

Saturday, 30th June, 1860

PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL OF

INDIA

Vol. VI

(1860)

Rupees for any offence under Section LXXII relating to composition.

THE CHAIRMAN moved the following addition to the penalty:—

“and treble the duty justly chargeable in respect of all the sources of his income.”

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

Sections CCXVIII and CCXIX were passed as they stood.

The consideration of the Bill was then postponed, and the Council resumed its sitting.

The Council adjourned at 10 o'clock, on the Motion of Sir Bartle Frere, till to-morrow, at 11 o'clock.

Saturday, June 30, 1860.

PRESENT :

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

The Hon'ble Lieut- Genl. Sir J. Outram,	H. B. Harington, Esq.,
The Hon'ble Sir H. B. E. Frere,	H. Forbes, Esq.,
The Right Hon'ble J. Wilson,	A. Seance, Esq., and The Hon'ble Sir M. L. Wells.

BOUNDARY MARKS (FORT ST. GEORGE).

THE VICE-PRESIDENT read a Message, informing the Legislative Council that the Governor-General had assented to the Bill “for the establishment and maintenance of Boundary Marks and for facilitating the settlement of Boundary Disputes in the Presidency of Fort St. George.”

EMIGRATION TO NATAL.

SIR BARTLE FRERE moved the second reading of the Bill “relating to Emigration to the British Colony of Natal.”

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

EMIGRANT VESSELS.

SIR BARTLE FRERE moved the second reading of the Bill “relating to

vessels carrying Emigrant passengers to the British Colonies.”

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

KOONCH AND CALPEE.

Mr. HARINGTON moved that the Bill “to remove the *Pereunnahs* of Koonch and Calpee, in Zillah Jalloun, from the operation of the general Regulations,” be read a third time and passed.

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

ARMS AND AMMUNITION.

The Order of the Day being read for the adjourned Committee of the whole Council 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”)—

Mr. HARINGTON said, before they went into Committee on the Bill, he thought it right to mention to the Council that he had received a letter on the previous evening from the Secretary to the Government of the North-Western Provinces, in which he was reminded that Act XXVIII of 1859, which extended the duration of the original Arms and Ammunition Act for the further period of six months, would expire to-day; and he was urged to take immediate steps, in order that what had already been done towards disarming the Native population of the North-Western Provinces might not be rendered abortive or of no effect by the cessation of the law. [Mr. Harington here read an extract from the letter received by him.] He went on to say that it was the knowledge that the present law was about to expire which had led him to give notice in the Orders of the Day, published on Thursday last, of his intention to move to-day the suspension of the Standing Orders. It appeared to him very desirable, either that the Bill now in Committee should pass into law to-day in such form as the Council might in their wisdom determine, or if that could

not be done, then, in order to avoid an interregnum, that a temporary law should at once be passed. Of the two branches of the alternative, he thought there were many reasons why it would be better to have recourse to the former.

The Council then resolved itself into a Committee on the Bill.

Section XXVI (which was the exemption Clause) provided as follows :—

“ The foregoing provisions shall not apply to—

“ Officers, Non-Commissioned Officers, Warrant Officers, Soldiers, and Sailors in the Military or Naval Service of Her Majesty, in respect of arms and ammunition kept by them for use in the public service.

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

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

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

THE CHAIRMAN moved the substitution of the words “ provisions of the last two Sections ” for the words “ foregoing provisions ” in line 1.

Agreed to.

THE CHAIRMAN then said, it appeared to him that the Bill, as it now stood, fell short of the object for which it was intended, and he would propose to follow the advice given by the Honorable Member for Bengal on a former occasion that, before proceeding to legislate, we should clearly understand what was intended to be done. Now he (the Chairman) would ask, what was the object of this Bill? Was it a Police Bill to prevent people walking about armed, or was it for the purpose of disarming the native population, as had already been done by Government in the Punjab, Oude, and the North-Western Provinces? As the Honorable Member for Bengal had said last Saturday, the Bill, as it now stood, was not a disarming, but an arming Bill, for any man who had been disarmed under Act XXVIII of 1857 could now repossess himself of his arms, and the Magistrate had no power to take away arms from any

person, unless he went armed and the Magistrate considered it dangerous to the public peace to allow such person to go armed or to carry arms. He (the Chairman) considered that the Bill ought not merely to prevent persons from going armed, but should enable the Government to disarm and to keep them disarmed, and to prevent them from even having arms in their possession. In the North-Western Provinces he believed many persons had been disarmed; was it the intention of the Government to allow them to keep arms in their houses? The old Bill prevented that, for Section IV empowered the Magistrate to take away arms from any person in whose possession they could not be left without danger to the public peace, and Section V prevented such persons from going armed—the first of these Sections had been left out of the present Bill. He did not know whether the Executive Government were satisfied that the necessity no longer existed for continuing the Clause, or that all the arms in the possession of the native population in those parts of the country where Act XXVIII of 1857 was put into force, and their arms had been taken away from them, should be allowed to arm themselves again. He would merely observe that, according to the Bill as it now stood, each man who had been disarmed might keep two or three fire-arms without any penalty whatever, and could only be interfered with if, according to Section XXXI, he had a larger quantity than in the judgment of the Magistrate could be left in the possession of such person without danger to the public peace. He (the Chairman) should therefore like to know from one of the Honorable Members who represented the Government, whether it was the intention of Government to disarm the country or merely to restrict the carrying of arms.

SIR BARTLE FRERE said, he thought he could satisfy the Council on this point. The Act passed in 1857, as the Council was aware, empowered the Executive Government to authorize any of its officers to make domiciliary

visits in search of arms. In the opinion of the Government and of its officers there was no necessity for continuing that power of making domiciliary visits. If at any future time there should be any apprehension of a likelihood of danger to the public peace, he was sure that the Government would come down and ask the Council for a restoration of that power, and he was equally sure that the public spirit of the Honorable Members of this Council would enable them to sanction the measure.

THE CHAIRMAN said, he thought it was a power which ought to be continued to Government. But if the Executive Government were satisfied that the power was not necessary, and did not want it, he did not see how the Legislative Council could compel them to take it. He wished, however, to introduce into this Section an exception in favor of Europeans. As to its being necessary to provide for disarming a European going about drunk with a gun in his hand and likely to do injury with it, every policeman had that power already; whereas, if this Bill were passed, he could not do so if the man showed a license. It was not therefore strictly a Police Bill, if the Police were to be prevented from taking away arms, as they ought to do, from any one who might be in an unfit condition to carry them. He did not see the slightest necessity for disarming Europeans. Nobody had ever shown that they had at any time made a bad use of their weapons. They were not in the habit of doing here what they did in Ireland, shooting at men from behind hedges. But if this were merely a Police Act why did it not extend to iron-bound *lathees*? A great deal of harm had been done with them. The natives in many parts of the country could not be trusted with fire-arms. He therefore saw a reason for disarming them, but none for disarming Europeans. As a Police measure, this Bill would not be sufficient; whilst as regards Europeans, no statement had been made out to show that in any one single instance had it been necessary to take away fire-arms from any one of them, on the ground

that it was dangerous to allow him to keep them. Then why should Magistrates have the power of disarming them? He therefore proposed the insertion of an exception to the effect that nothing contained in this Act should extend to Europeans, Americans, or Eurasians. The Honorable Member of Council to his right (Sir Bartle Frere) had suggested the insertion of words empowering Government to exempt wealthy natives and others who might object to the indignity of being compelled to take out a license. He (the Chairman) had no objection to the insertion of those words. We could not say what particular persons amongst the natives were fit to be entrusted or not, and therefore could leave this power as to individuals in the hands of the Government. But we could say that there was a certain class, namely, Europeans which could be trusted, and he therefore considered it his duty, as a Legislative Councillor, not to pass this Bill without the exception which he had proposed. The cry of class legislation had been raised. To cite precedents, however, in support of his proposition, he would mention that when the Act of 1857 was put in force in Shahabad, Europeans and Eurasians were exempted from its operation. When the Act was extended to Pegu, Europeans were exempted from the provisions of Sections I to V of the Act. This was class proclamation, and surely there was no difference in principle between it and class legislation. All the arguments brought forward against the exemption appeared to be nothing more than this—"Don't except Europeans as we wish them to be subject to the same law that we consider necessary to pass for the Natives. Let us make no distinction." But, he would ask, did any one here wish or intend to say that Europeans ought to be disarmed? The Honorable Member for Madras indeed had made some observation which might be regarded in that light. But what did the Honorable Member say? Why, he mentioned something about some Europeans having committed outrages, and thought that a sufficient ground for the whole body to be included in the Bill. Now he (the Chairman)

would venture to say that no argument could be weaker or more untenable than that advanced, and he would therefore ask if no better reason could be assigned for subjecting Europeans to the provisions of the Act. In Shahabad and Pegu, as he said before, Europeans had been exempted by Government from the provisions of Act XXVIII of 1857, which was merely a temporary measure. Now that it was to be made permanent - was there greater reasons why Europeans should be included? If, since the passing of that Act, no extraordinary circumstance had taken place to induce the Government to suppose that the exemption should not be continued, he (the Chairman) thought that the exemption had better now be made applicable as well to Americans and Eurasians, as to Europeans. He therefore moved the insertion of the following Clause :—

“ Nothing in the provisions of the last two Sections shall extend to any European, American, or Eurasian.

