving power to summon witnesses, with the proviso above-mentioned. 4.—Giving power to administer oaths. 5.—Enabling Commissioners to exercise the same remedies for non-attendance of witnesses as a Court would. 6.—Making false evidence punishable as perjury.

The Bill was read a first time.

MR. SCONCE moved that the Standing Orders be suspended, in order that the Bill might be read a second time. In doing so, he said it was not his intention to proceed with the Bill further to-day.

SIR BARTLE FRÈRE seconded the Motion, and said that he had the less hesitation in doing so, because all the interests affected by the Bill were well represented in Calcutta and its immediate neighborhood, and it would be quite possible for Government to obtain all the criticism that could be desired from parties interested in the Bill during the week that would elapse, before the Bill, which would be read a second time that day, could finally pass, and he need not say that the Government would be glad to receive and pay every reasonable attention to any comments on the course they proposed which might be offered either by Members of that Council or by others.

The Honorable Member for Bengal had spoken of the measure he proposed as having an appearance of immaturity. But he (Sir Bartle Frere) thought that immaturity was more in appearance than in reality. The state of things which called for this Bill was not of any sudden growth. There had long been a general conviction that some measure of the kind would be necessary, and the measure which the Honorable Member for Bengal had brought in established no new principle of law, nor any novel machinery. It simply applied the law, as it stood, by a more summary process to give relief and redress in the present emergency, providing, at the same time, the means of inquiry which would, he (Sir Bartle Frere) hoped, furnish the data on which they could legislate permanently.

so as effectually to remedy the existing state of things.

It was to be regretted that the papers on which the Bill was founded could not be laid before the Council earlier, so as to enable them to judge of the necessity of the measure, but he (Sir Bartle Frere) might mention that the information before Government did not differ very materially from the statements which had appeared in the newspapers. Opinions differed as to the extent and character of the combination, but there was no question that it had spread, and was still spreading very rapidly, and that, by the latest information received, acts of open violence had been committed, and blood had been shed. There was no longer any room for doubting the necessity of taking extra precautions for the preservation of peace, and with a view to allay the excitement, the Lieutenant-Governor of Bengal hoped that the measures he had taken, including the provisions of the Bill now before the Council, would be sufficient, and the Government of India had no doubt whatever in concurring with him to pass the Act.

There was one other remark suggested by a perusal of the papers on which the Bill was founded. Mr. Herschell, the Magistrate of the district in which the state of feeling had been most threatening, was, he (Sir Bartle Frere) believed, a very young man. It was only just to him to state that the papers showed he had behaved with an amount of judgment and fairness towards all parties concerned, which were highly creditable to him under circumstances by no means free from difficulty, and it was only fair to state this, as some blame had been thrown on him, which did not appear to be deserved.

The Motion was carried.

Mr. SCONCE then moved that the Bill be read a second time.

THE VICE-PRESIDENT said, they were called upon rather hastily to express an opinion on this Bill. There was no doubt, however, that such a Bill, in order to be of any use, must be passed with expedition. The Honorable Member for Bengal had had

the courtesy to send him (the Vice-President) a copy of the Bill that morning, and had thus afforded him an opportunity of becoming acquainted with its provisions. The Honorable Member had, he thought, made out a sufficient case so far as regarded contracts where money was advanced, but it appeared to him that the Bill did not go far enough. The Honorable Member had referred to two entirely different matters, *first*, the necessity for an enquiry with a view to the passing of a permanent law; and, *secondly*, the necessity for the immediate passing of this temporary Bill. The Honorable Member had made out a sufficient case for enquiry, but if a ryot should be able to prove that he had been compelled, by undue or illegal coercion, to accept advances and to enter into a contract, he thought it was rather hard that he should be obliged to pay five times the amount advanced to him as damages for the breach of his contract. As the law at present stood, an Indigo Planter, who made advances and furnished seed to a ryot for cultivation, had a remedy against the ryot in case of his refusal to cultivate, by resort to the ordinary Courts of Justice. The Honorable Member for Bengal had made out a sufficient case for giving the Planter summary redress, and not to leave him to the ordinary Courts, in cases in which money had been advanced. The Bill, as he said before, did not go far enough, inasmuch as it did not provide for cases where money had not been advanced. The Honorable Member, in giving his reasons for restricting the operation of the Bill to cases where advances were made, showed that, in his opinion all other cases of contracts ought to be left to the ordinary course of law. But the present was not a simple case of a single man breaking his contract, but a regular combination on the part of a body of men refusing to fulfil their engagements. He (the Vice-President) therefore thought that, when the Council were asked to pass a Bill providing a more summary redress than that now offered by the ordinary tribunals in cases where money had been advanced,

