PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL OF INDIA,

FROM

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ing of Acts XIII and XIV of the present year ; and the time had, therefore, arrived when measures might properly be taken for extending to the suburbs the remedy which had so long been called for.

He proposed then to extend to the suburbs of Calcutta about 50 selected Sections of the new Police and Conservancy Acts, with such modifications, in many instances, as circumstances seemed to require. From the Police Act, he had taken only those provisions which related to offences peculiar to densely populated towns, and which might therefore properly be made the subject of a local enactment ; and he proposed to apply to them the general rules which regulate the proceedings of Magistrates. He did not anticipate, therefore, that the Bill would interfere either with the Penal Code, or the Code of Criminal Procedure.

From the Conservancy Act, he had endeavoured to select those provisions which seemed suitable to the somewhat different circumstances of the suburbs. He had omitted altogether the Sections which related to an organised system of drainage. The Calcutta Assessment Bill, which was now before a Select Committee, contained a provision for extending those Sections to such parts of the suburbs as it might be thought advisable to include in the drainage Scheme to be adopted for Calcutta.

In the general term "Suburbs," he had included Kidderpore, Allipore, and other places to the south of Tolly's Nullah. In Kidderpore, which was the resort of a large number of Sailors, the Police provisions were very urgently required. And for similar reasons, he had provided that the Bill should have effect in the Station of Howrah. There was now, in that Station, a considerable European population, which must, in time, be greatly increased by the Railway Terminus. Moreover, Howrah, like Kidderpore, was much resorted to by sailors.

If, after the publication of the Bill, the range which he proposed to give to it should be shown to be too extensive, it could, of course, be reduced by the Select Committee.

With these observations, he begged to move the first reading of the Bill.

The Bill was read a first time.

LAND CUSTOMS (BOMBAY PRESIDENCY).

MR. LEGEYT moved the second reading of the Bill "to make better provision for the collection of Land Customs on certain Foreign Frontiers of the Presidency of Bombay."

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

MR. LEGEYT moved that the Bill be referred to a Select Committee consisting of Mr. Eliott, Mr. Currie, and himself.

Agreed to.

NOTICES OF MOTION.

MR. CURRIE gave notice that, on Saturday next, he would move for a Committee of the whole Council on the Bill "to consolidate and amend the Law relating to the Abkaree Revenue in the Presidency of Fort William in Bengal."

Also, that he would, with the permission of the Council, move the second reading of the Bill "to make better provision for the order and good government of the suburbs of Calcutta and of the Station of Howrah." The Bill was rather a long one, but its provisions were for the most part taken from Acts which had been recently passed by this Council, and although questions might arise as to whether particular Sections should be retained, or whether other Sections of the Police and Conservancy Acts which had been omitted from this Bill, ought not to be included in it, such questions would properly be for the consideration of the Select Committee to whom the Bill might be referred. The only question, on the motion for the second reading, would be the general one, whether or not it was expedient to extend some of the Sections of the Police and Conservancy Acts for the Presidency Towns, be those Sections more or less, to the suburbs of Calcutta and the Station of Howrah.

The Council then adjourned, on the motion of the Chief Justice.

Saturday, September 6, 1856.

PRESENT :

The Honorable J. A. Dorin, *Vice-President*, in the Chair.

Hon. the Chief Justice.	C. Allen, Esq.,
Hon. J. P. Grant,	P. W. LeGeyt, Esq.,
Hon. B. Peacock,	and
D. Eliott, Esq.,	E. Currie, Esq.

THE CLERK presented the following Petitions :—

MUNICIPAL ASSESSMENT (CALCUTTA).

A Petition of the Mahommedan Association concerning the Bill "to comprise in one Act the provisions necessary for the assess-

ment and collection of Municipal rates and taxes in the Towns of Calcutta, Madras, and Bombay, and the several stations of the Settlement of Prince of Wales Island, Singapore, and Malacca;" and the Bill "for appointing Municipal Commissioners, and for levying rates and taxes, in the Town of Calcutta."

MR. CURRIE moved that the above Petition be referred to the Select Committees on the Bills.

Agreed to.

HINDOO POLYGAMY.

Also the following Petitions, praying for the abolition of Hindoo Polygamy:—

A Petition of Rausmoney Dossee, zemindar of Bansberriah, in Hooghly, and others.

A Petition of Hindoo Inhabitants of Moorshedabad.

A Petition of the Chief Pundits and other Hindoo Inhabitants of Nuddea.

A Petition of Hindoo Inhabitants of Midnapore.

MR. GRANT moved that the above Petitions be printed.

Agreed to.

STAMPS.

THE CLERK also presented a Petition of Gyadeen Pattuck, an Inhabitant of Behar, addressed to the Government of India, praying for a modification of Schedule A of Regulation X of 1839, regarding stamps.

MR. CURRIE moved that the above Petition be printed.

Agreed to.

PIRATICAL VESSELS (STRAITS SETTLEMENT.)

MR. PEACOCK postponed the motion (which stood in the Orders of the Day) for the first reading of a Bill to authorize the arrest and detention, within the Ports of the Settlement of Prince of Wales Island, Singapore, and Malacca, of Junka or Native Vessels suspected to be Piratical.

IMPRISONMENT OF CRIMINALS (STRAITS SETTLEMENT).

THE CHIEF JUSTICE moved the first reading of a Bill "relating to the imprisonment of Criminals in the Settlement of Prince of Wales' Island, Singapore, and Malacca." He said, he introduced this measure at the request of the Recorder of Singapore. That learned Judge entertained doubts—which he considered to be well founded—whether, under the Letters Patent which constituted the Court of Judicature there, the Court had power to sentence any criminal to imprisonment in any Gaol which was not under the control of the Sheriff. There was at Singapore a Common Gaol, which was a good Gaol enough, and under the control of the Sheriff; but it did not afford the means of efficiently carrying out sentences of imprisonment with hard labor, or of solitary imprisonment in those cases in which the Court, under any power given by Law, might direct such punishment to be suffered for a certain time.

There was also a good House of Correction at Singapore; but it was not within the precincts of the Gaol, and the Sheriff had no concern with it; but it was under the charge of the Superintendent of the Convict Establishment, and attached to the Convict Lines.

At Malacca, the same state of things existed, with the additional inconvenience that the only Sheriff's Gaol there was a very small and incommodious building.

What the state of things at Penang was, he was unable to say.

The Court of Judicature, as it existed under the former Letters Patent, had occasionally sentenced criminals to be imprisoned in these Houses of Correction; and the authorities who administered the Executive Government of the Straits Settlement had, he believed, approved of that course:—certainly, they had interposed no difficulty in the way of its being carried out. However, he had guarded against any possible objection on that ground by providing in the first Section that the concurrence of the Governor in such an use of any particular place of imprisonment within the Settlement, should be necessary.

Section II he had introduced for the purpose of preventing any question from arising regarding the legality of sentences of imprisonment in the several Houses of Correction by the Court of Judicature under the previous Letters Patent.