SIR BARTLE FRERE said that, with regard to the object of the Bill, he could add but little to what he had stated when the subject was discussed on the previous occasion—it was certainly not the object of Government, as surmised by the Honorable and learned Chairman, to re-arm the people. The object was to continue and make permanent the provisions of the Disarming Act of 1857, as far as was necessary for a permanent police measure. The Act of 1857, as he (Sir Bartle Frere) had, on a previous occasion, pointed out, was calculated to meet the exigencies of a time of great public danger, and the Government of India was of opinion that many of the provisions of that Act, justifiable and no doubt necessary at the time, might now be dispensed with. He need only instance the power of permitting native police officers to make domiciliary visits in search of arms. It was considered by the Executive Government that the powers asked for in the present Bill were sufficient, if properly used, to ensure the complete disarmament of the country.

The Chairman

The Honorable and learned Chairman had expressed a strong opinion that the provisions of the present Bill would not be effectual for such a purpose. This opinion was not shared by the Executive Government, who did not think it proper to ask the Council for larger powers, or a more stringent Bill than was absolutely necessary ; but he (Sir Bartle Frere) could assure the Council that if, in working the Bill now before them, it should be found inadequate to effect its object, no time would be lost by the Executive Government in applying for larger powers, and he (Sir Bartle Frere) felt confident that, in such case, the Council would not refuse to grant them.

The Honorable and learned Chairman had next found fault with the Bill, because its provisions would not enable the Magistrate to secure the public against persons carrying arms, who were, in the Magistrate's opinion, dangerous to the public peace, but who, the Honorable and learned Chairman seemed to hold, could not be disarmed if they were protected by a license. He (Sir Bartle Frere) would not venture to differ from his Honorable and learned friend on the legal efficacy of any provision in the Act, but the Magistrate, who could grant, could at any time revoke a license, and he (Sir Bartle Frere) believed that, even if it were not so, the general regulations would fully justify the Magistrate in apprehending such a person, and holding him to bail for his good behaviour, whatever might be the terms of the license which he held.

The Honorable and learned Chairman had next asked why the Act did not apply to “ lathees,” the iron bound clubs, which might be called the national weapon of Bengal? No doubt circumstances might arise which might render it necessary to legislate for this class of weapons also ; but it did not appear to the Executive Government of Bengal that this necessity had arisen, and until it arose, there were obvious objections to embarking in legislation which might affect the walking sticks of the whole community.

THE CHAIRMAN begged to correct the Honorable Member; he did not object to the Act, because it had not extended to "lathes."

SIR BARTLE FRERE regretted he had misunderstood the Honorable and learned Chairman's remarks, and would address himself to the main question. The Honorable and learned gentleman had asked—"Why should Europeans be disarmed?" He (Sir Bartle Frere) begged to deny that it was in the remotest degree the object of the Bill, or that it would be the result of the Bill, either to disarm Europeans or to diminish in any degree the facilities they now possess for carrying arms. He begged the Council would look dispassionately, and all prejudice apart, at the provisions of the Bill, and contrast them with the law as it now stood. In the first place, by the present law, to which, as he understood, neither of his Honorable and learned friends objected, Europeans as well as Natives were liable to have their houses searched and their arms removed, even by inferior Police Officers. Under the Bill now before the Council, this liability would exist no longer, and Europeans as well as Natives, against whom no special cause of suspicion existed, would be able to keep in their own houses, and for their own defence, any amount of arms they wished.

Then, with regard to carrying arms abroad, the Bill before the Council provided two modes by which any European or respectable Native might secure himself the power of carrying any arms he pleased unmolested. He might obtain a personal exemption, or he might obtain a license on payment of one rupee. The Act gave power to the Magistrate to remit the payment of the rupee in "any case in which he may be satisfied of the inability of the person applying for the license to pay the same, or for any other cause." The Magistrate might thus grant a license to any poor European without the payment of any fee. And as regarded the fee generally, if it were considered by the Council to be objectionable, he (Sir Bartle Frere),

for his own part, would not wish to retain it. The European, then, rich or poor, might get an exemption, or he might get a license by paying one rupee, or even without paying it. But suppose the European went out armed without exemption and without license, what did the Act then provide? Why, it provided that even then he could not be disarmed, unless he was considered dangerous to the public peace. And did any Honorable Member really believe that any European who was not really considered dangerous to the public peace could ever be disarmed under these provisions? No such complaint had ever been made under the existing Act, which contained none of the facilities for obtaining licenses provided in the one before the Council. If any Honorable Member could lay his hand on his heart and say that he, in his conscience, believed that, under the provisions of the Act before them, any inoffensive European could ever be stripped of the arms necessary to his defence, and be left unarmed and defenceless to the fury of a savage mob, he (Sir Bartle Frere) would give up the whole question.

The Honorable and learned Chairman had laid great stress on the exception of Europeans in the Proclamations extending the Act of 1857 to Pegu and Shahabad. He (Sir Bartle Frere) would not shelter himself under the argument that these Proclamations were issued by the Local Government.

THE CHAIRMAN begged to correct the Honorable Member. The proclamation as to Pegu was issued by the Government of India.

SIR BARTLE FRERE repeated, he did not wish to insist on the argument, but he would contend that there was an essential difference between the case of a proclamation extending a highly penal Act to a disturbed district, and a general law which it was intended to make a permanent measure of police. But, even if it were otherwise, we were now considering the intrinsic right and wrong of the matter, and this was not a question to be decided by precedent.

The Honorable and learned gentleman had said little in answer to the arguments against class legislation in

general. He had hardly noticed them. In discussing this question elsewhere, those arguments had been treated as a delusion, but had never been controverted. It was not necessary for him (Sir Bartle Frere) to repeat those arguments so well known, and he believed so unanswerable. The speech of his Right Honorable friend opposite, at their last discussion on this Bill, had, he thought, set the question at rest as far as this Council was concerned. But he (Sir Bartle Frere) would ask the Council to consider carefully the difficulties and inconsistencies in which they would become involved the moment they quitted the broad principles so well laid down by his Right Honorable friend (Mr. Wilson). The Honorable and learned Chairman proposed to insert an exemption in favor of all Europeans, "Americans, and Eurasians." He (Sir Bartle Frere) need not remind the Council of the difficulty so often pointed out of deciding what classes were included in the last named class. The exception would certainly not include large bodies of native Christians every way worthy of the same privileges, but he would ask why should not the exemption include men of the same nationality as ourselves, and differing only in accident of birth place. Men of English, Dutch, or German descent, who were neither Europeans, Americans, nor Eurasians, but who, if your exemption depended on the country of their birth, must be classed as Africans, because born and bred in the Southern part of the African continent. Then there were our vast Australian colonies every year becoming closer connected with India. Are our fellow-subjects born in Australia to be excluded from this so-called privilege, because they are neither "Europeans, Americans, nor Eurasians;" but let us confine our attention to India itself. Among the signatures to the requisition for the public meeting, which presented the petition now before the Council, appear the names of some leading Armenian merchants, gentlemen as well entitled as any of Her Majesty's subjects to enjoy all the privileges of our countrymen in

Sir Bartle Frere

this land. Are you going to abandon them and exclude them from this exemption, because they are neither "Europeans, Americans, nor Eurasians?" This Section might be enlarged, but he (Sir Bartle Frere) would ask the Council if he had not said enough to show the endless inconsistencies into which you are betrayed directly you leave the straight and well-marked path pointed out by Her Majesty's proclamation? He would not venture in the presence of his Honorable and learned friends to dwell on points of constitutional law, but would ask whether the whole history of our nation has not been one of struggle for equal rights to all classes of British subjects? We have within the last half century expended largely the blood and treasure of our nation to get rid of slavery, do not let us, for an object which had been shown to be purely imaginary, enter on a course which is marked by some of the worst features of slavery. Let us be just to all, and carry out to the best of our power the liberal and equal principles laid down in Her Majesty's proclamation.

SIR MORDAUNT WELLS said, to his astonishment he had heard a Member of the executive Government say, for the first time that day, that it was the intention of the Government to abandon one of the most important Sections of the Act of 1857, namely, that which related to the search for arms. Although the Bill had been under discussion before, nothing had been said on the subject. On the last occasion he understood that the object sought to be attained by the Bill as altered was substantially to carry out the legislation of 1857, and he had said that on that understanding he was prepared to give it his support. He had clearly understood that the legislation of 1857 would remain intact. He was now told that, although an Arms Act was now about to be passed, it was not considered desirable by Government to make provision for domiciliary visits in search of arms. There were thousands of sepoys in the North Western Provinces who had committed dreadful atrocities during

the mutinies. Was it intended that each of these men should be allowed to hang up his rifle in his cottage and the Magistrate or other official to have no power to take it away from him, thus allowing them to husband their resources till a fit occasion called for their use? If Government would say that Oude was completely disarmed, that there were no arms buried which under this Act, might be dug up and hung up in the cottages of their possessors, he would not oppose the wishes of the Government, but leave the responsibility with them. He could not however understand the policy which would permit thousands and ten thousands of the old sepoys, who were mutineers, men whose atrocities ought never to be forgotten, to have arms. Surely it could not be said that the struggle was one to avenge oppression. On the contrary, they had been too kindly treated, he might say pampered, by an over-considerate Government. The struggle was nothing more or less than a religious struggle, having for its object to overthrow the British rule and to exterminate the Christians. Up to the present day there were, he was certain, thousands and ten thousands of such mutinous men scattered about in Oude and in Cawnpore, and were these men to be allowed to have in their possession their rifles and their spears ready to be taken out when occasion offered? Was there any part in the Bill that would allow the Magistrate or any officer to enter the cottage of one of these men and take away his rifle? The Bill was nothing without that provision. If the executive Government would say, however, that they were satisfied and really believed that the work of disarming had been completed, and that there were no more arms to be taken away, he would give his support to the Government in passing the present measure in its present form. But with any thing short of that he would not take the responsibility. He would ask whether an Act, which had been carefully considered by such men as Mr. Dorin, the then Vice-President of this Council, the late Chief Justice, and Mr. Grant, the present Lieutenant-Governor of Bengal, and which, after having passed a Committee

of the whole Council, had been twice re-committed, should be allowed to get into the hands of the Honorable Member for Bengal and the Honorable Member for the North-Western Provinces, and to be converted by them into a totally different Bill, for no other reason than that it was to be a permanent measure, which he should have thought was a greater reason why it should not be altered in so extraordinary a manner. Was it safe, he would again ask, to allow such people to arm themselves? Were thousands of sepoys living together in one village, each to be allowed to keep his rifle, and, under no circumstances, to be deprived of it, unless he carried it to the street without a license? Was the Government prepared to say that a search for arms should not be allowed, because each man had only one gun? How did they know by what means arms would be brought into the district, and a hundred thousand stands of arms might not be collected in this way? If each man could pay his two or three Rupees annually, he might carry out as many arms as he pleased; and then, if another mutiny broke out, what would the Government do.

