

Saturday, 25th August, 1860

PROCEEDINGS

OF THE

**LEGISLATIVE COUNCIL OF
INDIA**

Vol. VI

(1860)

Tuesday Morning, August 21, 1860.

PRESENT :

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

No other Member of the Council was this day present, and the Vice-President adjourned the Council till Saturday Morning, the 25th Instant, at 11 o'clock.

Saturday, August 25, 1860.

PRESENT :

The Hon'ble Sir Barnes Peacock, *Vice-President,* in the Chair.

Hon'ble Sir H. B. E. Frere,	H. Forbes, Esq.,
Hon'ble C. Beadon,	A. Sconce, Esq.,
H. B. Harington, Esq.,	and
	Hon'ble Sir M. L. Wells.

CUSTOMS DUTIES.

THE CLERK presented a Petition to the Council from certain proprietors and lessees of rum distilleries in the vicinity of Calcutta and in Jessore, praying for a reduction of the present rates of Duty upon the manufacture and exportation of rum.

MR. SCONCE moved that the Petition be printed.

Agreed to.

PENAL CODE.

THE CLERK presented a Petition from the British Indian Association against the infliction of corporal punishment for certain offences under the Penal Code.

THE VICE-PRESIDENT moved that the Petition be printed.

Agreed to.

PASSENGERS ACT.

THE CLERK reported to the Council that he had received from the Home Department copies of papers relative to the question of extending the provisions of the Imperial Passengers Act of

1855 to the carriage of passengers from India under the authority conveyed in Section 99 of that Act.

SIR BARTLE FRERE moved that these papers be printed.

Agreed to.

LICENSING OF ARTS, TRADES, AND PROFESSIONS.

The Order of the Day being read for the adjourned Committee of the whole Council on the Bill "for the Licensing of Arts, Trades, and Professions"—

SIR BARTLE FRERE said that, the last time he had the honor to address the Council with regard to the Financial measures of Government, he expressed the diffidence and regret which he felt in being charged with the amendment of any measure which had been brought in and carried through the Council by the late Mr. Wilson. Since then it had pleased Providence to take him from among us, and he (Sir Bartle Frere) believed there was not throughout India a single right-minded Englishman who did not feel his death as a personal as well as a national loss. He was sure that, when the intelligence of this melancholy event reached England, Mr. Wilson's loss would be mourned in the same manner as was that of Neil, of Havelock, of Nicholson, and of Peel. What Mr. Wilson's loss would be to Government, those only who had labored with him could understand. If he felt any diffidence when it fell to his (Sir Bartle Frere's) lot to make a few amendments of oversights and omissions in a measure stamped with the approval of his Right Honorable friend, when he hoped that his (Mr. Wilson's) absence from the Council was only temporary—how much stronger must those feelings be when he found himself entrusted with the prosecution of a measure which had been brought in and left incomplete by his Right Honorable friend. For any question of kind and, indeed, for any question connected with finance, Mr. Wilson had peculiar privileges and qualifications, and they were as conspicuous and as

generally acknowledged in this Council as in any other part of the Queen's dominions. It was not only that we had experience of his large statesman-like views and great abilities in the transaction of every branch of public business, but we felt the same confidence in his opinions on every subject connected with finance which was accorded to him by men of every party at home. He was a master in his craft, and no other man could possibly succeed in acquiring that amount of public confidence in his judgment on all financial matters, which Mr. Wilson so justly possessed. He (Sir Bartle Frere) could claim no such qualification, and he should have felt the greatest difficulty in undertaking the completion of any work which his Right Honorable friend had left incomplete, had it not been as a matter of duty to the Government to which he had the honor to belong, and in compliance with the wish which his Right Honorable friend had expressed on his dying bed. Undertaking the task under such circumstances, he (Sir Bartle Frere) felt that he was only doing a simple duty, and he undertook that duty in the hope that strength would be given him to carry it through. It was in no spirit of presumption that he would proceed with the task, but there were considerations which encouraged him to proceed. In the first place, the work which the Right Honorable Gentleman left partially complete, was founded on those great principles which for years past had regulated our financial policy in all other parts of the British Empire, principles so broad and simple that, like all great truths, they appear after demonstration almost self-evident, and the only difficulty was to ensure their being truly and faithfully carried out. Then, again, there were peculiar facilities in following Mr. Wilson through anything to which he had put his hand. Such was his clearness of intellect and such his thorough business habits, that he planned from before-hand with the utmost distinctness whatever he intended to execute, and he (Sir Bartle Frere) believed that, at the time he