He had also—to meet the case of prisoners who, but for the doubts entertained by the learned Recorder, would have been sentenced to imprisonment in some House of Correction, had been, or, before the passing of this Act, might be sentenced to imprisonment in the Common Gaol, where they could not be conveniently kept to hard labor or in solitary confinement—introduced Section III, which

gave the Governor the power of removing such prisoners to any Gaol or House of Correction within the Settlement in which they might more effectually undergo the punishment to which they were sentenced. This was, in fact, a power analogous to that which Act VII of 1850 gave to the local Governments —an Act, however, which did not extend to any Court constituted by Royal Charter.

The Bill was read a first time.

EMIGRATION OF NATIVE LABORERS.

MR. PEACOCK moved the first reading of a Bill "to enable the Governor General of India in Council to suspend the operation of certain Acts relating to the Emigration of Native laborers." He said, intimation had been received from a private but perfectly trustworthy source that certain laborers, who had lately emigrated to the Mauritius, had been cruelly treated in that colony. He, therefore, moved the first reading of this Bill, the object of which was to enable the Governor General in Council to suspend from time to time any Act by which the emigration of Native laborers from India was authorized. As the law now stood, it was illegal for any person to enter into a contract with any native of India for service to be performed beyond the territories of the East India Company, or to assist any such native in emigrating beyond those territories. There were, however, certain exceptions to this rule. For instance, by Act XIII of 1847, the emigration of natives of India was authorized to Ceylon: by Act XV of 1842, the emigration of natives of India was authorized to the Mauritius. Similar Acts were subsequently passed as to Jamaica, British Guiana, and Trinidad: and lastly, by an Act passed by this Council last year, the emigration of natives was authorized from India to the colonies of St. Lucia and Grenada. The Council was aware that these Acts did not take effect *proprio vigore*, but that, for any of them to be of force, it was necessary that the Governor General of India in Council should previously notify a proclamation in the *Gazette* that proper measures had been taken in the colony to which emigration was permitted by the Act, for the protection of the emigrants, during their residence there, and for their safe return to India at the expiration of the period for which they had engaged to serve. The information from the Mauritius to which he had alluded, and which there was too much reason to believe to be true, was that, under a mistaken notion that there was cholera amongst them, nearly 700 coolies had been placed upon a barren rock there in the middle of the sea, without any shelter or covering, except a few tarpaulins; and that 200 of them died in the Island in consequence. Subsequently, on the arrival of several emigrant ships, two or three cases of dysentery having occurred during the voyage, the emigrants were compelled to remain on board those imperfectly-ventilated ships for several days, until a large number of them died. At this time, cholera was raging in the Island; and he supposed it would be said that the emigrants were not permitted to land under the authority of some Quarantine Laws. It was not for this Council to interfere with the laws of the Mauritius; and if the authorities of that Island maintained Quarantine Laws, the Council could not say that they must not maintain them. But coolies emigrating to that colony from India ought not to be subjected to those laws in the manner which he had described. The circumstances communicated called for the interposition of the Government of India. He believed that the question was now before the Bengal Government; but Act XV of 1842, having been brought into effect by the required proclamation, was still in force, and there were no means of preventing its continuing in force except by repealing it altogether by an Act passed by this Council, or in the way which he proposed in the present Bill. These were the only two modes in which the end sought for could be obtained. As to the first, he scarcely thought it would be the proper course, because it might not be necessary to prevent the emigration of natives of India to the Mauritius always: but the Legislature might enable the Governor General of India in Council to suspend the operation of the Act by a declaration in the *Gazette*, that proper measures had not been taken in the Mauritius for the protection of native emigrants on their arrival in the Island, and during their residence there, and for providing them with a return voyage on the expiration of their term of service.

Section IV of Act XV of 1842 imposed a heavy penalty on masters of vessels conveying native emigrants without a license; in the other Acts, there were also clauses which made it compulsory on emigrant vessels to obtain licenses from the local Governments under similar penalties. The object sought for might be attained by directing the local

Governments not to grant licenses. But that would be an indirect mode of arriving at the desired end, because, as he had said before, the object was, not to prevent emigration for all future time, but to see that those who emigrated were properly cared for in the colony to which they went. He, therefore, asked the Legislative Council to allow him to bring in a Bill which would enable the Governor General of India in Council, from time to time, as he might think necessary, to suspend the operation of any one of the Emigration Acts.

The Bill was not confined to the Mauritius Emigration. He had thought it right that the Governor General in Council should have the power of suspending any Act authorizing emigration which had been brought into force, and, therefore, this Bill authorized him from time to time to declare, by notification in the *Gazette*, that the emigration of coolies to any colony should cease for such time as the Governor General in Council might think fit.

One of the cases in which the Bill authorized the Governor General in Council to prohibit emigration to a colony, was where there should be reason to believe that proper measures had not been taken to provide a return passage to India for emigrants at or about the time at which they were entitled to it.

In many cases, coolies were not provided with a return passage when they were fairly entitled to it. Where coolies had stipulated to serve for a term of years, and to be provided with a return passage after their term of service, they were often left without any means of coming home. It had been suggested that, if the authorities in the colonies should not be able to provide a return passage for coolies, a certain payment should be made to the men from the time they became entitled to such passage until the passage was actually provided for them. Whether the coolies would accept these terms or not, it was unnecessary to consider now. All he desired at present was, that, where they stipulated for a return passage, the Government of this Country should take care that faith was kept with them, and that, at or about the time agreed upon.

After stating the several provisions of the Bill, Mr. Peacock said that the operation of the Enactment would be to enable the Governor General in Council, whenever he might see fit, having due regard to the comfort and interests of Native Emigrants, to suspend the operation of an Act authorizing emigration to any colony; but when the Governor General in Council found that proper measures were taken at the colony for their protection upon their arrival and during their residence there, and for providing return passages for them, the Governor General in Council might, by a notification in the *Gazette*, revive the suspended Act. This would prevent the necessity of frequent Legislation for the purpose of repealing existing Acts and afterwards renewing them; and it appeared to him that there would be no great inconsistency in allowing the Governor General in Council to suspend an Act by the same means by which he had brought it into operation—namely, by a notification in the *Gazette*.

The Bill was read a first time.

POLICE AND CONSERVANCY (SUBURBS OF CALCUTTA AND HOWRAH).

MR. CURRIE moved the second reading of the Bill 'to make better provision for the order and good government of the Suburbs of Calcutta, and of the Station of Howrah."

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

ABKAREE REVENUE (BENGAL PRESIDENCY.)

MR. CURRIE moved that the Council resolve itself into a Committee on the Bill "to consolidate and amend the law relating to the Abkaree Revenue in the Presidency of Fort William in Bengal;" 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.

