

GROUND OF OBJECTION TO THE CALCUTTA STAMP TAX.

By an Old Inhabitant.

[The question of the Indian Stamp Tax has been so fully discussed in our pages, and so ably treated also in the last Number of 'The Edinburgh Review,' that we should not have thought it necessary to revert to the subject ourselves; but, having received from India a manuscript, containing a condensed and well-arranged view of the leading arguments in this question, possessing some novelty of substance as well as form, we readily give it a place among the other records already printed on this important subject. The objections of the writer, who is, we believe, what he really signs himself, An Old Inhabitant, are thus stated]:

1. As consumers, we do pay our proportion of every mofussil tax—even the land tax, the salt tax, the opium tax. Although the Indian land revenue is the rent of the soil, yet under a system which leaves that in the hands of private owners, and to find its level, the cultivators acquire capital, and cultivate at less expense of production. Here cultivation is carried on by advances, or borrowing, at great interest, for which consumers pay indirectly, in prices, wages, and enhanced cost of all production.

2. We pay, *in the first instance*, all the customs and import duties, just as the inhabitants of the mofussil, *in the first instance*, pay their taxes; and they relieve us only of such part of the import duties as their consumption takes up.

3. We pay town duties, house taxes, taxes on liquors, &c. &c., in like manner as the inhabitants of places out of the jurisdiction of the Court.

4. In other most important particulars, the European portion of us are very differently situated from the great body of his Majesty's native subjects.

5. We are not allowed to purchase land.

6. We are liable to be ordered out of the country at a moment's warning.

7. We are not allowed to colonise, or to resort hither.

8. We are not allowed to purchase, or deal in salt.

9. We are not allowed to go eleven miles from Calcutta, without permission.

10. We are not allowed to follow callings in the interior, without special license, revocable at will.

11. The above are direct interferences with industry, with the

free disposition and employment of capital, and with personal liberty of action.

12. Comparing our situation with that of our countrymen at home, British-born subjects here are further exposed to many personal restraints and political disabilities.

13. We have not the benefit of juries to settle our differences, and assess damages.

14. We have not the full benefit of the Act of Habeas Corpus.

15. We have no voice in the nomination of the smallest magistrate, or functionary, set over us.

16. We have not the privilege of communicating our thoughts by printing, but under revocable license, so that security of property against the mal-administration of justice has not that guarantee which all upright judges desire.

17. We have not the right to assemble for public purposes, without special leave.

18. We have no voice in the imposition of any tax or burden upon us.

19. We have no knowledge even of taxes or burdens meditated, till they are passed into laws.

20. We have no corporate bodies, or public institutions, or organs of communication and influence with the Government here, or with any one of all the authorities in England.

21. We are the first and most directly interested in the financial measures of Government, especially such as relate to the imposition of burdens, the raising of loans, or paying them off, the reduction or augmentation of interest, &c.; yet we have no knowledge of these matters so deeply affecting our property, which, be it observed, *cannot invest itself in agricultural purchases*, till they are suddenly and secretly carried into operation; and we have no opportunity, as in England, of preparing, distributing, or providing against partial and injurious effects of such measures.

22. We are not now complaining of all the above and other disqualifications; but we have always considered, and do consider, that so many privations and restraints were, in some degree, compensated by freedom from any laws, taxes, or burdens, within the jurisdiction of the King's Court, not specially and distinctly imposed by the Legislature, or sanctioned by the concurrence of the said Court.

23. We see no end to the imposition of taxes by local authority, in which we have no influence. If once the system of imposts takes root, we submit that the intentions of the Legislature, in throwing open the Indian trade, and expressly limiting the amount of duties to be borne by it, *might be indirectly, but effectually, defeated by*

excises, assessed and property taxes, and other burdens without number, affecting, in various ways, the ship-owner, trader, planter, capitalist, and all concerned in Indian commerce.

24. In his Majesty's colonies, taxes are levied either by the authority of colonial assemblies, in the older settlements, or in the more recent ones, by crown Governments, in which one or more Judges, independent of the Governments, have a voice.

25. Such security to the legal rights and interests of the subject, and to the cautious weighing of measures affecting him, we have not; although, from this not being a royal Government, but one delegated to the servants of the Honourable Company of Merchants of England, trading in and to this country, that protection may be reasonably thought peculiarly needful.

26. The establishment of the Supreme Court here, and its required concurrence in enactments affecting us, were declaredly intended by Parliament as a protection of this nature. We do not enjoy the advantages, like national colonies and establishments, of being administered under the immediate inspection and habitual vigilance of our virtual representatives in Parliament. The affairs of India are privately conducted in another place: in the first instance, by the Honourable Court of Directors, and, secondarily, by the Board of Control. It is only incidentally, and on rare and special occasions, that matters connected with India come at all to the notice of Parliament, or are made public even to the proprietary body of stockholders.

27. We most respectfully decline subscribing to the opinion, that there is, and ought to be, no difference between the inhabitants within the pale of the Supreme Court, and those without, in respect to *legislation, or liability to imposts.*

28. The establishment of the Royal Courts, for the reasons assigned by Parliament, proves the former,* and places the inhabitants of Calcutta under a totally different system of laws, with, of course, distinct rights, duties, and liabilities.