commenced upon his financial measure, his Right Honorable friend had clearly laid out before him schemes of work which he expected would have occupied him many years before their fulfilment. He left everything connected with the measures on which he was engaged, so prepared, that there was less difficulty than might have been expected in taking up his work. But, besides this, there were also two sources of confidence, which enabled him (Sir Bartle Frere) to feel some trust that he might successfully carry through the task before him. He (Sir Bartle Frere) had, and so, he was sure, every other Member of this Council had, the most unbounded confidence in the resources of India, if time only were allowed for their full development. He also felt the most unbounded confidence in the patriotic feelings of our fellow countrymen who were associated with us in this country, whether in or out of the Government service, and he felt sure that he might rely on the entire support of this Council in giving its honest experience and advice on every subject that came before us. Still the task was one of no ordinary difficulty. Relying on the assistance he had before him, he hoped to be able to carry it through, and whatever might become of the workman, the work would be carried on for the sake of the country.

When Mr. Wilson last gave a sketch of his financial schemes, he stated very clearly the condition in which we then stood, and he sketched out the measures by which he hoped to see that condition improved in the course of the next twelve months. His first of all adverted to the reductions which were necessary to be made in all branches of expenditure. The period had not yet arrived, and was not likely for some time to come, when it would be possible to state the precise amount to which those reductions might reach. But he might briefly state that there was even greater promise of large reductions of expenditure being carried into effect than when Mr. Wilson made his financial statement. Since then we had been seriously threatened with a famine in the North-Western Provinces, and a considerable diminution of revenue was anticipated.

He trusted, however, that all ground for this serious alarm might now be said to be at an end. It was true that there had not been a good season, but still there was ground to hope it would not be such a one as would embarrass the finances, or seriously derange the calculations on which Mr. Wilson founded his scheme. Since his last general speech on the question, the Military Finance Commission had continued its useful labors, and now at the end of twelve months after its appointment, the wisdom of that measure was becoming apparent, and he had, no doubt, it would be found a most powerful engine in bringing our finances into order. Since April last, a second Commission had been appointed for the purpose of reducing the expenditure in the Civil Establishments, but it was impossible as yet to say what the result would be. Within the last few days a Police Commission had also been appointed, and it was to be hoped that it would be found most useful in effecting a reduction in the expenditure on account of Police and other levies and semi-military bodies. Above all, there was that very effective system of estimate, budget, and audit as explained in the published Resolution of Government. It would take fully a twelve month before that system could come into full and active operation; but it was to be hoped that the measure was a sound one, and would in future years be of the utmost service to the Government, by enabling them to control the general expenditure of the State. He might mention that, during the current year, the budget system had for the first time been in force in the Public Works Department. Out of the sum total at the disposal of the Government of India for Public Works, assignments had been made to each Government in proportion to their wants as previously estimated by the local Governments themselves, and these assignments were made in such a form as would leave to the local Government much greater latitude and choice in sanctioning particular works, and would be the foundation of a system which would enable the local Govern-

ments to make the best possible use of that proportion of the resources of the State which the Government of India would be able to place at their disposal. But as Mr. Wilson repeatedly reminded us, the utmost extent of our reduction could never make both ends meet without additional taxation. He need not tell the Council that the Income Tax, the Stamp Act, and other measures of Government to increase the revenue, had already been passed. He proposed to-day to explain briefly the alterations which Mr. Wilson proposed in the general provisions of the Licensing Bill. On some future day he hoped to address the Council on the subject of the Currency measure, which the Right Honorable Gentleman had left in so very advanced a state that he (Sir Bartle Frere) anticipated no serious difficulty in carrying it into effect.