MR. ALLEN said, he did not intend to oppose the motion for going into Committee and considering the Bill in the form in which the majority of the Select Committee had recommended it to be passed. But he wished to inform the Council now that, when the 4th Section should come to be proposed, he would take its opinion upon the principle of transferring the adjudication of Abkaree offences from Collectors to Magistrates. Should he be fortunate enough to carry the Council with him on this principle, there need be no delay in passing the Bill through Committee: for, in a great majority of the Sections no alteration need be made; and with respect to the other Sections, he was prepared with Motion Papers, in the framing of which he had had the advantage of the assistance of the Honorable Member to his left (Mr. Currie), and he had obtained this advantage

by reason of the fact that the majority of the Select Committee had not always been of the opinion which they now held, and that, while they held the opposite opinion, the one which he still held, the Select Committee had gone through the Bill altering the provisions as required by that principle.

He feared he had already, on the motion for the second reading of the Bill, detained the Council longer than he should in considering the principle in question; and he had also, in the Report, urged the same principle. But he wished, on this occasion, to offer one or two additional remarks on the subject.

In page 2 of the Report of the Select Committee, the majority of the Committee said:—

"It may be added that the present practice is consistent with the general principles of the Revenue Law. Thus, offences against the Salt Laws are punished by the Salt Agents and Superintendents of Salt Chokees, under Regulation X of 1819, and Act XXIX of 1838; and offences against the Customs Laws, by the Collector of Customs and Board of Revenue, under Acts XIV of 1836, and XVI of 1837."

He had, in his remarks in the Report of the Select Committee, mentioned a few instances in which it had appeared to him that this was not altogether correct. But there was one other point with which a further consideration of the subject had acquainted him—namely, that Act XVI of 1837 gave no power whatever to the Collector of Customs or the Board of Revenue to adjudicate penalties. Penalties under that Act were awarded for certain offences; but there was no provision whatever in it stating by *whom* they were to be adjudged. A previous Act (XIV of 1836) did say, that the Collector of Customs might withhold the port-clearance until he should have levied all the fines adjudged; but it did not say that the Board of Revenue should adjudge those fines; and as the Act of 1837 made no mention of the officers who were to adjudge them, offences against that Customs Act must follow the general law, and the penalties be left to the Supreme Court for adjudication.

He would also observe, as to the general principle of the Revenue Law, that Act XXV of 1840 was passed for the better protection of the Abkaree Revenue within the Presidency of Fort William in Bengal. By that Act, it was declared that the Abkaree superintendence of certain Districts should be made over to separate Commissioners acting under the direction and control of the Board of Customs, Salt, and Opium; and Section II specifically said:—

"And it is hereby enacted that, within the Districts so assigned to such Commissioner or Commissioners, the Governor of Bengal, or Governor, or Lieutenant Governor of the N. W. Provinces, may appoint any duly qualified persons not being of the description specially provided for in Section XXXI of Regulation X 1813, to be Superintendents of the Abkaree Revenue, and to vest them with the charge and management of the Abkaree Revenue under the orders of the said Commissioner within such local limits as to him may seem fit: and the persons so appointed shall exercise all the powers of Collectors in regard to this Revenue, *excepting the adjudication of cases of contravention of the Laws relating to Abkaree.*"

Therefore, the Legislature, in 1840, when they passed that Law, did declare, in that way, that the officers who administered the Abkaree Revenue, were not the proper persons for adjudicating offences against the Abkaree Laws. It was, no doubt, true that the exception was somewhat modified by Section III of the same Act, which provided as follows:—

"And it is hereby enacted that it shall be competent for the Governor of Bengal to vest any person appointed under the foregoing Clause to the charge and superintendence of the Abkaree Revenue with the power of adjudicating cases of contravention of the Abkaree Laws, in addition to the powers attaching to the office of Superintendent of Abkaree Revenue in the District or Districts assigned to him—provided that no such Superintendent, when so vested with the powers of adjudication, shall sentence any person to a fine exceeding rupees 200, whether commutable or otherwise; or to imprisonment for a term exceeding three months, except for a second offence under Section XVII of this Act."

It appeared to him that this provision was only intended for special cases. But even if it were not, it enabled a Superintendent of Abkaree to adjudicate offences against the Abkaree Laws only when he was vested with the power to do so by the Governor of Bengal, and then only to a limited extent. This Bill would authorize any person who was appointed a Superintendent of Abkaree, to exercise, by virtue of that office, the full powers of a Collector.

The only argument that he could find in any of the communications received from the Lieutenant Governor of Bengal, or the Board of Revenue, or Mr. Samuells, appeared to him to be that the Magistrates had too much to do, and that therefore it was advisable to give the power of adjudicating Revenue cases to the Collector. Now, in addition to what he had stated in the Report, it might be remarked there was no station in India where there was a Collector in which there was not also a Magistrate; but there were stations in

which there was a Magistrate but no Collector.

Besides, he would observe that the penalties provided by the Bill were very heavy. They were chiefly money penalties, and were to be divided between the informers and the Abkaree officers who apprehended the persons informed against; so that the Bill gave these persons a very direct interest in securing a conviction.

MR. CURRIE said, as the Honorable Member had brought forward at this stage his objections to the Bill in the form in which the majority of the Select Committee had recommended that it should be passed, it seemed to be necessary that he should take the opportunity of saying a few words in reply.

He had but little to add to what he had already said upon this question in the debate on the motion for the second reading, and in the Report of the Select Committee. He would now only briefly recapitulate the reasons for which he supported the Bill in its present form.

His first reason was, that adjudication by the Collector had been the Law now for forty-three years, and he had never heard any objection urged to it.

His second reason was, that, since the publication of this Bill, no one who had expressed an opinion with respect to it, had advocated the change for which the Honorable Member contended. On the contrary, those officers who had noticed the subject at all—the Lieutenant Governor of Bengal, the Calcutta Board of Revenue, and another officer of rank and experience, the Commissioner of Cuttack—strongly recommended that the present system should be continued.

The third reason for which he supported the Bill, as now before the Council, was that the present system was in accordance with the general principle of the Revenue Law. The Salt Law, the Opium Law and, as he maintained, the Sea Customs Law, were framed on this principle. The Honorable Member had referred to Act XVI of 1837. It was hardly necessary to enter upon an argument as to the legal question raised by the Honorable Member. That Act provided for certain penalties. Doubtless it did not specify in what manner those penalties were to be enforced; but Act XVI of 1837 was a supplement to Act XIV of 1836; and that contained general provisions for the adjudication of all Customs penalties by the Collector and the Board of Revenue, and he had not the slightest doubt that it was fully intended by the framers of Act XVI of 1837 that the penalties for which it provided should be adjudicated under the general rules prescribed by the earlier Act.

The Honorable Member had also referred to Act XXV of 1840. He (Mr. Currie) knew something of the grounds upon which that Act had been passed, and could say that, although, when Abkaree Superintendents were first appointed, it was considered safe to provide for withholding from inexperienced officers the power of adjudication, the intention certainly was eventually to give them that power, and latterly at least every Abkaree Superintendent, without exception, did adjudicate penalties for offences against the Act.