they might reasonably provide a more summary remedy as a temporary measure for the breach of such contracts where no advances had been made, or where the balances of former seasons had been treated in the same manner as advances. If sufficient cause had been shown for a temporary law to that effect, in cases where money had been advanced, it appeared to him there was as much reason shown for a temporary law in cases where money had not been advanced. The Honorable Member said, that, if money were advanced to a ryot, and he broke his contract, he should be obliged to pay five times the amount of his advance. But supposing the Planter had entered honestly, and without any coercion or intimidation, into an engagement with a ryot, and the ryot had voluntarily engaged to cultivate a portion of his land, and had received seed for the purpose of being sown on that land, he (the Vice-President) thought it would be hard to tell the Planter that, because he had not advanced any money he had no remedy, except in the ordinary Courts. If seed had been furnished to the ryot for the purposes of cultivation, it was just as much an advance as if he had received an advance of money.

The Honorable Member instanced a case where a ryot had received only eight annas out of seven rupees, which was professed to be advanced to him. But there was no doubt that the money was advanced, and it made no difference whether any portion of the advance formed part of an old account or not. Now assuming that the ryots, as free agents, had entered into engagements without any coercion on the part of the Planters, and then assuming that the ryots, as a body, had formed a combination to refuse to fulfil their engagements, it mattered little whether money was advanced to them or not. The Council was just as much justified in giving an easy remedy in the one case as in the other. Supposing that money had not been advanced, or supposing that a small sum of money were advanced, and the ryot, after voluntarily entering into an engagement without any fraud or coercion on

the part of the Indigo Planter, at the last moment refused to fulfil his engagement, the Planter, he thought, would be very much embarrassed. The Planter might have made his arrangements for manufacturing the indigo, and if the ryot refused to grow his indigo, the Planter, although he might have made no advance of money, would be just as much injured as if he had advanced it. It appeared to him (the Vice-President) therefore, that the same case had been made out where money had not been advanced, as where it had been.

Again, he thought that a full remedy should be given: but was not sure that a sufficient case had been made out for rendering a ryot liable to pay five times the amount of the advance, even if he accepted it without coercion. He also thought that, when a case came before the Magistrate, if it appeared to him that coercion had been used, the case ought to be dismissed. It was not for the Council to recognise any such cases of illegal coercion, and he thought the Magistrate, in trying the case, ought to be competent to enter into the question whether the ryot had voluntarily made his engagement as a free agent, or whether coercion or improper means had been used to induce him to enter into it.

He (the Vice-President merely) made these observations, in order that, when the Bill came before a Committee of the whole Council, he might not be bound to its provisions as it now stood. He did not wish to allow the Bill to pass the second reading without reserving to himself the right, at a future stage, of moving amendments in accordance with the suggestions he had made.

MR. WILSON said, he could hardly allow this Motion to be put from the Chair without offering one or two observations. With regard to a remark which had fallen from the Chair, he (Mr. Wilson) thought we must recognise a distinction between the two cases, of where money was advanced in pursuance of a contract, and where a simple contract was entered into without any advance. He must say that, where an advance of money