He would now explain the principal changes which it was proposed to make in the Licensing Bill already before the Council. He would not ask the Council to go into Committee on the Bill to-day, as he wished to have the proposed amendments printed and placed in the hands of Honorable Members before they came on for discussion.

Mr. Wilson had, in the first place, proposed a change in the title of the Bill, so as to make it one for the grant of certificates to persons exercising Arts, Trades, or Professions, and of Licences to dealers in Tobacco.

In the second Section of the Bill, it was proposed to omit the enumeration of professions introduced by the Select Committee, and to revert to the definition in the original Bill.

As the Bill now stood, many persons would be liable to pay both License Tax and Income Tax. This was not in accordance with the principle of the License Tax as a supplement to the Income Tax rather than as an additional impost. It was proposed, therefore, that in all cases where the two taxes would be coincident, as the Bill now stood, one tax should only be levied, so as to make the Bill a supplement to the Income Tax Act.

It was proposed to insert a provision, that certificates of persons dying, or transferring any business, should be transferable to the heirs and assigns of the person who took out the certificate, and it was proposed to extend the exemptions in Section XV of the Bill, so as to include all laborers and working men whose wages did not exceed four annas per diem, and to soldiers, sailors, and other persons in the receipt of salaries from Government. This brought him (Sir Bartle Frere) to the objection which had been raised to the Bill that it taxed Artisans, Tradesmen, and Professional persons and exempted salaried servants of Government, annuitants, and pensioners. But he (Sir Bartle Frere) hoped, that he could show that this objection was not well founded; at any rate it would be less applicable to the Bill as it was proposed to amend it. He need not remind the Council that there were large numbers of those who benefited more than any other class of the community by the prosperity of the country, and who contributed most largely in England to the public revenue, by paying to the Excise and Customs, but who here escaped almost untaxed. There was no class on whom the burden of supporting the State fell so lightly as on the minor Traders and Artisans, and there was none so benefited by good and orderly Government; their profits and earnings increased with the prosperity of the country in a far higher ratio than most other classes, and it was right that they should contribute in proportion. But it was otherwise with persons who had fixed incomes from salaries, pensions, or annuities. Their incomes were stationary, while the cost of living was greatly enhanced. To take the example which had been cited, it had been asked why should Barristers pay, and Judges be exempted? The answer was that Barristers prospered with the growing prosperity of the country, and their incomes increased, whereas the Judge's income was stationary, though the cost of living had a constant tendency in a prosperous community to increase. This example would hardly bear illustration

under the Bill, as he (Sir Bartle Frere) proposed to alter it, because Barristers would generally be exempt, but he mentioned it as an illustration of the essential difference in the principle which should regulate the taxation of the two classes.

With regard to Tobacco, a great mass of very valuable information had been received from the various Governments, the more important portions of which would be laid before the Council. Much of it had bearing on other questions than that immediately before us in the Bill, which related merely to the rates to be charged for Tobacco Licenses. The object of Government was to fix the tax at an amount so moderate as not to force any one who now dealt in Tobacco to give up that branch of business, so that every present seller of Tobacco might take out his License and continue to sell. For this purpose, the rates had been fixed purposely low, and would vary in classes from one hundred Rupees for the largest wholesale dealers down to two Rupees per annum for petty retail sale.

He (Sir Bartle Frere) hoped, next week, that the proposed amendments would be in the hands of all Members, in time to admit of the Council proceeding to consider the Bill in Committee at their next sitting, and he, therefore, begged to move that the Committee on the Bill be postponed till Saturday next.