But what was the reason assigned for giving up the power of search provided for by the Act of 1857? Because, as we had been informed by the Honorable Member for the North-Western Provinces, the Government could not trust its own officers, who had committed great oppression under this power. The Police Officers in India not fit to be trusted forsooth! But surely when they made that admission that they could not confer on the Police such a power as regards natives, what right had they to clothe these officers with the exercise of any powers as regards Europeans? He (Sir Mordaunt Wells) had said that he would stand by the legislation of 1857. But if we were going to strike out the main provision of the law of 1857, by allowing natives to keep arms, and at the same time to deprive the European of his right to keep and carry arms without a license, he (Sir Mordaunt Wells) must say that he was entirely opposed

to it. He denied that the Legislature had any power to take away those rights. The Bill of Rights was as much in force in India as in England, and by it Englishmen had a right to carry arms, and this Council had no right to fritter away those rights. Were they to deprive Englishmen of that right, because it became unnecessary to place a restriction on the natives, which restriction had been brought about through their own acts? Could we do so after having experienced such frightful results as had been brought about by the late mutiny, which he would say was not a military mutiny, but a general and deep laid conspiracy to exterminate the English from this country? It could not be said that such acts of violence had been produced by an arbitrary rule. On the contrary, the native army had been under a very humane Government. Yet they rose and murdered their Officers with their wives and children. It is now clear that the mutiny was not a mere military mutiny? It was entirely a class mutiny, a caste and religious rising of the Mahomedans and Brahmins for the purpose of exterminating the Europeans from this country. And were you to allow thousands of such men to keep arms? The idea was preposterous and absurd in the extreme; and it was not without considerable anxiety that he said that, if such dangerous characters were to be allowed to keep arms, some day or other it would not at all be unlikely to see them abuse that privilege. Independently of this, other serious consequences might arise, which it was their duty to avoid. For instance, what police force would you have to prevent an European Engineer living in some isolated district being attacked and plundered by a body of these armed men? And yet forsooth the European Engineer was to be required to take out a license to defend himself. He said, again, that it was impossible for him to support this measure. If, however, it were pressed, he would divide the Council upon it. In after days, when he might not be here, he should not

wish it to be said that when such an omission was proposed he had not strenuously endeavored to oppose such an alteration.

In making perpetual the Act of 1857, it could never have been the intention of the Government to expunge the principal Sections of that Act, and by doing so, to render it, as the Honorable Member for Bengal had observed, an Arming instead of a Disarming Act. He (Sir Mordaunt Wells) would prove that such a thing was never contemplated, and he would prove it, notwithstanding the pretence which had been set up by the Honorable Member for the North-Western Provinces, that it was intended to make it a Police Bill. If that were the case, why should the Honorable Member for the North-Western Provinces come forward with such an absurd proposition, that the people in Oude, in common with others, might now be allowed to take out a license to keep arms, because he did not think that the officers of Government were fit to be trusted. He would direct the attention of the Council to the following extract from a speech of the Honorable Member for the North-Western Provinces:—

“Large power of exemption was vested by it in the Government, and he could scarcely contemplate the possibility of the provisions of the Act being applied to any respectable European, except as regarded the manufacture of certain articles, which he thought, all would admit was proper, and the registration of arms, which could put no one to any great inconvenience.”

This was what happened in August 1859, when the Honorable Member brought in a Bill to make perpetual the Act of 1857. He would also read the observations of his Honorable and gallant friend (Sir James Outram) in the debate which took place on the same Bill. His Honorable and gallant friend said:—

“He therefore thought that it was but right to prevent the recurrence of such cases by investing Magistrates with the power of disarming, at their discretion, any such persons as they might consider unfit to be trusted with dangerous weapons. This Bill did not prevent every European from possessing arms.

Sir Mordaunt Wells

It was made to meet the case of all classes of our subjects, and as he understood, it would seldom be enforced against Europeans, and the Governor-General had the power of exempting any respectable and trustworthy person from its operation. This Bill was intended to be enforced only against those who might be considered dangerous characters."

He believed every word of that most significant extract, and he need not say that he was quite willing to allow that, if any European were a dangerous character, there ought to be some power. But how stood the matter now? It was proposed to allow every one, who took out a license, to carry arms, whether he was a European or native, and whether he was in an unfit state to carry them or not. It was also said that, because the Government had no confidence in its own Officers and because the Section in the Act of 1857, which gave the right of search for arms had been used as an instrument of oppression, therefore that Section was now to be omitted, and thousands of sepoys in Oude were to be allowed to keep arms without any power to the Magistrates to deprive them of the same. Now he would venture to ask the Honorable Member for the North-Western Provinces, was it just or was it fair that you should propose to entrust to such officials the power of taking away arms from a European? Did you propose to subject Europeans to officers whom, by your own admission, you cannot trust? The officials of courts, of which no words can express their corruption, where, from one end of the land to the other, perjury and bribery reigned triumphant? Why, when he was present at the sitting of the Indigo Commission the other day, he heard a Clergyman say that his petition of complaint was torn up before his eyes, because he would not give a bribe to one of the native officials. He had already alluded to the speech of the Honorable Member for the North-Western Provinces, in which he said that "he could scarcely contemplate the possibility of the provisions of the Act being applied to any respectable European." Were you not now going to apply the Act to all Europeans? In that same

speech the Honorable Member had quoted a passage from a speech delivered in this Chamber on the 5th September 1857, when Act XXVIII of that year was passing through a Committee of the whole Council. From the passage referred to, it was clear that the late Chief Justice was opposed to making it compulsory on Europeans taking out licenses. The Chief Justice said—

"He entirely acquitted many of the critics of this Bill of having read it. For instance, he had seen a complaint that Europeans were to be compelled by it to take out a license to possess arms; whereas the Council well knew that the provisions to that effect had been struck out of the Bill some weeks ago."

And now, without the authority of Government, the Select Committee had inserted provisions in this Bill, which had, two years ago, been condemned by the whole Council. What was to be the position of India if we were to have such legislation? He (Sir Mordaunt Wells) had confidence in the Executive Government, and he would sooner see this Council swept away to-morrow and leave the legislation of the country in the hands of the Executive Government. The Honorable Member, in legislating for his peculiar constituents in the North-Western Provinces, which he represented, seeing that an Act which had, after mature deliberation, been passed by this Council had worked well, now thought it necessary to alter that Act. In proposing such a measure, however, the Honorable Member could not see why he should exclude Europeans, and instead, of making the Bill more perfect, he had, by omitting one of its best Sections, rendered that Act useless. Now he would very much wish to know what information had been laid before the Select Committee for the adoption of this absurd change, or why the Select Committee should alter the Act at all. It was said that class legislation was unfair. But he would ask the Council, was it fair to deprive Europeans of their right to carry arms wherever they pleased, or to place them under any restriction whatever, because the natives had rebelled? Such a measure was not

only unconstitutional, but it was opposed to the feelings of the Europeans. The Honorable Member had, on his own responsibility, inserted the obnoxious Clauses in the present Bill, on the ground that several outrages had been committed, and that bad Europeans had spread all over the country. This must have been a very rapid spread, for only in August 1859 the Honorable Member declared that all Europeans could be entrusted with arms. The fact was that the Honorable Member could not carry the alleviating clause, which would free the natives from the oppressions of the corrupt Courts, by permitting them to keep fire-arms in their houses, without subjecting Europeans also to the same machinery—the system of licensing, which, he was glad to say, was not to become the law of the land. He would again ask, what right the Council had to deprive Englishmen of their constitutional privileges? If he were to be told in reply that it was necessary to include Europeans in the Act because their exemption would give offence to the Natives, he (Sir Mordaunt Wells) would call that class legislation, he would call it unequal legislation, and unfair legislation. What right have you to deprive loyal subjects of such a right? His Right Honorable friend had referred to the Irish Coercion Bill. But that Act was not a permanent measure, and no Arms Act had ever been made permanent, as this Bill was proposed to be made, but was generally renewed from year to year. Where did the Honorable Member for the North-Western Provinces gain the experience and knowledge of legislation to embolden him to do what the British Parliament shrank from doing? He (Sir Mordaunt Wells) had before him the last Bill passed after the last outbreak, and he observed in it an excellent provision, which he thought ought to be applied to this country, that all districts were freed to pay for damage done in them by rebels. To extend the principle of that provision to this country—to propose the enactment of such a provision, and thereby to make it understood through-

Sir Mordaunt Wells

out India that the inhabitants of a district would be required to pay the expenses of a mutiny or revolt in that district—would be an act worthy of the Executive Government. But to fritter away the rights of loyal subjects, and to place them on an equality with rebels, was a course which it was unworthy of the Executive Government to pursue, and unworthy for this Council to sanction. Europeans in the Mofussil did not stand in the same position as we did here, and we ought to take care of their interest, which we would not be doing, if we subjected them to the native Police Officers of the Mofussil. In making these observations he wished it to be distinctly understood that it was not his intention to cast the slightest blame on the Magistrates themselves. The Members of the Civil Service were men of high moral worth and ability, but many of themselves had told him that, with the materials they had to work with, they were completely paralyzed.