was taken and the contract broken, it was a more deliberate act, and assumed rather a Criminal character, inasmuch as it really involved the question of obtaining money under a false pretence, whereas a contract entered into for the purpose of cultivating land without the payment of money was purely a Civil act. The Honorable and learned Vice-President next observed that five times the amount of the advance was rather a heavy fine, but it must be considered that that was assumed as a maximum only. The Clause provided that, if the Magistrate was satisfied as to the complaint, he should assess a certain sum as damages, but that the damages should not exceed five times the amount of the advance. The damages might be assessed at much less than five times the amount, and the Clause only provided that they were in no case to exceed that limit. The Magistrate would have only two things to consider, *first*, whether the transaction was a *bonâ fide* one, and *second*, whether there was sufficient ground to believe in the alleged breach of contract. It would be idle for us to suppose that, in each particular case, the Planter could resort to the ordinary Courts of Justice, either with regard to his own interest or those of the ryots; for the greater the delay the heavier would be the damages which the Civil Court would be obliged to award. But we should endeavor to avoid mere technicalities in an emergency like the present. He spoke for himself, for his colleagues, and for the Lieutenant-Governor of Bengal, that in proposing this Bill they had in view the interest as much of the ryot as that of the Planter. It was common, where there was a dispute between employers and employed, that it arose from misapprehension on both sides, inasmuch as it resulted to their mutual disadvantage. The poor ignorant men, however, were not so much to blame after all, for in all such cases, here as well as in England, there was invariably some under-current at work, but for which there would be no possibility of such combinations. It was not so much to the legal action of this Bill that the Government looked for a

remedy of the evil which had arisen; but they regarded this Bill as a strong expression of opinion on the part of the Lieutenant-Governor of Bengal, the Government of India, and he hoped of the Legislative Council, that they viewed with extreme disfavor the occurrence of these disturbances, and therefore it was more to the moral effect of the Bill, in inducing the disaffected ryots to return to their loyalty, than to the temporary Courts to be raised for the trial of these disputes, that they looked. We ought to be extremely anxious to impress upon the minds of ryots that we were as much their friends as we were of their employers. We must tell them that they were pursuing a course which was as much injurious to themselves as to their employers, the Planters. He was not disposed to deny that the relation which existed between Planter and ryot was far from satisfactory. The Motion made by the gallant General opposite (Sir James Outram) on the part of the Government of India, sufficiently showed that they were desirous not only to see this temporary difficulty met, but to adopt measures of a lasting and permanent character which were calculated to place the relation between the Planter and the ryot on a better footing. He was sure that the Planters on the one side, and the ryots on the other, would not misapprehend the object of the Legislative Council in interfering between them. It was the duty of the Council to support the Executive Government; and it would be seen, from the documents which had been received, that some action more than usual must be taken. It was very necessary to pass a law to suppress these disturbances at the beginning. The difficulty would be greater if we attempted to do so when men's passions had got the better of their judgments. He hoped, and had every reason to believe, that the Planters themselves would consider that their permanent and lasting interests would be best consulted by a thorough investigation into the causes of this crisis with a view to apply a remedy for the future. They indeed knew that trade was a

matter of mutual interest, and unless they co-operated in carrying it out by making it advantageous to the ryots to fulfil their engagements, how impossible it would be to force cultivation out of its natural channels. We had a striking example of this in the cultivation of opium. We had seen that the plan pursued by Government had been most successful, and he need not tell them that here, as in Europe, supply must rise with the encouragement and fall with the discouragement it received. Now, as to the cultivation of opium, the price was fixed in 1838 at 3 rupees 10 annas the seer. Under that price it had rapidly increased, but subsequently Government reduced it to Rs. 3-8 with a view of checking production. The price in 1850 was reduced from Rs. 3-10 to 3-8, but that made no perceptible difference, and in 1854 the price was reduced to Rs. 3-4, and the consequence was that cultivation rapidly decreased until last year, when it was only one-half of what it was in former years. The ryot was a free agent, and being at liberty to cultivate what yielded him a better income, he naturally turned his attention to that. The Government again increased the price of opium to Rs. 3-8, and there was little doubt that the supply would soon be as great as it had been in former years. He only mentioned this circumstance to show that the immutable law of supply and demand governed these transactions as it did those of trade generally. He (Mr. Wilson) thought, when this Bill came into operation, the temporary difficulty now felt would vanish, while the appointment of a Commission, as proposed, would throw a great deal of light on the subject. It was most desirable, if possible, to devise a plan which would, in a measure, satisfy all parties. It would not do to deprive the ryot of that freedom of cultivation which was his right, nor on the other hand could Government, considering the large destruction of property that had taken place or was being threatened, refuse protection to the planting interests. That interest could not be abandoned without the greatest injury to the ryots themselves, considering

Mr. Wilson

the large amount of capital that through indigo operations had been expended in the country, and considering the benefits those operations had conferred upon the country.