SIR MORDAUNT WELLS said, when the Bill was last in Committee, he, together with one or two other Members, expressed some objections to the Bill as it then stood. Certainly his main objection had been met by the alterations which had since been made, and which had been referred to by his Honorable friend opposite (Sir Bartle Frere). But as he (Sir Mordaunt Wells) should, in all probability, not have another opportunity of stating his views, he wished to explain why he was prepared to give his assent to the Bill as it now stood. His main objection to the Bill was that he considered that, if persons in the receipt of two hundred Rupees a year who came under the Income Tax, were to be subject to a Licensing Tax, we should be

taxing them at the rate of seven per cent. upon their incomes, and he believed it was felt by several Members of that Council that that was an amount of taxation which would press very heavily upon the industry and energy of the lower classes, and that whatever might be the necessities of the State, it would be far more advisable that we should seek for other sources of income than act unjustly towards the poor. From the statement now made by his Honorable friend (Sir Bartle Frere), it appeared that it was not now intended that the Licensing Tax should apply to any individual who was liable to the Income Tax, and that, if the Council should sanction that measure as now explained, the result would be what the late Sir Robert Peel and his Right Honorable friend so much desired, namely, that all classes should contribute more or less according to their means to an Income Tax, because all classes would benefit by the improved condition and prosperity of the country. There were many persons on five hundred and eight hundred Rupees a year, who could not afford to pay an Income Tax so well as the Artisan, who had not to pay for the education of his children, and had no position to maintain or other claims upon his purse, as the former had. Besides, an Artisan in paying that tax, would, more than any other class, be directly benefited by the prosperity of the country, and he (Sir Mordaunt Wells) therefore rejoiced that this Bill, in conjunction with the Income Tax Bill, would have the effect of imposing a general tax, and that all classes would be improved by the system of finance introduced by his late friend Mr. Wilson. He (Sir Mordaunt Wells) would therefore say that whatever objections he might have taken to the provisions of the Bill as it formerly stood, if he had continued in the Council, he should have given the Government his warm support in carrying it through. It was impossible to realize the loss which we had sustained in the death of his Right Honorable and lamented friend Mr. Wilson. He (Sir Mordaunt Wells) had the privilege of knowing his position and watching him in his

Sir Mordaunt Wells

eminently successful career in England. Perhaps he (Sir Mordaunt Wells) was the only Member of this Council who had had that opportunity. He knew well the confidence which had been reposed in him by the distinguished men with whom he acted from time to time, and he (Sir Mordaunt Wells) would only say that at the time his lamented friend took office in India, it was a sacrifice which no one could thoroughly realize. When we knew the degree of labor which the Right Honorable Gentleman devoted to his duties, and that in the face of repeated warnings our late colleague continued to go on in the work without looking at the danger which surrounded him, there was no instance in the history of this country of a man who was so completely regardless of personal considerations as to persevere in his work up to the very hour of his death, solely from the high motive of doing his duty to his country. In making these observations, he was persuaded that they would be concurred in by every Member of this Council, and he made them because he might not have another opportunity of addressing the Council. He should look back with satisfaction that he was called upon to assist the Council in passing the Income Tax Bill, and he rejoiced to say that, as had been remarked by the Right Honorable Gentleman, the Council had passed so important a measure without a single division on a question of principle. It was gratifying to know that this had been the case when we recollected that, when the same measure was introduced in England, it was met with very strong opposition, and petitions upon petitions came pouring in from all classes against its passing into law. The support which his Right Honorable friend had met with from the European community in India was such that the people in England were utterly astonished at the favorable reception given to the Right Honorable Gentleman's measures by the European community. He was certain that if the European community had not supported the Government and his Right Honorable friend at such a critical time, with all his

powers and all that persuasion so peculiar to him, the Income Tax would never have been carried out.

He (Sir Mordaunt Wells) had one more observation to make. It had been said that, in consequence of the loss which the country had sustained by the death of the Right Honorable Gentleman, there would be a pause in carrying out the measures left uncompleted by him. He rejoiced to see that such was not the case, and that the Government intended energetically to pursue those great schemes introduced into this Council by the late Right Honorable Mr. Wilson. Let the Executive Government pursue that course, and he was sure that success would crown their efforts. It was right that the millions of natives whom we governed should know that Englishmen could be found and would always be found to carry on the Queen's Government.