In the Report of the Select Committee, the Honorable Member had also referred to the Inland Customs Act in the North-Western Provinces. He (Mr. Currie) considered that to be an exceptional Act; and it only partially supported the Honorable Member's views; for, although, under it, fines were to be adjudged by the Magistrate, confiscations were to be adjudged by the Revenue Officers. And there was this reason why fines under that Act should be adjudicated by Magistrates—that, in the Districts of the North-Western Provinces, there were, generally, no Customs Officers of a superior grade who could adjudicate cases of infringement of the Customs Laws.

His fourth reason for supporting the Bill in its present form was, that he believed the existing system was in every respect more convenient, and provided for more efficient administration. It seemed to him that, when an offender against the Abkaree Law was arrested and brought before the Collector, it must be much better that the Collector should dispose of the case at once, than that he should be obliged to hold a preliminary enquiry, and then send on the case to another officer, who, after all, would probably not be so well qualified as himself to deal with it, since the Collector would necessarily have a better knowledge of all the details of the department.

He (Mr. Currie) did not deny that, in a highly-civilised state of Society, it might be desirable to separate as much as possible the executive from the judicial, and that such separation might be correct in principle. But it would be a false system of legislation to look only to abstract theories, and set aside altogether the peculiar condition of the people for whom we legislate. He believed that any minute division of authority was not understood by the people of this country,

and that it was prejudicial to prompt and efficient administration.

For these reasons, and considering the very great difference between the two countries, he (Mr. Currie) was not disposed to place much reliance upon analogies drawn from English Law. But he must remark that the state of the Law upon this subject in England was not exactly as represented by the Honorable Member in the remarks made by him in the Select Committee's Report. Within the limits of the Chief Office of Inland Revenue in London, it had been, from the very beginning, the practice for penalties for infractions of the Excise Law to be adjudicated by the Commissioners of Excise. It was true that, within the last few years, power had also been given to Metropolitan Police Magistrates to decide similar cases within those limits; but the power had never been taken away from the Excise Commissioners. By the Statute 15 and 16 Vict., that power was expressly continued to them; and he apprehended that, had it been considered that there was really any objection in principle to the adjudication of Revenue cases by Revenue Officers, the opportunity would have been taken to withdraw that power altogether, instead of merely giving a concurrent jurisdiction to Magistrates.

The Motion for going into Committee upon the Bill, was then put and carried.

Sections I to III were passed as they stood.

Section IV enacted that Collectors might, subject to a proviso, make over any part of their duties to Deputy or Assistant Collectors.

MR. ALLEN moved that this Section be left out of the Bill, as it would be unnecessary if the Council should determine that the power of adjudicating penalties and forfeitures for offences against the Excise Law, should be transferred from Collectors to Magistrates.

MR. CURRIE observed that, as he understood the matter, it was the wish of the Honorable Member to take, on this motion, the sense of the Council with respect to the principle of adjudicating for which he contended. To vote that this Section should be struck out, would be, in effect, to vote for the transfer of the power of adjudicating from the Collector to the Magistrate.

MR. GRANT said, after the discussion that had taken place, he would only observe that he was entirely convinced by the arguments of the Honorable Member for the North-Western Provinces; and, therefore, he should support his motion to strike out the Clause. The whole question resolved itself into this—was it advisable that a man should be made the Judge in his own case? and he apprehended that, unless some peculiar necessity were shewn, the Council would not pass a Clause which would have that effect. Where was the peculiar necessity in this case? The Honorable Member for the North-Western Provinces had said that there were at least as many Magistrates as Collectors. Had he gone farther, and said that there were a great many more officers scattered over the country with the powers of a Magistrate than with the powers of a Collector, he would have been quite correct. And he hoped the day was not far distant when the number of officers with the judicial powers of a Magistrate would be very greatly increased. It had always been his wish, and he believed it was the wish of many interested in Police and Judicial reform in India, that every Moonsiff should have judicial powers in the Criminal Department. How absurd would it be that an offender against the Abkaree Laws, arrested in some remote Pergunnah, should be taken from under the very eyes of a Moonsiff having criminal powers, in order to be tried fifty miles away by the Collector.

MR. CURRIE said, he could not understand upon what principle the giving of power to Revenue Officers to adjudicate cases of this kind could be said to be making men judges in their own cases. To make a man a judge in his own case was to leave to him the adjudication of a case in which he had an undoubted personal interest. Now, no one could contend for a moment that the Collector had a personal interest in any case of contravention of the Abkaree Laws. His belief was—if it were not, he would have thrown up his view of the question at once—that Collectors might quite as safely be trusted with the adjudication of these cases as Magistrates. Probably, the Council had seen what was said upon that point by the Officers who held the view which he entertained. Mr. Samuells, with whom the Board and the Lieutenant Governor had expressed their concurrence, said:—

"The Bengal Collector, as the Board are aware, takes no active part in the collection of the land revenue. The revenue is poured into his treasury on stated days. He neither goes nor sends in search of it. The case is very much the same with regard to the Abkaree revenue. When shops are let or licenses are granted, either the license fee is paid down at once, or a month's tax is deposited in advance. Arrears

are never permitted in well-conducted offices, and the revenue is paid in with nearly as much punctuality as in the Land Revenue Department. The Collector, therefore, has no such personal interest in these collections as to bias him in the decision of cases arising out of a breach of the laws under which they are made."

The Honorable Member opposite (Mr. Grant) had said that there were three or four times as many Officers with the powers of a Magistrate as there were Officers with the powers of a Collector, scattered over the country. He (Mr. Currie) doubted that. He knew that it was the intention that all Deputy Magistrates in charge of Subdivisions, should have the powers of Deputy Collectors for the trial of summary suits for rent, and also of Abkaree cases; and he was under the impression that that intention had been pretty generally carried out.

THE CHIEF JUSTICE said, he confessed that, if he had not had the advantage of hearing the remarks of the Honorable Members who had spoken before him, he should have felt some difficulty in determining what vote he should give upon this question. In point of principle, it appeared to him that the Honorable Member for the North-Western Provinces was right. It was desirable not to leave even a color for the imputation that offences against the Revenue Laws were adjudicated, not indeed by Officers who could exactly be said to be judges in their own case, but yet by Officers who also performed administrative duties respecting the subject matter of those cases. On the other hand, he should not venture, in the position which he held of one who had never been concerned in the internal administration of this country, to propose any change which those more conversant with that administration considered expedient. But when he found that the proposal of the Honorable Member for the North-Western Provinces was recommended, not only by his own authority, which in Revenue matters was high, but also by the authority of the Honorable Member to his right (Mr. Grant), he thought he was bound to give his vote according to what he considered the principle of the case required.

He conceded to the Honorable Member for Bengal that, in other countries than this, the adjudication of matters of this kind would be placed on the footing of exceptional cases. We all recollected the libellous definition which Dr. Johnson gave of the term Excise in the first Edition of his Dictionary. He described it as "a hateful tax levied upon commodities and adjudged, not by the common judges of property, but wretches hired by those to whom Excise is paid."