29. In respect to the latter, we respectfully submit that the distinct nature of our rights and liabilities,† from those of inhabitants under the Honourable Company's jurisdictions, is equally clear.

30. We are advised that English settlers, wheresoever sojourning under the King's flag, carry with them every practicable right and obligation of their birth, *excepting such as are taken from them by the Legislature of their own country.*

31. Whereas the Native subjects, acquired by conquest in a foreign country, can claim no rights of British settlers, or any rights as British subjects, *but such as are expressly conceded to them by the same supreme authority.*

* Distinct laws.

† Distinct rights and duties.

32. This difference of position we take to be *essential* and *fundamental*, and that it is expressly recognised in all the legislation of England for India.

33. The Native inhabitants of Calcutta have, by law, every right and privilege of *British* inhabitants, in virtue of their dwelling among us, and being expressly taken from the jurisdiction of the Company's laws, and placed under the courts and laws of England.

34. Our main objection being to the system of unlimited taxation, imposed without our previous knowledge, or the knowledge of our virtual representatives in Parliament, we have the less dwell on local and partial, or inconvenient, effects of the Stamp Act: we are not, however, the less alive to the recognised impolicy and wrong of law taxation, or taxes on justice in any shape,—to the well known ultimate incidence of taxes that affect the transfer of capital, upon the needy instead of the opulent,—or to the notorious unproductiveness of stamp duties, compared with the cost of levying, and the gross sums levied.

35. One great and striking proof of the inconvenience and severity of a system of taxation carried on by private communications to and from England, is seen in the length of time it takes up, and the entire change, in political and commercial relations, which may take place before a tax returns hither sanctioned. What was proposed and approved as a war measure, or to meet urgent financial wants, may find, peace restored, finances prosperous. What was suggested when commerce flourished, and disposable capital overflowed, may find trade and manufactures languishing, and money scarce. What was proposed in periods of harmony and intercourse among all classes of inhabitants, may find distrust and ill-humour prevailing.

36. We believe the system of European direct and indirect taxation, and the system of Asiatic imposts, where the State is the real land-owner, and absorbs *all* of the nett rent of land, which it does not distinctly renounce, (by gift or compromise,) to be incompatible, in the political economy of any state; the latter system having prevailed in India, time immemorial, aggravated under the Honourable Company's regime, by their possession of the great monopolies, and the exercise of their mercantile functions, we believe it to be impossible that the practices of English finances can be productively, or largely, introduced here, without great suffering to all classes of consumers, on whom taxation, in whatever shape, ultimately falls.

37. In respect to the security against excessive taxation, which is said to be provided by the Act, which requires the assent of the King's Ministers to any proposed impost, we beg to profess our loyal reliance on the gracious intentions of his Majesty at all times, and our especial confidence in the liberal spirit which has characterised so many of the acts of the present Ministers. But we respectfully urge that no such confidence can be put forth, or consi-

ded as a constitutional or valid security to the subject, against the possible abuse of power, or neglect of duty, in any other set of Ministers who may in future times be called to office. There is no real solidity in any such guarantee at any time; and least of all, towards the close of the present charter, when his Majesty's Ministers have a natural and laudable interest in raising the standard of Indian revenue as high as possible, to counterbalance the Indian debt, with which, it is presumed, the British Exchequer will be burdened, in case of a resumption of the Company's exclusive privileges.

38. Finally, the Government assures us that we have nothing to fear from over-taxation, as they will only ask fresh contributions when they are urgently in want of them, and which is the only cause of their now asking them in shape of a Stamp Tax. But what security can we have in the moderation of a Government, the very basis and foundation of whose revenue system is that of drawing *all* the rent of the estate, expending as little of it as possible, and pocketing, or remitting the difference, as 'tribute,' or 'surplus revenue,'—a political and economical error,—but unhappily recognised in every successive charter, and boasted of so lately as 1822 and 1823.—A Government, drawing its resources, as in Europe, from the contributions of the subjects for the common purposes of protection and government, may be restrained from asking more than its needs require; but a State that is land-owner, trader, and monopolist, can give no security that it will not exact all it can, to be enabled to remit a surplus to the mother country.

THE CORONAL.

(Translated from a Sonnet written, in Modern Greek, by the late Ugo Foscolo, and addressed by him to Lady ———.)

FAR from my native Heaven, a wreath I wove
 Of mingled odour, and of various hue.
 Smiling and sad—my own heart's emblem true—
 The violet pale—the rose that blooms for love.
 The delicate hyacinth, and myrtle green,
 Embracing the soft lily's virgin sheen.
 And, oh! still dearer, from Hesperian bower,
 The laurel shadowing each subject flower,
 My Heliodora! thou wilt haply wear
 This votive coronal I wreathed for thee,
 To twine the tresses of thy golden hair,
 Thy sunbright locks, proudly and gracefully,
 Bright as thy polish'd brow, and perfumed as thy sigh.



PERPUSTAKAAN NASIONAL REPUBLIK INDONESIA