The Motion for postponement was then put and carried.

INDIAN PENAL CODE.

The Order of the Day being read for the adjourned Committee of the whole Council on "The Indian Penal Code," the Council resolved itself into a Committee for the further consideration of the Code.

Sections 1 and 2 of Chapter IV were passed as they stood.

Section 3 provided as follows :—

"Nothing is an offence which is done by a person by virtue of any power given to him by law, or in the exercise of any such power to the best of his judgment exerted in good faith."

THE CHAIRMAN moved the restoration of the following Section of the Original Code in lieu of the above :—

"Nothing is an offence which is done by any person who is justified by law, or who by reason of a mistake of fact and not by reason of a mistake of law, in good faith, believes himself to be justified by law in doing it."

Agreed to.

Sections 4 and 5 were passed as they stood.

Section 6 was transposed so as to stand after Section 2.

Sections 7 to 10 were passed as they stood.

Section 11 was passed after a verbal amendment.

Sections 12 to 22 were passed as they stood.

Section 23 was passed after a verbal amendment.

Sections 24 to 31 of Chapter IV and Section 1 of Chapter V were passed as they stood.

Sections 2 and 3 were passed after the transfer of an explanation from the former to the latter.

Sections 4 to 11 were passed as they stood.

Sections 12 and 13 were severally passed after a verbal amendment.

Section 1 of Chapter VI was passed after verbal amendments.

THE CHAIRMAN moved the introduction of the following new Section after Section 1 :—

"Whoever collects men, arms, or ammunition, or otherwise prepares to wage war with the intention of either waging or being prepared to wage war against the Queen, shall be punished with transportation for life or imprisonment of either description for a term not exceeding ten years, and shall forfeit all his property."

Agreed to.

Section 2 was passed after a verbal amendment.

Section 3 was passed as it stood.

Section 4 was negatived on the Motion of the Chairman.

Sections 5 and 6 were severally passed after amendments.

Sections 7 to 10 were passed as they stood.

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

RETIREMENT OF SIR MORDAUNT WELLS.

SIR MORDAUNT WELLS said, as he was about to retire from the Council, he wished, before we adjourned to-day, to say a few words, for which he had the permission of His Excellency the Governor-General, in explanation of the circumstances under

which he had joined this Council and resigned his seat in it. In consequence of the alarming illness of Mr. LeGeyt, who had since died, and the absence of Sir James Outram, as well as the intended absence of his Honorable and learned colleague (Sir Charles Jackson), it was feared that the Members present would not suffice to form a quorum, and that the several important measures then under preparation could not be proceeded with. Sir Charles Jackson, therefore, before he left, informed the Governor-General that he had placed his resignation of his seat in this Council in the hands of the Honorable and learned Chief Justice, with a view to its being made use of in case of necessity. The contingency of Mr. LeGeyt's absence from the Presidency having arisen, Sir Charles Jackson's resignation was sent in and accepted, and on the 9th of June, he (Sir Mordaunt Wells) received an extremely considerate letter from the Governor-General, stating the position of affairs at the time, and requesting that he would come into the Council in place of Sir Charles Jackson. He did so, and took every possible step to prepare himself for the different measures which were coming on before the Council. He took no credit to himself for what he had done. He would only mention that at that time the Arms Bill, the Stamps Bill, the Income Tax Bill, and the Licensing Bill came under the consideration of the Council, and from the day he was appointed up to a few weeks ago, he was engaged with his work in the Council and in the Court for no less than fourteen or fifteen hours daily. He did not mean to say that the Council had in any way benefited by his labors, though he might state that he had endeavored to discharge his duties to the best of his ability, as far as his health permitted him. He cared not for the motives imputed to him by anonymous writers, and would not notice them. He came here to do his duty, and he could say that he had done that duty conscientiously. Though he might have differed on many points from several of his colleagues on what he considered matters of vital