Of course, it would be preposterous to apply any such exaggerated view to a Collector adjudicating in this country any matters of that kind. He believed, for his own part, that a Collector was as little likely to be open to bias as a Magistrate would be. But the Honorable Mover of the Bill could not escape this conclusion—that, although he had the analogy of the English system in his favor, inasmuch as the Commissioners of English Revenue had clearly a sort of concurrent jurisdiction with the Magistrates, still this Bill went much farther than the English Act, which left the adjudication of offences against the Excise to the Commissioners of Revenue. The Clause in question would carry this power far beyond the Collector of Land Revenue, because it provided that it should be lawful for a Collector to make over to any Assistant Collector, or to any Deputy Collector appointed under Regulation IX of 1833, all or any of the duties of a Collector under this Act The real danger of such powers being entrusted to Officers who were concerned in the administration of the Revenue was, not so much that they would unduly favor the demands of the Government in order to swell the amount which was to pass through their hands, as that, being daily in contact with the subordinate officers by whom the seizures or arrests might be made, they would, as was naturally the case with almost every person in authority in regard to his own officers, acquire a bias in their favor, and be exposed, in their decisions against offenders, to the imputation of improperly supporting all their acts. Consequently, if no strong administrative reason could be alleged against a transfer of the power of adjudication from Collectors to Magistrates, he confessed he should incline in favor of the change recommended by the Honorable Member for the North-Western Provinces, and vote in support of his motion that Section IV of this Bill be left out.

The question being put, the Council divided:—

Ayes 6.	*Noes* 2.
Mr. Allen.	Mr. Currie.
Mr. Elliott.	Mr. LeGeyt.
Mr. Peacock.	
Mr. Grant.	
The Chief Justice.	
The Chairman.	

Sections V to XIX were passed as they stood.

Section XX was passed after an amendment rendered necessary by the omission of Section IV.

Sections XXI and XXII were passed as they stood.

Section XXIII provided that spirits from foreign territory should be subject to duty.

MR. CURRIE said, this Section had been altered in Select Committee, and the alteration had left it in rather a doubtful state. It now stood thus :—

"Spirituous liquors manufactured at the foreign Settlement of Chandernagore, or at any other place in India beyond the limits of the Company's territories, shall, on passing those limits, be charged with the duty prescribed for proof spirits in Section VIII of this Act."

The limits here assigned were too wide. It ought to be, as the Section originally provided, "on passing the limits of the Company's territories subject to this Act." He should, therefore, move that the Section be amended accordingly.

The motion was carried, and the Section then passed.

Sections XXIV to XL were passed as they stood.

Section XLI, after providing that a license might be re-called in certain cases, said :—

"If the Collector desire to re-call a license for any cause other than those above specified, he shall give fifteen days' previous notice, and remit a sum equal to the tax for fifteen days;—or, if notice be not given, shall make such further compensation for default of notice as the Commissioner or Board of Revenue shall direct."

MR. CURRIE said, the latter part of the Section had been altered in Select Committee ; but he thought the change was no improvement, and he should move that the original words be restored, by which the Collector would only be bound to give one month's previous notice, or make such compensation for default of notice as the Commissioner or Board of Revenue should direct. Many cases might arise to render necessary the re-call of a license, and a power of re-call must necessarily be reserved. One case of the kind he referred to, was mentioned in Section LXXXVII, which provided that within the limits of any military cantonment, and within a circle of two miles from such limits, licenses granted for the manufacture of spirits and for the sale of spirituous and fermented liquors, should be immediately withdrawn upon the requisition of the Commanding Officer. He thought that one month's notice, or compensation in default of such notice, was quite sufficient protection to the license-holder. The provision of the Section, as it originally stood, had long been the Law in the Mofussil, and it was adopted in the Calcutta Act of 1849, and the Madras Act of 1852. At Bombay, he believed, licenses might be re-called at pleasure without any notice at all.

His Colleagues in the Select Committee said in the Report that

"They had thought it right to assimilate the compensation to be given for the withdrawal of a license to the fine to be exacted for the resignation of a license."

That is to say, a sum equal to the tax for fifteen days. Why that should be, he confessed he was unable to see. If it were right to give compensation, the measure of the compensation should be the profits of the vendor, and not the tax which he paid to Government, the amount of which had no sort of connection with the amount of his profits.

The provision with respect to vendors in the following Section was intended as a check upon offers being made for obtaining the privilege of sale in particular localities at a higher rate than the shops were really worth. People often made such offers for the purpose of unseating vendors, and, when they had succeeded in establishing themselves, resigned for the purpose of enforcing a reduction of the tax. It was necessary therefore, that some penalty should be exacted for resignation within the term of license; but there could be no corresponding reason for levying a penalty on the Government for re-calling a license.

MR. ALLEN said, the reason why the majority of the Select Committee had altered the terms upon which a license should be re-called was, that it appeared to them that giving a license for one year was a sort of contract between the Collector and the Farmer, and should not be broken without good cause ; and that, when the license was re-called within the year, the same amount should be paid to the license-holder as compensation which he would be obliged to pay, under Section XLII, for surrender of the license within the year—namely, a sum equal to the tax for fifteen days over and above the sum payable under the license.

The penalty provided by this Section appeared to him to be a proper one. It often happened in parts of the country that the profits of a farm were not the same at all seasons of the year. During the holidays, for example, a farmer would be in expectation of making larger profits than during other

parts of the year. If he were to take out a license for one year, it would not be right to call upon him to surrender it just on the eve of the holidays, when he might expect larger profits than the average, without giving him a consideration for the same.

MR. CURRIE'S amendment being put, the Council divided :—

Ayes 2.	*Noes* 5.
Mr. Currie.	Mr. LeGeyt.
The Chairman.	Mr. Allen.
	Mr. Eliott.
	Mr. Peacock.
	Mr. Grant.
	The Chief Justice.

The Section was then passed as it stood.

Sections XLII to XLV were passed as they stood.

MR. CURRIE moved the insertion of a new Section after Section XLV. In the old Abkaree Law, he said, there was a form of license prescribed which was omitted in this. That form contained a prohibition of certain disorderly and irregular practices which, as the present Bill now stood, were not expressly prohibited. He had accordingly prepared a Section by which any vendor permitting drunkenness, riot, or gambling in his shop, or allowing notoriously bad characters to meet or remain therein, or receiving wearing apparel or other effects in barter for drugs or intoxicating drinks, would be subject to a fine not exceeding Rupees 200. There was a similar Section in the Calcutta Police Act passed the other day.

The Section was agreed to.

Sections XLVI and XLVII were passed as they stood.

Section XLVIII was passed after an amendment.

Sections XLIX to LIX were severally passed as they stood.

Section LX was passed after an amendment.