SIR BARTLE FRERE rose to say a few words in explanation.

Without entering into all the many topics to which his Honorable and learned friend had adverted, he would refer to the picture he had drawn of provinces in which ten thousand sepoys hung up, each in his cottage, his musket or rifle, and were supposed to be not amenable to the authority of the Magistrate. He would only refer His Honorable and learned friend to Section XXXI of the Bill before them, which he believed would be ample for every practical purpose; but if it were not thought so, it was open to his Honorable and learned friend to move a Clause extending the Magistrate's power to search for arms; but he (Sir Bartle Frere) must reserve to himself the power to vote against it, if it went beyond what was considered absolutely necessary by local officers, for he saw serious objections to the granting such powers, unless imperatively called for.

The charges of his Honorable and learned friend, that we were proposing a light Act for Natives and a heavy one for Europeans, would be

sufficiently answered if the Clauses of the Bill before them were compared with those of the Act of 1857. It would then be seen that the present Bill, where it was not identical with the Act of 1857 was, as it now stood, in every respect a mitigation of that Act, and that like that Act it applied equally to Natives and Europeans. There was no single provision now in the Bill which applied more severely to either class than the Act of 1857, of which the Honorable gentleman had stated his approval; but there were many points in which the Act, as regarded both classes, was essentially mitigated.

His Honorable and learned friend was also mistaken in stating that this Bill was brought in without the sanction of the Executive Government, and that he was also mistaken in attributing the provisions of which he disapproved to the Honorable Member for the North-Western Provinces. If the Honorable and learned Member referred to the proceedings of the Council, he would find that the Bill was originally brought in on behalf of the Supreme Government by Mr. Harington, who was then acting as a Member of that Government, and that in August it was referred to a Select Committee, consisting of Mr. Harington, Mr. Sconce, Mr. LeGeyt, and Sir Charles Jackson. In the absence of the other two Members of the Select Committee the Bill was reported by Mr. Harington and Mr. Sconce so that it had neither been originally brought in without the sanction of the Supreme Government, nor were its provisions the individual opinions of his friend, the Member for the North-Western Provinces.

Then the Honorable and learned gentleman had asked why were the penal provisions of the Act of 1857 given up? And he (Sir Mordaunt Wells) had answered his own question by saying, "Because Government cannot trust its servants!" And he had repeated this more than once, alleging as the Government's reason for mitigating the provisions of the Bill of 1857, that the Government had "no confidence in its Magistrates." He (Sir Bartle Frere) must beg emphatically to deny the

justice of the inference drawn by his Honorable and learned friend. The Government of India trusts its servants and has confidence in its Magistrates to the same extent and for the same good reasons that it always had. No doubt abuses did occur under that law of 1857. They must occur in any country where such a law might unfortunately require to be enforced. They would occur even if you had the agency of the London Police. Government did not wish to continue the severe provisions of the Act longer than was unavoidable, but in relinquishing those provisions Government was in no degree actuated by a distrust of its Magistracy.

The Honorable and learned gentleman had more than once adverted to the Bill of Rights, but he (Sir Bartle Frere) would venture to remind his learned friend, though he quoted from memory, that the Bill of Rights confined the right of having arms, to arms required for the subject's defence, and such as were "permitted by Law," and in this respect he could find nothing repugnant to the Bill of Rights in the present Act. That great Charter of our liberties also confined the right to subjects who were "Protestants." A limitation which he felt sure his Honorable friend would not wish to see imported into the present Bill. He would not follow his Honorable and learned friend into his sweeping condemnation of the administration of justice in this country. He (Sir Bartle Frere) could not agree that "the Courts were corrupt from the one end of India to the other." He could name some Courts where he was sure his Honorable friend would agree with him justice was administered in a manner to command universal respect. He need not enter into details, but he could not let such a sweeping condemnation pass without recording his dissent from it.

MR. HARINGTON said, he had listened with some surprise and great regret to the speech which they had just heard from the Honorable and learned Judge on his right (Sir Mordaunt Wells), and he could not but

think that when the Honorable and learned Judge came to reflect upon that speech, he would feel that it was not calculated to promote that harmony and good feeling amongst all classes of Her Majesty's subjects in India, which were so essential to the welfare and prosperity of the country, and of all residing in it, and which was one of the objects contemplated by Her Majesty in the Gracious Proclamation which she had been pleased to issue on assuming the Government of the country; but that, on the contrary, such addresses could only keep up that feeling of antagonism between Europeans and Natives, which had already been attended with such mischievous consequences, and which the Government were very properly doing all in their power to allay. It was impossible for the Government of the country to be carried on if these party or class feelings were kept up. He (Mr. Harington) could not but think such speeches as the one they had just heard must have the effect of embarrassing the Government, and of adding greatly to its difficulties without doing any good, and it must be obvious to all that, at the present time, when they were on the point of introducing the important financial measures proposed by the Right Honorable gentleman opposite (Mr. Wilson), the success of which would depend so greatly upon the temper in which they were received by the people, it was highly inexpedient to cause irritation, and, above all, to set one class against another. The Honorable Member of Council on his left (Sir Bartle Frere) had answered much that had fallen from the Honorable and learned Judge, and he (Mr. Harington) would not occupy the time of the Council by going over the same ground. There were some points, however, in the Honorable and learned Judge's speech, which had not been touched upon by the Honorable Member of Council, but which he (Mr. Harington) thought called for notice. The Honorable and learned Judge had mentioned more than once that it had nowhere been stated that this was a Police, as well as a

Political Bill—and the same remark, if he recollected rightly, had fallen from the Honorable and learned Vice-President. He (Mr. Harington) was surprised at the observation, because in the speech with which he (Mr. Harington) introduced the Bill, repeating what he had said on a former occasion, he distinctly stated that, although Act XXVIII of 1857, like some of the Special Acts passed about the same period, and which there could be no doubt grew out of the circumstances of the times, was also a temporary Act only, the Government for some time previously had had under its consideration the expediency of introducing a law for the purpose of disarming the population of the country, as calculated materially to repress crimes attended with violence, and generally to contribute to the maintenance of the public peace. He pointed out that in the Punjab a general disarmament of the population had been carried into effect with the best results, and that to this measure had been attributed, in no small degree, the remarkable tranquillity which prevailed throughout the Territory at the very time that the greater part of the North-Western Provinces was in a state of anarchy, and he observed that, although it was quite right and proper that most of the Special Acts passed in 1857 should not be allowed to remain in force a day longer than was necessary in reference to the circumstances which had called them into existence, Act XXVIII of 1857 was of a different character, and there were obvious and cogent reasons for its continuing on the Statute Book, and for its becoming one of the permanent laws of the country. He trusted he had said enough to satisfy the Honorable and learned Judge that the present Bill had not simply a political object, but that it also looked to police purposes. As they were informed was the case in the Punjab and in other places which had been disarmed, he (Mr. Harington) felt confident that the Bill would prove most useful to the Magistrates in maintaining the peace of their districts, and that it would materially

Mr. Harington

check crimes of violence, such as murder, affrays, &c. The Honorable and learned Judge, at the time when he made the remark just referred to, informed them that he had carefully read all the debates which took place last year on the present Bill, but it was very clear that he had overlooked the passage, which he (Mr. Harington) had quoted from the speech with which the Bill had been introduced, or he would not have said that the Bill was a Political Bill only, and that no other character had ever been given to it. The Honorable and learned Judge stated that he (Mr. Harington) had assigned as a reason for not continuing in force some of the most important and stringent provisions of the present law, that the Magistracy could not be entrusted with the carrying out of those provisions. He begged most positively to deny that he had ever made any such assertion. By the Magistracy he understood, not the native police, but the Magistrate, Joint-Magistrate, Deputy Magistrate, and Assistant Magistrate of a district. In those officers he had the fullest confidence. What he really said was that he had reason to believe that Section XXIV of the present Act, which was one of the Sections proposed to be omitted, had led to a great deal of oppression, and had proved in the hands of the native police, a powerful and fruitful means of bribery and corruption, if not of something worse, and that he was decidedly of opinion that the Section should not be retained as part of a Disarming Act, unless its enforcement could be entrusted to a much greater extent than was now the case to European Agency, which, looking to the great and pressing demand for Agency of that description at the present time in other Departments, was simply impossible. It was the native police he distrusted, not the Magistracy, as distinguished from the police.

The Honorable and learned Judge then went on to make a most sweeping charge against the whole of the Civil Courts of the country, which he declared to be universally corrupt. He

had certainly excepted the Magistrates and Collectors.

SIR MORDAUNT WELLS interrupted the speaker, and said his remarks applied to the Judges also.