importance, he was sure they would do him the justice to acknowledge that he never flinched from taking his share of the business of the Council. He had consulted the Honorable and learned Vice-President as to the course he should take on the arrival of Sir Charles Jackson. He told the Honorable and learned Vice-President that he felt it would be most unfair for him (Sir Mordaunt Wells) to keep Sir Charles Jackson away from his seat in the Council even one day after his arrival in Calcutta. The advice of the Honorable and learned Vice-President was that he (Sir Mordaunt Wells) should remain some short time longer in Council until the Penal Code had been got through, as he (Sir Mordaunt Wells) had taken an active part in the consideration of that most important measure. But he (Sir Mordaunt Wells) did not think it likely that the Council could get through the Penal Code even in the course of a month, and there was another consideration which prevented him from acting upon the advice of the Honorable and learned Vice-President, and that was that he had been seriously advised to diminish his labors and seek needful rest. He had accordingly rewritten to the Governor-General, requesting that he might be allowed to resign his seat in the Council from and after Thursday next. He had received the most perfect courtesy and kindness from the Governor-General. He thought it necessary to make these observations, because he did not wish that there should be any mistake as to the circumstances under which he joined the Council, and the reason of his retirement from it. He never had the slightest wish to enter the Council. On the contrary, since his arrival in the country, he had expressed his deliberate opinion that on constitutional grounds, it was politically inexpedient that the Puisne Judges should be Members of this Council. Considering the multifarious duties of a Puisne Judge, he had quite enough to occupy his whole time and attention without further burdening himself with legislative duties. But however this might be, he hoped the time would

never come when the Chief Justice should cease to be a Member of this Council, for he really did not see how the business of the Council could go on without him.

He would add that he had received the greatest consideration and attention from Honorable Members since he had entered this Council. There was not a Member of the Council from whom, although he might have differed from him in the course of debate, he had not personally received the utmost courtesy and kindness. He was thoroughly convinced that the work done here might fairly be compared with the work done by any Legislative Assembly in the world.

In conclusion, he thanked the Council for having allowed him to make this explanation on a matter which might, perhaps, be considered as purely personal to himself, but upon which he was anxious that there should be no misapprehension.

THE VICE-PRESIDENT said, he could fully bear out the statement of the Honorable and learned Judge as to the circumstances which led to his joining this Council, as well as the reason of his retirement.

By the constitution of the Council, the Chief Justice was an Ex-Officio Member, and only one of the two puisne Judges could be appointed by the Governor-General to be a Member. The Governor-General had accordingly appointed Sir Charles Jackson to be a Member. But when Sir Charles Jackson left Calcutta, he left his resignation with him (the Vice-President) in a view to his making use of it in case of any difficulty in forming a quorum arising, as was expected, in consequence of Mr. McGey's illness and Sir James Outram's absence. After Sir Charles Jackson had left, when the difficulty anticipated arose, he (the Vice-President) sent in Sir Charles Jackson's resignation, and the Governor-General appointed his Honorable and learned friend (Sir Mordaunt Wells) unconditionally. His Honorable and learned friend having once been appointed, could not be removed. His resignation therefore was a purely voluntary act, and he (the Vice-