MR. ALLEN moved that Section LXX of the Bill (which empowered the Collector to issue warrants of arrest in certain cases) and Section LXXI (which empowered the Collector to issue warrants of search) be placed after Section LX.

Agreed to.

MR. ALLEN moved that the following new Section be inserted after the above transposed Sections :—

"Whenever any person is arrested under the warrant of a Collector, the Collector, after such enquiry as he thinks necessary, shall send the person arrested in custody to the Magistrate, or shall order his immediate release."

Agreed to.

Sections LXI to LXIX were severally passed, after amendments rendered necessary by the transfer of adjudication from the Collector to the Magistrate.

Sections LXX to LXXIV were severally negatived.

Section LXXV provided the punishment on second or subsequent conviction.

After an amendment made in this Section,—

MR. LEGEYT moved that the following Proviso be added :—

"Provided that every person convicted of an offence under this Act, shall be imprisoned in the Civil Gaol."

He thought that imprisonment in a Criminal Gaol would hardly be a fair measure of punishment for a Revenue offender. A man might be convicted of several offences under this Act who might be guilty only of an omission. If he were to be imprisoned in a Criminal Gaol, he would be put amongst the worst of criminals. The classification of Gaols in India was extremely defective; and he thought that the principle recommended by the majority of the Select Committee ought to be preserved, and that persons convicted of a violation of the Abkaree Laws, should be liable only to confinement in the Civil Gaol, where the rigors of imprisonment were much less severe. He should, therefore, move that this Proviso be added to the Section as amended.

MR. ALLEN said, this would be going against the principle of the Law which existed in all our Courts at present. Under Act II of 1839, the general rule respecting non-payment of fines awarded against offenders, was as follows :—

"It is hereby enacted that, in all cases of fines by which offenders are or may be punishable by any Magistrate, according to the provisions of any Act heretofore passed, or which shall hereafter be passed by the Governor General of India in Council, it shall be lawful, in case of non-payment, if no other means for enforcing payment are or shall be provided by such Act, or otherwise, for the Magistrate, by warrant under his hand, to levy the amount of such fine by distresses and sale of any goods and chattels of the offender which may be found within the jurisdiction of such Magistrate; and if no such property shall be found within such jurisdiction, then it shall be lawful for every such Magistrate, by warrant under his hand, to commit the offender to prison, there to be imprisoned only, or to be imprisoned and kept to hard labor, according to the discretion of such Magistrate for any term not exceeding two calendar months, where the amount of the fine shall not exceed 50 Rs., &c."

Mr. Allen

It was not immediately upon the default in payment that the person would be taken to prison, but only when it was found that he had no property upon which to levy a distress for the fine; and he did not know why Revenue offenders should be punished in this respect less than any other offenders. The rule which the Honorable Member opposite (Mr. LeGeyt) would introduce, would interfere with the general procedure of Magistrates in cases of fine.

MR. LEGEYT said, his object was to save Revenue offenders from the permanent disgrace and stain which would attach to them if they were cast as prisoners among criminals in a Zillah Gaol. Regulation XXI of 1827, which was the Law in Bombay for offences against the Excise, provided that offenders should be sent to the Civil Gaol, and there detained as Revenue defaulters

SIR JAMES COLVILE said, he wished to draw attention to this question. The subject had been considered before by the Board of Revenue; and the Board said, plausibly enough, that fiscal offences stood, in the public estimation, rather on a different footing from offences of any other class. They said:—

"It is very true, as mentioned by Mr. Currie in the Statement of objects and reasons of the proposed Bill, that salt smugglers are punished by imprisonment in the Criminal Jail. But in the opium-producing districts, the possession and carriage of contraband opium are not considered to bring with them on detection any moral delinquency, and people of a very different class from the salt smuggler in Bengal are engaged in these transactions. The degradation of confinement with felons in the Criminal Jail would be most severely felt by the people of the Behar and Benares provinces, and would not only leave a great stigma on the offenders, but, amidst the extraordinary ramifications of caste, and the strict adherence to its requirements prevalent in those parts, would seriously affect their families in matrimonial and other arrangements. Our Excise Laws are not very popular with our subjects, and the Board see no reason for rendering them less so by this additional security."

He thought that the argument of the Honorable Member for Bombay went rather too far. He could understand why the distinction contended for should be made in the case of offences that were merely fiscal; but he did not see why an Abkaree Officer who should be convicted under Section LXV of this Bill, which was a provision against neglect of duty, or under Section LXVI, which was a provision against misconduct, should be dealt with in a manner different from any other offender whom the General Law would send to a Criminal Gaol.

After some conversation, Mr. LeGeyt's motion was, by leave, withdrawn, and, on the motion of Sir James Colvile, the further consideration of the Section postponed.

Section LXXVI (which provided a penalty for vexatious complaint or information) was negatived.

Sections LXXVII to LXXIX were severally passed as they stood.

Section LXXX was passed, after some amendments.

Section LXXXI being read by the Chairman—

MR. PEACOCK said, he did not see any sufficient reason for the insertion of this and of the four following Sections, which related to the farming of duties. Notwithstanding the revenue which was derived from the Abkaree, it was the duty of the Council to pass such Laws as might discourage, rather than encourage, the use of spirituous liquors and intoxicating drugs by the natives of this country; and it appeared to him that these Sections were rather calculated to encourage than to discourage such use. He was not sure whether it was intended that, when the farmer granted a license, the sub-vendor might sell without the Collector's license. If the Collector's license were to be got rid of, then all the terms which the Collector ought to impose with the view of discouraging the consumption of spirituous liquors by the natives would be got rid of. If the terms upon which a retail-dealer should sell country spirits were to be prescribed by the farmer, of course the farmer would consult his own interests by prescribing such terms as would produce the greatest consumption of spirits.

He did not know whether it was intended by Section LXXXIII that the amount of duty payable by the sub-vendors should be arranged by the Collector, or whether the farmer should make his own arrangements with the sub-vendors. A man who paid rent to Government for a farm of the Abkaree so far as it related to the sale of country spirits, would of course have an interest in getting as much as he could from those who held under him; and if they did not pay him the rent reserved upon their licenses, he would have the power to press them as he pleased, and to cancel their licenses. In order to be able to pay the rent reserved, what would the sub-vendors do? Why, of course, each would sell as much spirits as he possibly could to the people.

This Bill would be introducing a new

principle in Lower Bengal. At present, he understood there was no Law by which the Board of Revenue could sub-let the power of granting licenses to retail-dealers in Lower Bengal. That principle existed in the North Western Provinces; but it did not exist in Bengal; and when the Legislature was called upon to consolidate and amend the Law relating to the Abkaree revenue in Bengal, it ought to consider whether it was expedient that the new power proposed should be given. His opinion was, that it should not be given, because the effect would be to encourage, rather than discourage, the sale of country spirits to the natives. If the Government should lose much in consequence of a diminished sale, it ought to be remembered that the benefit to the people would be great. The Abkaree revenue, as now collected, was rather a means of deterring the people from indulgence in intoxicating liquors and drugs, because where a duty was imposed on the sale of such liquors and drugs, purchasers had to pay so much more for them. But where an Abkaree tax was imposed merely for the purpose of increasing the revenue, it had a direct tendency to injure the morals of the people, and, instead of conducing to the general good, became a public evil.