THE VICE-PRESIDENT said, he was afraid the Right Honorable Gentleman had misunderstood his remarks as regarded the provision mentioned by the Honorable Member for Bengal, of making the ryot liable to a penalty only in cases where money had been advanced. What he meant to say was that he would wish that a remedy should be provided for all contracts, whether money had been advanced or not.

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

KOONCH AND CALPEE.

MR. HARRINGTON moved the second reading of the Bill "to remove the Pergunnahs of Koonch and Calpee in Zillah Jaloum from the operation of the general Regulations."

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

ESCAPED OFFENDERS.

MR. HARRINGTON moved the second reading of the 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.)"

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

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.

THE CHAIRMAN moved that the Clerk of the Council be requested to read the Petition of the British India Association, which had this day been presented.

The Motion was carried, and the Petition read accordingly.

The postponed Section IX was passed after an amendment.

Section XII, as amended last Saturday, provided as follows :—

“Except as otherwise provided by this Act, no deed, 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 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.”

Mr. SCONCE moved the addition of the following proviso taken from the English Act :—

“Provided that every deed, instrument, or writing liable to Stamp Duty shall be admitted as evidence in any criminal proceeding, although it may not have the stamp required by law impressed thereon or affixed thereto.”

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

Clause 1, Section XIII (which provided that deeds, instruments, or writings inadvertently executed on unstamped or insufficiently stamped paper might be stamped on payment of penalty) was passed after the insertion of words requiring payment of the proper amount of Stamp Duty, as well as of the penalty, and with the addition of the following proviso :—

“Provided always that the payment of such penalty shall exempt the person making the same from any other penalty provided by this Act for such neglect or omission ; and that if any such other penalty shall already have been imposed, then the same shall be taken as far as it goes in reduction of any penalty arising under this Clause.”

Clause 2 of the same Section (which prescribed the penalty to be imposed, if deeds, &c., inadvertently executed on unstamped or insufficiently stamped paper were brought to be stamped within thirty days of execution, and the penalty to be enforced, if brought within three months of execution, or six months of commencement of Act) was

passed (among other amendments) after the addition of words prescribing the penalty to be imposed, if deeds, &c., inadvertently executed as aforesaid were not brought to be stamped within the two periods last mentioned.

Clause 3 provided as follows :—

“If the party be unable to satisfy the Collector or the Board or other superior authority as aforesaid, that the execution of the deed, instrument, or writing on paper not duly stamped proceeded from accident, ignorance, inadvertence, mistake, or other cause exempt from suspicion of evasion, the party shall, provided the deed, instrument, or writing be voluntarily brought within three months from the date of execution thereof, be entitled to have the prescribed stamp affixed on payment of a penalty equal to ten times the value, and the decision of the Board or Officer aforesaid, whether declaring the paper liable or not liable to suspicion of evasion, shall be conclusive and final.”

Mr. HARRINGTON moved the omission of the above Clause and the substitution of the following :—

“It shall be the duty of the Collector of the Stamp Revenue of the District, or other Officer as aforesaid, to determine whether upon payment of the penalties mentioned in the last preceding Clause, the requisite stamp shall be impressed on any deed, instrument, or writing which shall have been executed on unstamped or insufficiently stamped paper, and the decision of the Collector shall be conclusive and final, except in cases in which he shall refuse to allow the deed, instrument, or writing to be stamped. The Board of Revenue or other general controlling revenue authority may, however, upon petition, order such penalty to be mitigated, and if paid, may order such part of it as they may consider proper to be returned.”

Agreed to.