MR. HARRINGTON resumed. He felt sure that the Honorable and learned Judge could not have intended the accusation to extend to the European Judges, but there were the Native Judges. Would the Honorable and learned Judge name the Native Judges whom he believed to be corrupt. (Sir Mordaunt Wells again interrupted the speaker and said, it was most unfair to try and fix upon him that he had charged the Native Judges with bribery. There were Native Judges who were in every respect worthy of esteem and confidence.) Mr. Harington said he was very glad to hear that the Honorable and learned Judge did not intend to accuse the Native Judges of being corrupt. He had a very large experience in the Judicial Department in this country, and, although amongst the whole body of Native Judges he was not prepared to say there was not one who ought not to be there, he had no hesitation in bearing testimony to their general trustworthiness and fitness for their offices. He knew that they discharged their duties most creditably, and he believed that they possessed a large share of public confidence. But if the charge of bribery and corruption brought against the Civil Courts by the Honorable and learned Judge did not apply to the Judges of those Courts, to whom did it apply? If the Honorable and learned Judge had only the ministerial officers of the Courts in view when he made the accusation, he (Mr. Harington) was quite willing to allow that many of them did take money for doing acts for which they ought not to be paid, but which they performed more expeditiously if they received a small fee, or it might be called a bribe, which the suitors found it for their interest to pay. But was this practice confined to the Courts in this country. Did nothing of the same kind go on at home. Was not money often given at the Custom Houses in England to expedite the passing of baggage, which

the officers had no business to receive, but which people found it convenient to pay. The Honorable and learned Judge talked of the system being bad. He (Mr. Harington) would like to know what was meant by the system. Then the Honorable and learned Judge said that perjury and forgery abounded in the Courts in this country. He (Mr. Harington) admitted that such was the case, and he regretted the prevalence of these crimes as much as the Honorable and learned Judge, but they were the fault, not of the Courts, but of the people. It could not be denied that the people of India were an untruthful race, but though he could not speak from his own experience, he (Mr. Harington) believed that there was a good deal of perjury and forgery at home also. Something had been said about the Bill of Rights and of the right of Europeans to carry arms under that Bill, of which the present Bill would deprive them. But if he rightly understood the Bill of Rights, it gave no power to carry arms except for defence, and under the Bill of Rights no man could go out shooting. He had not the Bill before him, but he believed the words were, "Protestants have a right to carry arms to defend themselves, and as by law allowed." He believed the words in the Bill of Rights were to that effect. (Sir Mordaunt Wells intimated his assent.) But if the Bill before the Committee violated the rights of Europeans in respect to the carrying of arms, how came the Legislature, he would ask, to pass Section XLVII Act XIII of 1856, which contained a similar provision to that now objected to, and expressly gave power to every police officer in the Presidency Towns to take away the arms of any person, whether European or Native, who had not leave from the Commissioner of Police to carry arms, and did Section XXIV of the Bill before the Council, as now worded, propose to do more than this, except that it required the license of a Magistrate instead of the leave of the Commissioner. But the principle was the same. Did anybody ever suppose that the Bill of Rights or the rights of

Englishmen were infringed by the Section of the Act just quoted, and yet directly the Council were asked to extend the same provision to the Mofussil as part of a general law intended for the whole country, they were told that they would be violating the Bill of Rights. The Honorable and learned Judge seemed to labor under a great misapprehension as to the circumstances under which the Sections now under consideration came before the Committee of the whole Council. The Honorable and learned Judge treated those Sections as if they formed part of a Bill introduced by him (Mr. Harington), whereas the Honorable and learned Judge ought to know that they were merely the recommendations of the Select Committee to which the Bill brought in by him (Mr. Harington) was referred for consideration and report. He need not tell the Committee that a Select Committee had no power to alter a single word of a Bill. When the Council resolved itself into a Committee of the whole Council upon a Bill, after it had been reported upon by the Select Committee, they took the Bill as read a second time and considered it with the amendments proposed by the Select Committee. If the Committee approved of those amendments they adopted them or any of them; if they disapproved of them they rejected them. If, therefore, the Honorable and learned Judge considered the proposed omission of the earlier Sections of the Bill improper, it was quite competent to him to move that they should continue to stand part of the Bill. Instead, however, of adopting that course, the Honorable and learned Judge had assented to the introduction of the Sections proposed by the Select Committee in lieu of the Sections which they recommended should be struck out until they came to Section XXIV, and then he suddenly turned round and said he preferred the original Bill, because he considered that Bill more effectual as regarded the Natives, and less obnoxious as regarded Europeans, overlooking apparently the fact that both Bills applied equally to Europeans and

Mr. Harington

Natives, and that there was nothing in the present Bill, in so far as Europeans were likely to be affected by it, which was not to be found in Act XXVIII of 1857.

He (Mr. Harington) was sorry to see that there was an impression abroad that the present Bill, or rather the alterations proposed by the Select Committee, had been conceived in a spirit of hostility to the European community, and what had fallen from the Honorable and learned Judge was well calculated to strengthen that belief. Nothing was further from the truth. The very contrary indeed was the fact. The Council, by passing a Disarming Act in 1857, which applied alike to Europeans and natives, affirmed the proposition that in any law of that nature no distinction should be made. It had become necessary to carry out the same principle in the Bill before the Council, and the great anxiety of the Select Committee was so to frame the law that, without sacrificing the object aimed at in its enactment, it should be as little vexatious as possible in its character, particularly as regarded Europeans. The Committee were quite willing to make some sacrifices, even though at the risk of rendering the Bill less efficacious as regarded the natives, if by so doing they could make the Bill more agreeable to the European portion of the community. This was the spirit in which the Section proposed for adoption by the Select Committee was framed, and he (Mr. Harington) thought that the remarks made by him, when he presented the Report of the Select Committee, clearly indicated this feeling on the part of that Committee. It was unusual to make any remarks on the occasion of presenting the Report of a Select Committee, and he had departed from the ordinary course in the present instance, as the alterations proposed by the Select Committee were numerous and important, and he thought that it would be convenient to Honorable Members if, before entering upon a consideration of the Bill, as proposed to be amended by the Select Committee, they were informed of the grounds upon which the proposed alterations were recommended. The

Honorable and learned Judge looked upon the Section which they had settled, namely, Section XXIV, as particularly hostile to the European community, but was there any valid reason for his so regarding it? The Select Committee, no doubt, proposed a penalty which they thought would render the Section more effectual as regarded the Natives. It never occurred to him (Mr. Harington) that any respectable European could incur this penalty, because the good sense of Europeans, and the general wish of respectable persons of that class to support the Government in carrying out the law, would induce them to take out a license or obtain a dispensation, having secured which they might carry arms wherever they pleased, without fear of let or hindrance from any one; but directly he was informed that the European Community regarded the penalty as an objectionable feature in the Bill, he agreed to its omission, though he felt that he was rendering the Bill less effectual in consequence as regarded the Natives. The fee of one Rupee to be paid on taking out a license was too trifling a matter to be noticed. The penalty, then, having been struck out of the Section, it corresponded substantially with the corresponding Section of Act XXVIII of 1857, except that the word "license" was substituted for the word "certificate"; but in truth there was no difference between the two things. The Section, however, as it was now worded, differed very materially from the Section proposed by the Select Committee, in that, while the Select Committee would not have subjected Europeans to what they might consider the indignity of being disarmed by a native police officer, the Section which had been introduced on the recommendation of the Honorable and learned Judge, gave the power of disarming Europeans equally with Natives to every native police officer in addition to the functionaries proposed by the Select Committee. He (Mr. Harington) doubted whether the European Community would like the change, and whether they would not have preferred the original Section

even with the penalty. The Select Committee were not responsible for this alteration. In conclusion, he would only say that he could not agree to the invidious exemption proposed in favor of Europeans by the Honorable and learned Vice President, and he should therefore vote against the amendment.

THE CHAIRMAN said, he had a very few observations to make after the discussion which had taken place upon his amendment. If the Bill was intended as a State measure, it ought to contain a Clause enabling the Government to prevent persons from keeping arms. If the Government did not think that necessary, then, as remarked by the Honorable Member for Bengal, this was an Arming and not a Disarming Act. Whereas the object of the Act of 1857 was to disarm, this Act would allow those who had been disarmed to regain possession of their arms. The Bill, as it now stood, only prevented persons from going abroad armed. If the Bill were intended to be useful as a State measure, there should be provisions to regulate the possession as well as the carrying of arms. As a Police Act it was unnecessary. He would recommend the passing of an Act, not extending to the whole of India, but giving power to the Executive Government to enforce its provisions in disaffected districts. As the Bill stood at present, unless a person had made a collection of arms, the Act would not apply to him, and each man might have his musket in his cottage. We did not know whether the Government considered that the Act of 1857 was not sufficiently stringent. The Honorable Member for the North-Western Province, when the question was put to him last Saturday, shook his head indeed; but was he (the Chairman) to infer from this, that Government approved of the provisions of the present Bill. If a proper disarming Bill were brought forward, he would be happy to support it. But if the Government wished for an Arming Bill, he entirely objected to it; nor did he see, in such a case, the necessity of suspending the Standing Orders for the longer the delay the better would it be for the country.

Mr. Harrington

He thought that the object of Government in adjourning the debate, after the amendment of the 24th Section was carried, was to consider how the Bill might be turned again into a Disarming Bill. The Honorable Member on his right (Sir Bartle Frere) had spoken of the difference of making exemptions by proclamations and by Acts. For his part, if a distinction were considered invidious, he could not understand why such distinction should be made by a proclamation any more than an Act. If an exemption of Europeans would offend the Natives, those of Pegu should have been offended when the Act was extended there, and Europeans as a class were exempted. When the Act was extended to Shahabad, the Natives ought to have been again offended. We were bound to do our duty, careless of the offence it might unavoidably cause. We were not to pass laws abridging men's rights, unless a case was made out for depriving them of their rights, which had not been attempted here. Or were we to take away men's rights and to leave it to the Governor-General in his executive capacity to restore them? Ought not we, sitting here as Councillors of the Governor-General, to decide whether it was judicious or not to exempt Europeans. If good grounds were shown for their exclusion, why should not we do so at once—he should therefore press his amendment.

The terms of the amendment, as subsequently amended, were as follows:—

“Nothing in the provisions of the last two Sections shall extend to any European or Colonial British subject, or to any American or Eurasian.”

MR WILSON said, that the discussion which had taken place belonged rather to the Bill as it was originally introduced than the Bill as now amended. We had preserved the clause in the Act of 1857, on which this discussion had taken place. His Honorable and learned friend (Sir Mordeant Wells) had said that he would vote for the Bill so far as it continued the Act of 1857. That Act contained no exemption in favor of Europeans. So far, therefore, as that Act was con-

cerned, his Honorable and learned friend could not vote in favor of the Honorable and learned Chairman's amendment.