MR. CURRIE said, he entirely agreed in the sentiment with which the Honorable and learned Member had concluded his speech. He considered that the object of all Abkaree Laws should be to discourage and restrict the consumption of intoxicating drugs and liquors as much as possible. But the Honorable and learned Member was under an entire misapprehension as to the present state of the Law and the effect of the Bill. He had spoken of the Bill as giving a new power in the Lower Provinces of Bengal, whereas, in fact, the Law was the same throughout the Presidency, and the Bill made no material alteration in it. Until about sixteen years ago, the practice of farming the Abkaree revenue was universal throughout both divisions of the Presidency. But in Bengal the receipts were small, and it was thought that the farmers made very large profits, and that what ought to come as revenue to the Government, went into the pockets of the farmers. It was therefore determined to take the Abkaree mehal into the immediate management of Government, and, with that view, Act XXV of 1840 was passed, and Abkaree Superintendents were appointed. It had been asserted—whether truly or not, he was unable to say—that the consequence of this had been an increase in the consumption of spirits. It had been repeatedly alleged, though he himself doubted the fact, that the effect of the change from farming to a system of direct management had been an increase of drunkenness. Be that as it might, the prevalence of the idea was opposed to the Honorable and learned Member's opinion of the necessary effect of farming.

The Honorable and learned Member had said that the interest of farmers must be to promote the greatest possible consumption of spirits. He (Mr. Currie) apprehended that their interest must rather be to procure the largest possible amount of profits. That might be done by selling at high prices, as well as by promoting a large consumption. It was proverbially the tendency of all monopolies to make large profits out of small quantities. Therefore, he did not see that a system of farming did necessarily tend to the promotion of a large consumption of spirits. In point of fact, throughout the Upper Provinces and the Province of Behar, the Abkaree revenue was let in farm; and it seemed to him that the farming system had this advantage, that it interposed the agency of private persons, and thus the Government Officers were not brought into contact with the people in connection with the sale of liquors.

The Honorable and learned Member had expressed a doubt of the object and effect of Section LXXXIII. The intention of that Section was that, when the duties leviable on the retail sale of intoxicating liquors or drugs were let in farm, the license of the farmer should take the place of that of the Collector, and that the farmer's license should have all the protection which was given to the Collector's license. The Honorable and learned Member had said that a farmer, having obtained a lease, might adopt any measures he pleased for pushing the consumption of spirits. He seemed to have altogether overlooked Section LXXXIV, which said:—

"Provided always, that every such farmer shall be required to file in the Collector's office a list of all the licenses granted by him in such form as may be prescribed by the Board of Revenue. Provided also, that it shall be lawful for the Collector, with the sanction of the said Board, before entering into engagements for any such farm, to make such reservations or restrictions with respect to the grant of licenses as may be deemed proper and expedient."

Mr. Peacock

The Honorable and learned Member had also said that the farm given must stand good for the term of lease, and that, provided the farmer paid the revenue, and observed the conditions of his lease, the Collector's hands would be tied during that period, whatever might be the effects of the farm in increasing drunkenness. But Section LXXXV authorized the cancelment of farms for other causes than a breach of the conditions of lease, and the imposition of reservations and restrictions with respect to the grant of licenses within the period of lease, on payment of suitable compensation.

He would only add that these Sections could not be struck out of the Bill, without entirely subverting the arrangements of the Department through the greater part of the Presidency.

SIR JAMES COLVILE said, he confessed that this question took him rather by surprise, and he had some difficulty in making up his mind regarding it. As to the moral part of the question, it seemed to him that, if the Government determined to raise a revenue by this particular vice, it would make very little difference whether it raised it directly, or through the intervention of a farmer. When the Emperor Vespasian levied a particular tax, he defended it against the ridicule of his son by saying that it did not smell; and he (Sir James Colvile) apprehended that a tax derived from the use of intoxicating liquors or drugs, would not become the sweeter because it passed through a given number of hands before it went into the coffers of the State. It, therefore, appeared to him that much would not be gained, on the score of morality, by granting these licenses to farmers. On the other hand, he could not but think that the farming system must certainly tend to encourage the consumption of spirits. For a farmer was a person who presumably took the farm for a profit: the Government would put as high a price upon the farm of Abkaree duties as it could get: the object of the farmer would be to get as large a profit as he could upon the price he paid; and he would have no scruple in pushing the sale of liquors and drugs within the district to which his farm attached, to the greatest possible extent. In the Straits Settlement, farms of opium were almost the only revenue which the Government now retained. He thought that the Straits Government had at one time also raised a revenue by other vices amongst the people, such as cock-fighting and gambling. In some parts, this had been done away with, after considerable difficulty, by Sir Stamford Raffles. His own opinion was, that the Government did not gain in a moral point of view by granting farms for the sale of intoxicating liquors and drugs. He thought it possible that, when farms were granted, the profit to Government would be rather less than otherwise, and that the larger share would go into the pockets of the farmer. He should rather prefer to leave the power of farming, as it was left by the Bill, permissive, and trust to the consideration of the Board of Revenue the extent to which it would be expedient to continue that system. If it should really prove to be pernicious, it would be very easy, by a subsequent Act, to take away that power. But he thought that the Council would be legislating rather rashly if it were, by this Bill, to take away the power now.

MR. GRANT said, he agreed almost entirely in what had fallen from the Honorable and learned the Chief Justice. He felt a difficulty in introducing so sudden a change in the system that was in operation over a great part of the country. But although, for that reason, he could not vote in support of the motion of the Honorable and learned Member opposite, he wished to say that he agreed with the greater part of what the Honorable and learned Member had said upon the principle involved. And if he were now deciding as an executive question whether the farming system should be adopted in any place, he should vote against its adoption. He thought that it was a pernicious system in every respect. It was not favorable to the Government revenue, and it was still more unfavorable in other respects to the Public. The only reason why, he believed, the farming system was ever adopted, was that the Abkaree business of a district was a troublesome and disagreeable business, and the Collector was glad to avoid it by making it all over to a farmer. For his own part, if the Honorable and learned Member would bring in a Bill to prohibit the system of farming, to which the local Governments would have an opportunity of making any objections they might have to urge, he would support such a Bill. But he thought that to make the change in Committee now would not be safe; and therefore, although he very much agreed with the Honorable and learned Member, he was inclined to vote for the retention of these Sections.

MR. PEACOCK said, he confessed he did not feel the force of the arguments

advanced by the Honorable and learned Chief Justice and the Honorable Member opposite (Mr. Grant.)