President) thought that there was no one here who could not but admire the high sense of honor which had induced him to retire from the Council. His Honorable and learned friend had spoken to him on the subject, and he (the Vice-President) had suggested that, as his Honorable and learned friend had prepared himself for the discussion of the Penal Code which had then been partly settled by a Committee of the whole Council, and as Sir Charles Jackson might possibly not be prepared immediately on his arrival, his Honorable and learned friend should continue in the Council until that measure was disposed of. It was considered at that time that the Code would probably have been almost completed before Sir Charles Jackson's arrival, and he (the Vice-President) thought that his Honorable and learned friend rather acceded to the suggestion, until the other day, when his Honorable and learned friend informed him that, as the Code could not be completed at once, he was bound by honor not to remain in the Council a day longer than the absence of Sir Charles Jackson might render absolutely necessary. He (the Vice-President) could not say anything, though he deeply regretted losing his valuable assistance. No one could but admire the indefatigable zeal and attention which he had brought to bear on the discharge of his duties. For weeks the Council had assembled morning after morning, adjourning at an hour which, considering his Supreme Court duties, left the Honorable and learned Member scarcely any time to eat his breakfast; indeed several mornings he had been obliged to go into Court without his breakfast. He (the Vice-President) remembered his Honorable and learned friend on several occasions hastily coming into his (the Vice-President's) room and snatching a little breakfast. We must all therefore admire the manner in which the Honorable and learned Member had devoted himself to the public service, not only by coming into this Council as he did, and enabling the Council to go on with its duties when short of Members, but also by applying himself as he had done at the sacrifice of his health.

With reference to the question raised by his Honorable and learned friend as to the expediency of Puisne Judges having a seat in this Council, he (the Vice-President) must confess he did not agree with him. He saw no objection, constitutional or otherwise, to Puisne Judges being Members of this Council. He could see no greater objection to Puisne Judges sitting in the Council than there could be to the Chief Justice. His Honorable and learned friend had made some complimentary observations regarding himself for which he (the Vice-President) felt much obliged to him. He (the Vice-President) had always endeavored to do his duty to the best of his ability, and he trusted that he should continue to do so as long as he had a seat in the Council. He had done nothing more. If the Government at home should think that, for political or other reasons, the Judges ought not to continue in the Council, he should cheerfully bow to their decision.

SIR BARTLE FRERE said, he was not aware, when he came down to the Council to-day, that his Honorable and learned friend opposite intended to make a statement on the subject, or that we were so soon to lose his services as a Member of this Council. But he thought he could safely say, even without having had an opportunity of consulting the head of the Government, that the Government of India was under great obligation to the Honorable and learned Judge for the able manner in which he came and assisted in carrying on the business of the Council. It was not only that he enabled us to form a quorum, but that he assisted us in the discussions which took place on the Income Tax Bill, the Stamp Bill, and, he (Sir Bartle Frere) would make no exception, the Arms Bill. No body who had taken an interest in the proceedings of the Council lately, could have failed to see how much attention the Honorable and learned Gentleman had applied to every subject which came before us. His Honorable and learned friend had differed on many points from other Members of the Council, and from none more than from himself (Sir Bartle Frere). But he

The Vice-President

(Sir Bartle Frere) had never seen any opinion drop from his Honorable and learned friend which was not the expression of an independent and honest judgment, and which, he (Sir Bartle Frere) had no doubt, had a beneficial effect upon all of us. Nobody could have attended the meetings of this Council without noticing the earnest attention which the Honorable and learned Gentleman had paid to the proceedings of the Council, and the personal labor which the Honorable and learned Judge had brought to bear upon the discharge of his duties. He (Sir Bartle Frere) could only regret that the Honorable and learned Gentleman's health should have suffered in consequence, and he begged in behalf of himself and the Council to return him their hearty thanks for the assistance which he had rendered them.

He (Sir Bartle Frere) would not here express any opinion as to the question raised by the Honorable and learned Judge. He would only say that it would be impossible for our deliberations to have been presided over with greater dignity or ability than ever since the present Honorable and learned Vice-President had filled the Chair, and whatever opinions might be held as to the political expediency of Puisne Judges of Her Majesty's Supreme Court sitting in this Council, we all had reason to feel our obligations to those trained legal minds which had so often thrown light upon their proceedings.

The Council adjourned.

Saturday, September 1, 1860.

PRESENT :

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

Hon'ble Sir H. B. E. Frere,	H. Forbes, Esq., A. Searce, Esq., and C. J. Erskine, Esq.
Hon'ble C. Beadon, H. B. Harington, Esq.,	

NEW MEMBER.

MR. ERSKINE was duly sworn, and took his seat as a Member of the Council for the Bombay Presidency.