THE CHAIRMAN moved the insertion of the following new Clauses after the above :—

“Sections 130 and 131 of Act VIII of 1859 are hereby repealed, and in lieu thereof it is enacted as follows :—In all cases under this Act, in which a Collector may impress a stamp on payment of the proper amount of Stamp Duty and a penalty, any Civil Court may receive in evidence any deed, instrument, or writing which might be so impressed on payment, into Court, of the proper amount of Stamp Duty and the penalty as by this Section imposed.

“An entry of such payment and of the amount thereof shall be made in a book to be kept in the Court, and shall also be

endorsed on the back of the deed, instrument, or writing, and shall be signed by a Judge of the Court. The Court shall, at the end of every month, make a return to the Collector of the Stamp Revenue of the District of the monies (if any) which it has so received, distinguishing between the monies received by way of penalty and those received by way of Duty, stating the number and title of the suit, and the name of the party from whom such monies were received, and the date, if any, and description of the document, for the purpose of identifying the same, and the Court shall pay over the said monies to such Collector or to such person as he may appoint to receive the same. And such Collector or other proper authority shall, upon the production of the deed, instrument, or writing, with the endorsement hereinbefore mentioned, cause it to be stamped thereon with a stamp of the amount paid into Court on account of such duty. All the provisions hereinbefore contained as to the mitigation or repayment of penalties paid to the Collector shall be applicable to penalties paid into Court."

The Clauses were severally carried, and the Section as amended then passed.

Section XIX, as amended last Saturday, empowered the Governor-General in Council, by an order, to direct the levy of lower rates of Stamp Duty in any District, or altogether to exempt them, except as regarded Bills of Exchange or other instruments classed as Bills of Exchange.

Mr. FORBES moved an amendment, authorizing the Governor-General in Council, as occasion required, to cancel or vary such order to the extent of the powers given by the Section.

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

Mr. SCONCE moved the addition of the following new Section :—

"This Act shall come into force from the 1st of September 1860."

He said that, instead of giving the Government of India the power of fixing the date from which the Act should come into force, as was agreed last Saturday, he thought it better that the Act itself should fix the date of commencement.

The Section was agreed to.

Schedule A specified the instruments and writings which would require stamps, and indicated the

proper stamps for those instruments and writings.

Article 1 was passed as it stood.

Article 2 (relating to affidavits and solemn declarations not made for the purpose of being filed, read, or used in any Court of law,) contained the following exemption :—

"Affidavits required before grant of probate, letters of administration, &c."

SIR CHARLES JACKSON moved the omission of the exemption.

Agreed to.

Article 3 (relating to assignments, if not of the nature specified under the heads of Conveyances and Settlements, nor specially exempted) was passed with the addition of the following exemption :—

"All transfers by mere endorsement of Bills of Exchange, Promissory Notes, and other negotiable instruments; Bills of Exchange, and transfers by assignment of Policies of Assurance."

Article 4 (relating to Bills of Exchange and other obligations for the payment of money, not being bonds or instruments or writings bearing the attestation of one or more witnesses,) was passed after verbal amendments.

Article 5 was passed as it stood.

Article 6 was passed after a verbal amendment.

Article 7 was passed as it stood.

Article 8 was passed after amendment, and subject (on the recommitment of the Bill) to the substitution, if necessary, of an *ad valorem* Stamp Duty for the present graduated scale.

Articles 9 to 15 were passed after amendments.

Articles 16 to 18 were passed as they stood.

Article 19 was passed after the omission of the exemption "all transfers by mere endorsement of Bills of Exchange, Promissory Notes, and the like," provision for which had been included in the exemption added to Article 3.

Articles 20 to 39 were passed as they stood.

Article 40 prescribed a graduated scale of stamps for partitions, concluded

ing with Rs. 8 if the sharer's portion exceeded Rs. 800, but did not exceed Rs. 1,000, "and for every additional Rs. 800 or part thereofRs. 8."

MR. WILSON moved the omission of the words quoted, and the substitution for them of the words "and for every additional Rs. 200..... 1 Rupee."

After some discussion the Council divided :—

Ayes 4.

Noes 3.

Mr. Seance.
Mr. Wilson.
Sir Bartle Frere.
The Chairman.