It appeared to him (Mr. Wilson) that the Honorable and learned Chairman's amendment was now no longer necessary. There was no necessity for a European under the Bill as amended to take out a license. Consequently, he could not be deprived of his arms unless the possession of them was considered by the authorities to be dangerous to the public peace. As he understood also, the Honorable and learned Chairman considered the present Bill not sufficiently stringent to meet the objects for which it was intended, and he had referred to the omission of the Section which empowered the Government to order domiciliary visits in search of arms. But was the Honorable and learned Chairman aware of the gross abuse of power that had been made by the native police under the Section he desired to retain? He had no idea of the amount of violence that had been caused by the enforcement of that Clause, nor of the exactions practised by the native Police. The Executive Government were prepared to accept the responsibility of the present measure, and from the short experience which he had had, he had heard enough of the abuse of power committed under the Clause, which abuse had rendered the Bill most unpopular. It must not be supposed, as the Honorable and learned Chairman had done, that the European officers of Government had no knowledge of these proceedings, for it was to those officers themselves that he was indebted for his information. These officers, who were responsible for the peace and good order in the North-Western Provinces, had told him that they could not entrust the power of searching for arms to their native subordinates, on account of the fearful oppressions practised by them. It was therefore considered necessary that, though the abandonment of such a Section would greatly lessen the powers of the Act, still it was thought advisable to make that sacrifice, and not to give the native police the power of exacting money

from the people and having recourse to other modes of extortion. Those domiciliary visits were fraught with the greatest mischief. In some cases the dwellings of loyal people had been invaded and ransacked. Therefore how far preferable was it to remove this power, though it be at a small sacrifice; he would contend for the withdrawal of that power unchecked. Now that order had been comparatively restored, he should not recommend any such power to be given to the Police, except on the condition that it should be exercised in the presence of European officers and then he would not object to it. Then, as to the two Clauses they were proposed to exempt Europeans from, he did not see that there was anything objectionable in them. The Bill authorized a duly qualified Magistrate to grant licenses, besides which there was no prohibition to carry arms. The Magistrates could safely be entrusted with such powers, though not the native police. They were accountable for the use the police made of the power. For his own part he did not think any absolute necessity existed to compel people to take out licenses. He thought however that there was some force in the arguments put forward that, now that the license was taken away, this had become rather an Arming than a Disarming Act. He did not agree with the Honorable and learned Chairman in thinking that the Bill did not empower the authorities to disarm any person they thought was carrying fire-arms likely to be dangerous to the public peace. This was provided for by Section XXXI. Although he did not think it necessary to confer the Native Magistrates with the power of disarming Europeans, he did not think that the European Magistrates would abuse such a power. He proposed therefore the introduction of a Clause, empowering the local Governments to order a search for arms in special cases, such as a large importation of weapons into certain districts, and the like.

Mr. SCONCE said that, as the remarks by which, in a late debate, he had called the attention of the Council to the effect of the amendment of Section XXIV of the Bill had been referred

to in the course of the present discussion, it seemed proper that he should say he still adhered to the construction which he had before put upon the amended Section. The result would be clearly to permit the people in general to carry arms, only any person not having a license might be summarily disarmed, if it was dangerous to the public peace that he should go armed. Now he was not prepared to say that such a provision was a fitting substitute for the law about to expire this day. Up to this moment, under the operation of Act XXVIII of 1857, all the people in the North-Western Provinces might be and were being disarmed, and certainly it seemed to be incongruous to go immediately upon a contrary principle, and to permit all the people to carry arms. But this was not what his Honorable friend opposite (Mr. Harington) and himself had recommended. They had proposed in the Bill which was before the Council to permit no person to carry arms without a license. He was not sure that even that was sufficient. He thought that, in the Districts in which the disarming had been carried out, it might be desirable to license the possession of arms. But he was averse to continuing a law for generally disarming the country. The Executive Government, we had heard from the Honorable gentleman (Sir Barle Frere), considered the power of ordering domiciliary visits to be unnecessary, and he could not agree to its continuance. He himself, as the Council knew, on the first discussion of this Bill proposed to omit the last part of Section XXIV, which permitted a Magistrate summarily to disarm a person carrying arms. He proposed to enforce the law by penalties. With regard to the amendment of the Honorable and learned Chairman, supposing the amended Section XXIV to stand, if the Council adopted the amendment of the Honorable and learned Chairman, the effect of it would be that, although a European might be considered dangerous to the public peace, he would still be allowed to go armed. If he heard rightly, the Honorable and learned Chairman himself

admitted that, by the ordinary law, any person, even a European, carrying arms, might be disarmed, if necessary for the public safety; virtually therefore Section XXIV, as it now stood, went no further than the ordinary law. For these reasons he should oppose the amendment.

SIR MORDAUNT WELLS thought that the introduction of such a provision as that proposed by his Right Honorable friend would make this Act precisely the same as that of 1857, with the exception of the provision to make this Act perpetual. He would not fight for a shadow, and as he believed that the Act was now practically innocuous as regards Europeans, he would not have the Act perpetual; it should be precisely similar to the former Act, with respect to the working of which he had heard no complaints. He concluded by offering his acknowledgments to the Right Honorable gentleman for having, like a skilful pilot, enabled them to steer clear out of the difficulty.

MR HARRINGTON said, the Honorable and learned Judge had again referred to the amendments proposed by the Select Committee as the Bill brought in by the Honorable Member for the North-Western Provinces, alluding to him (Mr. Harington). Now he must say that it was not fair in the Honorable and learned Judge thus to continue to characterise those amendments. The Bill, which he (Mr. Harington) brought in, proposed to make perpetual Act XXVIII of 1857 without any modifications, and the Honorable and learned Judge had again and again intimated his willingness to accept that Act as it stood, though it was of general application, and contained no exemption in favor of Europeans. No doubt, as a Member of the Select Committee, which originally consisted not only of himself and the Honorable Member for Bengal, but also of the Honorable Member for Bombay, and the Honorable and learned Judge's predecessor in this Council (Sir Charles Jackson), he (Mr. Harington) had taken an active part in preparing the amendments suggested by the Select Committee in the original Bill. Equally

with the Honorable Member for Bengal, he was responsible for proposing those amendments, and he willingly admitted his responsibility, but still it must be remembered that, after all, they were only proposed alterations, and that it rested with the Committee of the whole Council to adopt them or not, according as they thought proper. He had already explained more than once the grounds on which the Select Committee had proposed so extensively to alter the original Bill. When that Bill was introduced by him, he was quite satisfied with Act No. XXVIII of 1857 as it now stood, but after what he had heard from the Right Honorable Gentleman opposite on his return from the Upper Provinces, and others as to the manner in which the Act had been carried into effect, he felt that, unless European Agency could be more extensively employed in its enforcement than had hitherto been the case, it would be better to give up the part of the Act which allowed of a general search for arms, and to endeavor to effect the objects contemplated in the Act by prohibiting the general carrying of arms without a license from a Magistrate. The Honorable and learned Judge had just repeated what he had said in his first speech to-day as to the character of the present Bill, namely, that it was not a Police Bill, but entirely a Political Bill. To show that the Honorable and learned Judge was not right in giving this description of the Bill, he (Mr. Harington) would again remind the Council of what he said, when, in the month of August last, he brought in his first Bill to render Act XXVIII of 1857 perpetual. He then admitted that the events of 1857 had, no doubt, hastened the introduction of the Act, and accelerated its passage through the Council; but he went on to say that the disarming of the population, with a view to the maintenance of the public peace and to the prevention of crimes of the more violent class, particularly affrays, which, in this country, from the number of persons who engaged in them, and from the fierceness of the combatants, so often assumed the character of pitched

battles, had for many years previously been under the consideration of the Government, and had been strongly advocated by many old and experienced officers. The Bill was of a two-fold character. He did not think that the Government had any thing to fear in a political point of view from the people carrying matchlocks, swords, and spears. A few European soldiers would disperse a whole district armed only with the weapons just mentioned, and therefore the Sections which related to the carrying of arms without a license might properly be regarded as Police Sections. The other Sections which related to the manufacture of cannon, mortars, howitzers, or to the possession of arms of that description, and to the importation of sulphur and arms and ammunition generally, and the transport of the same from one part of the country to another, must be regarded as having chiefly a political object. It was under these last Sections that the importation of arms into the North-Western Provinces, to which the Honorable and learned Judge had alluded, would be regulated or prevented altogether, if considered dangerous.

With regard to what had fallen from the Honorable and learned Vice-President, as to his (Mr. Harington) having shaken his head when the Honorable and learned Vice-President asked whether the amendments recommended by the Select Committee in the original Bill had been proposed with the sanction of or had been approved by the Executive Government, he begged to observe that the Honorable and learned Vice-President must be aware that the Select Committee could have no power to consult the Executive Government. Their duty was to consider the Bill as made over to them by the Council after being read a second time, together with any reports or petitions presented to the Council and referred to the Select Committee for consideration, and to suggest such alterations in the Bill as they might deem proper, or if they considered no changes necessary, to make a report to that effect. This he understood to be the duty of the Select Committee

under the Standing Orders. Individually, of course, any Member of the Select Committee might discuss the Bill with any Member of the Legislative Council not a Member of the Select Committee, whether he was a Member of the Executive Government or not, or with any other person. But the Select Committee were required to carry on their duty of revising and reporting on a Bill apart from the Executive Government. He quite agreed with the Honorable and learned Vice-President and the Right Honorable gentleman opposite, that, whatever amount of oppression might have been committed in carrying out the provisions of Act XXVIII of 1857, the Legislature of that year were not chargeable with any portion thereof. They were not to blame for passing that Act because in practice some of its provisions had been abused, but if the Honorable and learned Vice-President and the Honorable and learned Judge were right in claiming exemption in favor of Europeans from the present Bill, then he would say that the difficulty of granting such exemption had been immensely increased by the conduct of the Legislature of 1857 in not introducing such exemption into the Act passed in that year, and on the supposition above mentioned, it seemed to him (Mr. Harington) great blame attached to them for not having done so. Had the exception in favor of Europeans now claimed been made in the Act of 1857 who, he would ask, would have ventured to include them in the present Bill. But no such exception having been made when Act XXVIII of 1857 was before the Council, he must repeat he did not see how it could be properly or consistently allowed now.