He had been mistaken as to the Law in Bengal when he had spoken last; but it was admitted that he was right as to the practice which obtained. It made no difference in his argument whether or not the law and practice in Bengal were at variance with the law and practice in the North Western Provinces. There was no very great urgency for passing this Bill, and, if it was necessary to give time to alter the present practice in the North Western Provinces, the further consideration of the Bill might be postponed. But when the Council was called upon to consolidate and amend the Law relating to the Abkaree revenue in Bengal, it should see whether there was sufficient reason for altering the practice which was in existence in Bengal, it ought to determine which of the two systems was the right and which the wrong one. If it found that it was wrong in principle that the duties leviable on the retail sale of country spirits should be let in farm, it would not insert clauses in this Bill which would authorize Collectors to farm such duties. The Honorable Mover of the Bill had said that the abolition of the farming system in the Lower Provinces, and the transfer of the Abkaree to the direct management of Abkaree Superintendents had had the effect rather of increasing, than of diminishing, the consumption of country spirits.

MR. CURRIE said, he had stated that this had been asserted; but he himself did not agree in the assertion.

MR. PEACOCK said, if it were the fact that officers of revenue, by the interest which they had in enhancing the revenue, had increased the consumption of country spirits, what must be the consequence of letting out the retail Abkaree duties to farmers, whose interest in increasing the consumption of such spirits would be personal and pecuniary?

Suppose the Board of Revenue let out retail Abkaree duties for the purpose, not of increasing, but of decreasing the Abkaree revenue—a thing however, which it could hardly be supposed they would do—and that they found that instead of a decrease there was an increase, he (Mr. Peacock) saw nothing in the Act which would enable them to destroy the lease.

MR. CURRIE referred to Sections LXXXIV and LXXXV.

MR. PEACOCK said, the Council did not know what the reservations or restrictions with respect to the grant of licenses there referred to were to be. The Honorable Member had said that the object of farmers must be, not to sell the largest quantity of spirits possible, but to realize the largest possible amount of profits; and that this object might be attained by selling a small quantity at a very high price, the consequence of which would be a decrease in the consumption. But he (Mr. Peacock) did not think that the retail dealers would be induced to proceed upon that principle. He had no doubt that they would very much prefer proceeding upon the principle, so well known and recognized by all retail dealers, of quick sale and large returns.

Why was the Commanding Officer in a Military Cantonment to be called upon by Section LXXXVII to say whether licenses for the manufacture of spirits and for the sale of spirituous and fermented liquors, or farms of the duties leviable on such spirits and liquors, should or should not be granted within certain limits of the Cantonment? He was to be called upon, not for the purpose of protecting the revenue, but for the purpose of protecting the troops. The Commanding Officer in Cantonment, then, would protect the troops: but who would protect the people? We knew full well, from the Report of Mr. Cockburn, the late Chief Magistrate of Calcutta, that, although the Abkaree revenue of this City was under the immediate management of a Collector, whose interest in increasing the consumption of spirits must be much less than that of a farmer, the consumption had, in reality, considerably increased. Ought, then, the Council to enable farmers to press larger sales by empowering them, instead of the Collectors, to annex conditions to the licenses which they might grant to their sub-vendors? the Council knew well that farmers had a personal and pecuniary interest in producing as large a consumption as possible, and that that must injure seriously the morals of the people.

For the reasons he had given, he should move that Sections LXXXI to LXXXV of the Bill, inclusive, be struck out of the Bill.

The question being put, the Council divided:—

Aye 1.	*Noes* 7.
Mr. Peacock.	Mr. Currie. Mr. LeGeyt. Mr. Allen. Mr. Elliott. Mr. Grant. The Chief Justice. The Chairman.

So the motion was negatived.

Sections LXXXI to LXXXIV were then severally passed as they stood.

Section LXXXV was passed, after an amendment.

Sections LXXXVI to LXXXVIII were passed as they stood.

Section LXXXIX was passed after an amendment.

Section XC was negatived as unnecessary after the omission of Section IV.

Section XCI was passed as it stood.

Section XCII was passed after an amendment.

The Council having resumed,—

NOTICES OF MOTIONS.

MR. ALLEN gave notice that he would, on Saturday the 13th instant, move the second reading of the Bill "for the acquisition of land for public purposes."

SIR JAMES COLVILE gave notice, that he would, on the same day, move the second reading of the Bill "relating to the imprisonment of Criminals in the Settlement of Prince of Wales Island, Singapore, and Malacca."

MR. LEGEYT gave notice that he would, on the same day, move the second reading of the Bill "for taking account of the population of the Town of Bombay."

MR. ELIOTT gave notice that he would, on the same day, move the second reading of the Bill "for the regulation of Native Passenger Ships."

POLICE AND CONSERVANCY (SUBURBS OF CALCUTTA AND HOWRAH.)

MR. CURRIE moved that the Bill "to make better provision for the order and good government of the Suburbs of Calcutta and of the Station of Howrah" be referred to a Select Committee consisting of Mr. Eliott, Mr. Allen, and the Mover.

Agreed to.

NOTICES OF MOTIONS.

MR. PEACOCK gave notice that he would, on Saturday the 13th instant, move the second reading of the Bill "to enable the Governor General of India in Council to suspend the operation of certain Acts relating to the Emigration of Native Laborers."

Also that he would, on the same day, move that the Standing Orders be suspended, to enable him to pass the Bill through its subsequent stages.

The Council adjourned.

Saturday, September 13, 1856.

PRESENT:

The Honorable J. A. Dorin, *Vice-President*, in the Chair.

Hon. the Chief Justice.	D. Eliott, Esq.,
His Excellency the Commander-in-Chief,	C. Allen, Esq., and
Hon. B. Peacock,	P. W. LeGeyt, Esq.,

HINDOO POLYGAMY.

THE CLERK presented the following Petitions, praying for the abolition of Hindoo Polygamy:—

Seven Petitions of Hindoo Inhabitants of Calcutta.

A petition of Hindoo Inhabitants of Autpore in the District of Hooghly.

And four Petitions of Hindoo Inhabitants of Kishnaghur.

SIR JAMES COLVILE moved that the above Petitions be printed.

Agreed to.

MUNICIPAL ASSESSMENT (CALCUTTA).

THE CLERK also presented a Petition from Messrs. Cook and Co., of Calcutta, concerning the proposed tax on Horses and conveyances provided in the Bill "for appointing Municipal Commissioners and for levying rates and taxes in the Town of Calcutta."

MR. ALLEN moved that the above Petition be referred to the Select Committee on the Bill.

Agreed to.

HOUSES WITHIN MILITARY CANTONMENTS.

THE CLERK reported to the Council that he had received, by transfer from the Secretary to the Government of India in the Military Department, a letter from the Bombay Government drawing attention to a former communication relating to an order made by the Judge of Dharwar directing the attachment of a house situate within the Belgaum cantonment at the suit of a mortgagee whose mortgage deed had not been registered or sanctioned by the Commanding Officer.