Sir Charles Jackson.
Mr. Forbes.
Mr. Harington.

So the Motion was carried.

Articles 41 to 44 were passed as they stood.

Article 45 was passed after a verbal amendment.

Articles 46 and 47 having been passed as they stood, the Schedule, as amended, was agreed to

Schedule B contained the specification of Stamp Duties chargeable on law papers.

Articles 1 and 2 were passed as they stood.

Article 3 was passed after a verbal amendment.

Article 4 (relating to mooktearnamahs,) contained the following exemption :—

" Mooktearnamahs executed by Native officers or soldiers of the Native Army, regular or irregular.

On the motion of Mr. Harington an amendment was carried, which made the exemption stand as follows :—

" Mooktearnamahs executed by officers or soldiers of the Army."

Article 5 provided as follows :—

" Petitions, applications, or written statements presented in regular suits under the provisions of Act VIII of 1859 or otherwise, in any matter, to any Civil Court, if the subject matter of the suit or case does not amount to Rs. 50, may be written on plain paper.

" If the subject matter of the suit or case amount to Rs. 50, or be not capable of being valued, the petition, application, or state-

ment shall be written on stamp paper of the following value :—

When presented in any Court below the Sudder Dewauny Adawlut	0 8
When presented in the Sudder Dewauny Adawlut	2 0

SPECIAL RULE FOR BENGAL.

Petitions or applications presented in any Zillah Court or Office, Criminal or Revenue	0 8
Petitions or applications presented to the Nizamut Adawlut, or to the Board of Revenue, or of Customs, Salt and Opium	2 0

MR. HARRINGTON moved to substitute the following for the above :—

" Petitions of appeal not being from an order rejecting a Plaint, or from a decree or order having by any law the force of a decree ; petitions or applications presented to any Civil Court in relation to any matter cognizable by such Court, shall be written upon stamp paper of the following value, namely :—

When presented to the Sudder Court...	2 0
When presented to any Court below the Sudder Court	0 8

SPECIAL RULE FOR BENGAL.

Petitions or applications presented to the Nizamut Adawlut, or to the Board of Revenue, or Customs, Salt and Opium.....	2 0
Petitions or applications presented to any other Criminal Court, or to any other Revenue Office.....	0 8

GENERAL EXEMPTIONS.

Petitions or applications presented to any Moonsiff's Court in relation to any suit or case of an amount or value less than Rs. 50.

Applications for the summons of a witness or other person to attend, either to give evidence or to produce a document, or in respect of the production or filing of any exhibit."

Agreed to.

Article 6 related to Plaints. After other amendments—

MR. HARRINGTON moved the addition of the following note :—

" (f). If an appeal or plaint which shall have been rejected by the lower Court on any of the grounds mentioned in Act VIII of 1859 shall be ordered to be received, or if a suit shall be remanded in appeal for a second decision by the lower Court, the Appellate Court shall grant to the appellant a certificate, authorizing him to receive back from the Collector the full amount of Stamp Duty paid on the petition of appeal.

He said, a great object aimed at in framing the new Code of Civil Procedure was to prevent, as far as possible, the remand of suits in appeal, with a view to their being decided anew by the Court of first instance. The number of remands under the old Code was very large, and the consequence was that the final disposal of cases was often delayed for very considerable periods, and the parties were subjected to heavy additional costs. To remedy this, the new Code provided that no suit should be remanded in appeal if the materials were at hand from which the Appellate Court could itself come to a decision. There could be no doubt that, in this respect, the new Code was a great improvement upon the Code which it superseded, but cases would occasionally occur in which the Court would find it impossible to avoid a remand, and in such cases it appeared to him (Mr. Harington) that the amount of Stamp Duty paid by the appellant upon the petition of appeal should be refunded to him. This was the present practice, and there seemed no good reason why it should not be continued. The same remark applied to cases in which the plaint had been rejected by the Court below for want of jurisdiction or under the Statute of limitations, but in which the Appellate Court in appeal ordered the plaint to be received and tried. In cases of this nature the order of rejection would usually be passed before the defendant was even summoned, and as the error would be entirely that of the Court of first instance, it would be hard to charge either of the parties with the Stamp Duty paid on the petition of appeal which, under an amendment which had been adopted that day, would be the same as that paid on the petition of plaint.