The question being about to be put from the Chair—

SIR MORDAUNT WELLS asked if the Bill was to be a permanent or a temporary measure? If permanent, he would vote for the Honorable and learned Chairman's amendment; but if temporary, he would vote against it.

MR. WILSON said that Government were of opinion that nothing but harm could come of a renewal of the

Mr. Harington

discussion of this question, but they would not ask for a perpetual Act. The precise number of years for its continuance might be considered afterwards.

THE CHAIRMAN'S Motion being then put, the Council divided as follows:—

Aye 1.
The Chairman.

Noes 7.
Mr. Sconce.
Sir M. Wells.
Mr. Forbes.
Mr. Harington.
Mr. Wilson.
Sir Bartle Frere.
Sir James Outram.

So the Motion was negatived, and the Section, as before amended, was then passed.

Section XXVII was passed after a verbal amendment.

Section XXVIII related to the form of license.

MR. FORBES doubted the necessity of the concluding words of the Section, which restricted the duration of a license to one year, unless a shorter period was specified in the license, with reference to the power of revocation conferred by the preceding Section.

After some discussion the Council divided:—

Ayes 5
Sir Mordaunt Wells.
Mr. Sconce.
Mr. Forbes.
Mr. Wilson.
Sir Bartle Frere.

Noes 2
Mr. Harington.
The Chairman.

So the Motion was carried.

The question being then put that the Section as amended stand part of the Bill, the Council divided:—

Ayes 6.
Sir Mordaunt Wells.
Mr. Sconce.
Mr. Forbes.
Mr. Harington.
Mr. Wilson.
Sir Bartle Frere.

No. 1.
The Chairman.

So the Section was carried.

Section XXIX was passed as it stood.

STATEMENTS

REFERRED TO

IN MR. WILSON'S SPEECH OF THE 26TH MAY 1860,

PAGE 555.

*Comparative Statement of Revenues and Receipts and
Payments for Guaranteed Railway Interest,
1857-58, 1858-59, and the same as
Revised according to the*

	1856-57.	1857-58.	1858-59.	Estimate 1859-60.	Revised Estimate May 1860-61. F
REVENUES AND RECEIPTS.	£.	£.	£.	£.	£.
Land Revenue	17,748,810	15,317,337	18,123,659	18,521,518	18,502,400
Tributes and Subsidies from Native States	537,632	544,457	489,861	523,940	522,965
Excise Duties in Calcutta	45,684	49,751	51,975	52,100	52,100
Sayer Revenue	293,317	268,360	343,552	345,240	355,650
Abkarry Ditto	920,350	794,244	969,432	1,021,154	1,071,900
Moturpha (Madras)	108,419	107,826	111,247	110,372	106,700
Trade Taxes (Punjab)	0	0	0	150,000	230,000
Miscellaneous Receipts in the Revenue Department	244,268	228,220	251,738	222,959	234,900
Customs	2,289,072	2,148,834	2,867,681	3,691,603	3,869,330
Salt (exclusive of Customs Duty on Salt Imported)	2,501,881	2,131,346	2,602,670	2,846,549	3,056,200
Opium	5,011,525	6,864,209	6,146,342	6,071,022	5,769,295
Post Office Collections	260,192	389,493	588,636	604,280	626,320
Stamp Duties	612,788	456,363	593,214	658,988	682,500
Mint Receipts	290,539	363,516	247,205	454,905	373,890
Marine and Pilotage Receipts	159,517	178,304	168,415	125,702	125,430
Judicial Receipts... ..	281,206	298,732	402,396	372,020	385,180
Contributions from Native States on account of Contingents	103,865	36,816	73,220	120,080	92,130
Interest on Debts due by the Nizam and on other Accounts	64,329	62,949	59,023	58,960	56,654
Miscellaneous Receipts in the Civil and Political Departments	481,289	402,309	447,990	420,234	277,276
Ditto Public Works Department	918,227	476,910	645,514	620,233	667,620
Ditto Military Department	502,116	586,800	877,018	804,773	704,230
Revenues and Receipts	33,378,026	31,706,776	36,060,788	37,796,632	37,762,660
Net Receipts Railways	121,954	153,806	232,365	330,700	400,000
	33,499,980	31,860,582	36,293,153	38,127,332	38,162,660
Deficit	474,208	8,390,642	14,187,617	8,290,130	8,356,527
£	33,974,188	40,251,224	50,480,770	46,417,462	46,519,187

A. This Deficit stood in February when the Estimate was sent Home at £9,290,130, at which time it was expected that the Compensation Claims would be adjusted and paid before the close of the financial year. But delays in their adjustment will throw the payment of £1,000,000 into the year 1860-61. The difference as between the two years is only nominal, inasmuch as that amount expected to be paid in 1859-60 formed an addition to the Cash Balance at the close of the year.

B. This Deficit stood on the 18th of February at £8,500,000. It now stands at £8,356,527, but as explained in the note above the payment of Mutiny Compensations of £1,000,000, has been deferred from 1859-60 to this year. The difference to this extent is however nominal as it affects the deficit, as the Cash Balance in the Treasury was greater by that amount at the close of the year. Allowing for this item which is accidental and will not recur again, the real Deficit by this revised Estimate is £7,356,527, being an actual addition of £856,527 upon the February Estimate, arising on the one hand from a reduction of Military expenditure, and an increase of income under the new Customs, Abkaree and Stamp Bills, but subject on the other to abatement by loss upon Opium, increased cost of Collection, and Police charges, chiefly in connexion with the improved Madras Police, together with a considerable increase in the Home charges.

*Expenditure in India, including the Home Charges,
and Railway Receipts for the years 1856-57,
estimated for 1859-60 and 1860-61.*

last accounts from England.

	1856-57.	1857-58.	1858-59.	Estimate 1859-60.	Revised Estimate, May 1860-61.
EXPENDITURE.	£.	£.	£.	£.	£.
Repayments: Allowances, Refunds and Drawbacks ...	74,634	63,509	95,770	90,424	0
Charges of Collection and other Payments in Realisation of the Revenues, including Cost of Salt and Opium, viz:—					
Land, Sayer, Abkarry, &c. ...	2,224,343	2,005,044	2,185,746	2,139,833	2,183,560
Customs ...	113,563	149,376	167,641	157,257	151,881
Salt ... { Cost ...	612,749	301,689	318,814	318,050	323,800
Opium ... { Charges ...	980,837	304,191	297,215	294,508	302,029
Post-Office ... { Cost ...	169,643	747,335	655,552	955,000	1,230,000
Stamps ... { Charges ...	375,687	198,499	144,399	157,735	149,900
Allowances and Assignments payable out of the Revenues, in accordance with Treaties or other Engagements ...	31,623	430,981	487,042	474,315	453,330
Officers and Enamdars, including Charitable Grants ...	1,118,285	27,845	27,662	44,044	41,760
Total of the direct Claims and Demands upon the Revenues, including Charges of Collection, and Cost of Salt and Opium ...	976,981	883,454	858,515	1,143,391	1,167,951
Charges of the Civil and Political Establishments, including Contingent Charges ...	6,678,345	1,113,912	1,110,812	1,164,050	1,150,700
Judicial and Police Charges ...	2,556,271	2,635,133	2,635,133	2,635,133	2,635,133
Buildings, Roads and other Public Works, including Repairs and Military Buildings ...	2,812,409	3,053,268	3,053,268	3,053,268	3,053,268
Military { Military General, including Stores {	10,947,643	15,107,184	20,581,972	17,048,877	14,662,232
Local Military ...	544,262	462,741	498,976	662,788	614,088
Total Military ...	11,491,905	15,569,925	21,080,948	17,711,665	15,276,320
Indian Navy and other Marine Charges...	916,924	1,169,486	985,945	887,607	888,900
Charges of the Eastern Settlements (exclusive of Charges of Collection and other Payments out of the Revenues)	72,154	62,809	95,452	119,413	112,623
Mint Charges ...	143,172	145,514	143,594	257,155	255,306
Interest on Debt ...	2,264,961	2,196,672	2,738,623	3,057,367	3,124,070
EXPENDITURE IN INDIA. ...	30,873,709	35,078,528	43,590,793	40,860,442	39,600,970
Home Charges ...	2,574,328	4,492,470	6,051,566	4,393,020	5,333,270
Guaranteed Interest (England) D	496,039	655,854	819,009	1,114,000	1,535,000
Ditto (India) E	30,112	24,372	10,402	50,000	50,000
£	33,974,188	40,251,224	50,480,770	46,417,462	46,519,187

C. This sum includes the £1,000,000 for Compensation, abated from and brought over from the corresponding item of last year, which has been reduced by the same amount accordingly, under circumstances explained in notes A. and B.

D, E. These charges for Guaranteed Railway Interest have a credit on the other side for not receipts, making the actual net disbursements on account of Railway Interest for 1856-57, £404,197; 1857-58, £526,420; 1858-59, £606,046; 1859-60, £833,300; 1860-61, £1,185,000.

F. This is the usual Anticipation Sketch Estimate furnished by the Accountants throughout India from the best data at their command. The Government has however, called upon all the local Governments to revise them for the new annual Budgets in each department.

COMPARISON BETWEEN REVENUES AND RECEIPTS.

INCLUDING THE

Revised according to the

REVENUES AND RECEIPTS.				1856-57.	Estimate 1859-60.	Increase.	Decrease.
				£.	£.	£.	£.
Land Revenue ...	...	...	...	17,748,810	18,521,518	772,708	0
Tributes and Subsidies from Native States ...	...	...	...	537,632	523,940	0	13,692
Excise Duties in Calcutta ...	...	...	...	45,684	52,100	6,416	0
Sayer Revenue ...	...	...	...	293,317	345,240	51,923	0
Abkarry ditto ...	...	...	...	920,350	1,021,154	100,804	0
Moturpha (Madras) ...	...	...	...	108,419	110,372	1,953	0
Trade Taxes (Punjab) ...	...	...	...	0	150,000	150,000	21,309
Miscellaneous Receipts in the Revenue Department	...	...	...	244,268	222,959	0	0
Customs ...	...	...	...	2,289,072	3,691,603	1,402,531	0
Salt (exclusive of Customs Duty on Salt Imported)	...	...	...	2,501,881	2,346,549	344,668	0
Opium ...	...	...	...	5,011,525	6,071,022	1,059,497	0
Post Office Collections ...	...	...	...	260,192	604,280	344,088	0
Stamp Duties ...	...	...	...	612,788	658,988	46,200	0
Mint Receipts ...	...	...	...	290,539	454,905	164,366	33,815
Marine and Pilotage Receipts ...	...	...	...	159,517	125,702	0	0
Judicial Receipts ...	...	...	...	284,206	372,020	87,814	0
Contributions from Native States on account of	...	...	...				0
Contingents ...	...	...	...	103,865	120,080	16,215	5,369
Interest on Debts due by the Nizam and on other	...	...	...				0
Accounts ...	...	...	...	64,329	58,960	0	61,055
Miscellaneous Receipts in the Civil and Political	...	...	...				297,894
Departments...	...	...	...	481,289	420,234	0	0
Ditto Public Works Department ...	...	...	...	918,227	620,233	0	0
Ditto Military Department ...	...	...	...	502,116	804,773	302,657	0
Total Revenues and Receipts of India ...				33,378,026	37,796,632	4,851,840	433,234
Net Railway Receipts ...				121,954	330,700	208,746	0
				33,499,980	38,127,332	5,060,586	433,234
					A	433,234	
Deficit ...	...	...	...	474,208	8,290,130	4,627,352	Net Increase.
£				33,974,188	46,417,462		

A. This Deficit stood in February when the Estimate was sent Home at £9,290,130, at which time it was expected that the Compensation Claims would be adjusted and paid before the close of the Financial year. But delays in their adjustment will throw the payment of £1,000,000 into the year 1860-61. The difference as between the two years is only nominal, inasmuch as that amount expected to be paid in 1859-60 formed an addition to the Cash Balance at the close of the year.

1856-57 AND 1859-60.

HOME ACCOUNTS.

CHARGES.

last accounts from England.

EXPENDITURE.	1856-57.	Estimate 1859-60.	Increase.	Decrease.
	£.	£.	£.	£.
Repayments: Allowances, Refunds and Draw-backs ...	74,634	90,424	15,790	0
Charges of Collections and other Payments in Realisation of the Revenues, including cost of Salt and Opium, viz:—				
Land, Sayer, Akbaroo, &c. ...	2,224,843	2,139,833	0	84,510
Customs ...	113,563	157,257	43,694	0
Salt ... { Cost } ...	612,749	318,050	0	191
Opium ... { Charges } ...	980,837	294,508	0	25,837
Post-Office ... { Cost } ...	169,643	955,000	0	11,908
Stamps ... { Charges } ...	375,637	157,735	0	0
Allowances and Assignments payable out of the Revenues, in accordance with Treaties or other Engagements ...	31,623	474,315	98,628	0
Allowances to District and Village Officers and Enamdars, including Charitable Grants ...	1,118,285	44,044	12,421	0
...	976,981	1,143,391	25,106	0
...	1,164,050	187,069	0	0
Total of the direct Claims and Demands upon the Revenues, including Charges of Collection, and cost of Salt and Opium ...	6,678,345	6,938,607	382,708	122,446
Charges of the Civil and Political Establishments, including Contingent Charges ...	2,550,271	3,683,559	1,127,288	0
Judicial and Police Charges ...	2,812,409	3,863,751	1,051,342	0
Buildings, Roads and other Public Works, including Repairs and Military Buildings ...	3,937,568	4,341,318	403,750	0
Military { Military General, including Stores } ...	10,947,643	17,048,877	6,101,234	0
...	544,262	662,788	118,526	0
Total Military ...	11,491,905	17,711,665	6,219,760	0
Indian Navy and other Marine Charges ...	916,924	887,607	0	29,317
Charges of the Eastern Settlements, exclusive of Charges of Collection, and other Payments out of the Revenues ...	72,154	119,413	47,259	0
Mint Charges ...	143,172	257,155	113,983	0
Interest on Debt ...	2,264,961	3,057,367	792,406	0
Total Charges in India ...	30,873,709	40,860,442	10,138,496	151,763
Home Charges ...	2,574,328	4,393,020	1,818,692	0
Guaranteed Interest ...	496,039	1,114,000	617,961	0
Do. (in India) ...	30,112	50,000	19,888	0
Total Charges (India and England)...	33,974,188	46,417,462	12,595,037	151,763
			151,763	
			12,443,274	Not Increase.

NOTE.—Increase of Charges 12,443,274
Deduct:—Military Increase 6,219,760
Increase other than Military 6,223,514
Deduct:—Increase of Receipts 4,627,352
Increase of Charges other than Military over the whole Increased Receipts ... £1,596,162

ACCOUNT of Annual Expenditure, Actual and Estimated, 1856-57 to 1860-61, distinguishing the "Military Expenditure" from "other or Civil Expenditure" including Home charges and Railway Guaranteed Interest.

Revised according to the last accounts from England.

	1856-57.	1857-58.	1858-59.	Estimate 1859-60.	Estimate 1860-61.
	£.	£.	£.	£.	£.
Civil Expenditure, India	19,381,804	19,508,608	22,509,845	23,148,777	24,324,650
Home Charges	2,574,328	4,492,470	6,051,566	4,393,020	5,333,217
Railway Interest, London and India, less Railway Receipts ...	404,197	526,420	606,046	833,300	1,185,000
Total Civil Expenditure ...	22,360,329	24,527,498	29,167,457	28,375,097	30,842,867
Military General and Local ...	11,491,905	15,569,925	21,080,948	17,711,665	15,276,820
Total Expenditure	33,852,234	40,097,418	50,248,405	46,086,762	46,119,187

A. This includes £1,000,000 Compensation, allowing for which it should stand at £23,324,650,—reducing the Total Civil Expenditure to £29,842,867, and the Total Expenditure to £45,119,187.

B. These Totals are less than the totals shown in the general account by the amount of Railway Receipts which are deducted in this account from the interest paid

Section XXX, relating to the fee for license, was omitted on the motion of Sir Mordaunt Wells.

Section XXXI was passed after amendments.

After some discussion as to the advisability of adding a Clause to the Bill to enable the Government to disarm in certain proclaimed Districts—

THE CHAIRMAN suggested that as it was impossible to pass the Bill this evening, and as Act XXVIII of 1857 expired to-day, it would be better to pass a temporary Act for one month, and to postpone the consideration of this Bill.

Mr. HARRINGTON having assented to the course, the consideration of the Bill was accordingly postponed, and the Council resumed its sitting.

Mr. HARRINGTON then moved that the Standing Orders be suspended to enable him to introduce and pass through its several stages a Bill "to continue in force Act XXVIII of 1857."

Sir BARTLE FRERE seconded the Motion, which was put and carried.

Mr. HARRINGTON accordingly moved that the Bill be read a first time. The Bill was read a first time.

Mr. HARRINGTON moved that the Bill be read a second time.

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

Mr. HARRINGTON moved that the Council resolve itself to a Committee on the Bill.

Agreed to.

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

Mr. HARRINGTON moved that the Bill be read a third time and passed.

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

Mr. HARRINGTON then moved that Sir Bartle Frere be requested to take the above Bill to the Governor-General for his assent.

Agreed to.

MILITARY POLICE BATTALIONS.

Mr. SCENCE moved that Sir Bartle Frere be added to the Select

Committee on the Bill "to provide for the good order and discipline of the Battalions of Military Police."

Agreed to.

KOONCH AND CALPEE.

Mr. HARRINGTON moved that Sir Bartle Frere be requested to take the Bill "to remove the Pergunnahs of Koonch and Calpee, in Zillah Jaloun, from the operation of the General Regulations" to the Governor-General for his assent.

Agreed to.

POSTPONED ORDERS.

The following Orders of the Day were postponed:—

Adjourned Committee of the whole Council on the Bill "for imposing Duties on profits arising from Property, Professions, Trades, and Offices."

Committee of the whole Council on the Bill "for the licensing of Arts, Trades, and Professions."

Committee of the whole Council on the Bill "relating to the Transportation of Convicts."

The Council adjourned at 6 o'clock on the motion of Sir Bartle Frere, till Monday, the 2nd July, at 7 o'clock in the morning.

Monday Morning, July 2, 1860.

PRESENT:

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

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

ARMS AND AMMUNITION.

THE VICE-PRESIDENT read a Message informing the Legislative Council that the Governor General had assented to the Bill "to continue in force Act XXVIII of 1857."