After some discussion the Council divided :—

Ayes 3.
Mr. Sconce,
Mr. Forbes,
Mr. Harington.

Noes 4.
Sir Charles Jackson.
Mr. Wilson.
Sir Bartle Frere.
The Chairman.

So the Motion was negatived.

Mr. Harington

Article 7 having been passed as it stood, the Schedule as amended was agreed to.

Mr. SCONCE moved that the Bill be reprinted.

Agreed to.

The Council then 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)."

Bill "to amend Act XIV of 1856."

KOONCH AND CALPEE.

Mr. HARINGTON moved that the Bill "to remove the Pergunnahs of Koonch and Calpee, in Zillah Jauloun, from the operation of the general Regulations" be referred to a Select Committee consisting of Mr. Forbes, Mr. Sconce, and the Mover.

Agreed to.

ESCAPED OFFENDERS.

Mr. HARINGTON moved that the 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)" be referred to a Select Committee consisting of Mr. Forbes, Mr. Sconce, and the Mover.

Agreed to.

Mr. HARINGTON moved that the Standing Orders be suspended, in order that he might move an instruction to the Select Committee which had just been appointed, to present their Report within a week.

Agreed to.

MR. HARRINGTON then moved that the Committee be instructed to present their Report within a week.
Agreed to.

COTTON FRAUDS (BOMBAY).

MR. FORBES (in the absence of Mr. LeGeyt) moved that the Report of the Select Committee on the Bill "for the better suppression of frauds in the Cotton Trade in the Presidency of Bombay" be adopted.
Agreed to.

The Council adjourned.

Saturday, March 31, 1860.

PRESENT :

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

Hon. Lieut.-Genl. 'Sir James Outram,	H. Forbes, Esq.,
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. Harrington, Esq.,	

ABSENCE OF THE GOVERNOR-GENERAL.

THE VICE-PRESIDENT read the following Message from the President in Council :—

MESSAGE No. 206.

The President in Council informs the Legislative Council that the Governor-General has represented that it is expedient that he should be enabled to prolong his absence from the Presidency for a further period of three months.

By order of the President in Council.

W. GREY,

Secretary to the Govt. of India.

Port William, the 27th March 1860.

SIR BARTLE FRERE moved that the Standing Orders be suspended, to enable him to introduce and proceed with a Bill to extend the operation of Act XXI of 1859, providing for the exercise of certain powers by the Governor-General during his absence from his Council.

SIR JAMES OUTRAM seconded the Motion, which was put and carried.

INDIGO CONTRACTS.

THE CLERK presented a Petition purporting to be signed by certain ryots and others in the Districts of Nuddea and Jessore; and he certified that he had received the same in a blank envelope, and that the signatures were those of marksmen, and were not authenticated.

THE VICE-PRESIDENT observed that, according to the Standing Orders, this Petition could not be received by the Council except upon the motion of a Member.

MR. SCONCE moved that the Petition be received, and said that he proposed, when the Council resolved itself into a Committee upon the Bill, to move that the Petition be read.
Agreed to.

JUDICIAL OFFICERS.

THE CLERK presented a Petition from Messrs. Crisp and Co. of Raugoon, and certified that it was a complaint respecting the decision of a Judicial Officer.

THE VICE-PRESIDENT observed that, as the Petition did not relate to any matter connected with the business of the Council, it could not, according to the Standing Orders, be received.

INDIGO CONTRACTS.

THE CLERK presented to the Council a Petition from the Indigo Planters' Association, concerning the Bill "to enforce the fulfilment of Indigo Contracts."

MR. SCONCE said, when the Council went into Committee on the Bill, he proposed to move that this Petition also be read.

THE CLERK presented a Petition from the British Indian Association concerning the same Bill.

MR. SCONCE said, he would adopt the same course with respect to this Petition.

INCOME TAX.

THE CLERK presented a Petition from Clerks employed in Government