

Wednesday, February 4, 1863

**COUNCIL OF GOVERNOR GENERAL
OF
INDIA**

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Abstract of the Proceedings of the Council of the Governor General of India, assembled for the purpose of making Laws and Regulations under the Provisions of the Act of Parliament, 24 and 25 Vic., cap. 67.

THE Council met at Government House, on Wednesday, the 4th February, 1863.

PRESENT :

His Excellency the Viceroy and Governor General of India, *presiding*.
Major-General the Hon'ble Sir R. Napier, K.C.B.
The Hon'ble H. B. Harington.
The Hon'ble H. Sumner Maine.
The Hon'ble Sir C. E. Trevelyan, K.C.B.
The Hon'ble C. J. Erskine.
The Hon'ble W. S. Fitzwilliam.
The Hon'ble D. Cowie.
The Hon'ble Rajah Deo Narain Singh Bahadoor.
The Hon'ble Rajah Dinkar Rao Rugonauth Moontazim Bahadoor.
The Hon'ble R. S. Ellis, C.B.
The Hon'ble A. A. Roberts, C.B.

CONFINEMENT OF PRISONERS CONVICTED IN NATIVE STATES.

The Hon'ble MR. HARINGTON presented the Report of the Select Committee on the Bill for the amendment of the law relating to the confinement of Prisoners convicted of offences in Native States.

PEONS' BILL.

Also the Report of the Select Committee on the Bill to consolidate and amend the law relating to the employment and remuneration of Peons for the service and execution of Civil Process in the Courts of the North-Western Provinces of the Presidency of Fort William in Bengal.

CIVIL PROCEDURE CODE AMENDMENT.

Also the Report of the Select Committee on the Bill to amend the Code of Civil Procedure.

ADMINISTRATION OF CIVIL JUSTICE (DARJEELING) BILL.

The Hon'ble MR. MAINE presented the Report of the Select Committee on the Bill to improve the Administration of Civil Justice in the Settlement of Darjeeling.

EMIGRATION TO SAINT CROIX.

The Hon'ble MR. MAINE moved that the Report of the Select Committee on the Bill relating to the Emigration of Native Labourers to the Danish Colony of Saint Croix be taken into consideration. He said that, in making this Motion, it was desirable that he should read the last paragraph of the Report of the Select Committee, which was in the following terms:—"As we understand that the consolidation and amendment of the Acts relating to Emigration are under consideration of the Supreme Government, and likely very soon to be undertaken, we refrain from suggesting, on the present occasion, any alteration of the Law, which would be applicable only to the small Colony to which this Bill relates." When the Select Committee assembled, there was found to be considerable difference of opinion among the Members, both with respect to the principle of the Bill and the machinery by which its object was to be carried out. But he (Mr. Maine) had been in a position to inform the Committee that it was the intention of the Government, when the sittings of the Council were intermitted, to take into consideration the laws relating to Emigration with a view to their consolidation and amendment. As respected this particular Bill, the community of Saint Croix was but small, so that the drain upon the labour of India would be insignificant; and, on the other hand, the Danes, as His Excellency, from his West-Indian experience, was doubtless aware, bore such an excellent reputation for kindness to their servants, even in the days of slavery, as afforded strong ground for believing that emigrants would be treated with even exceptional humanity and consideration. He would, therefore, move that the Report be taken into consideration, and the Bill be passed without prejudice to any question that might arise hereafter on the subject of the amendment of the Emigration Laws.

The Hon'ble MR. COWIE said, it was no doubt their bounden duty to pass this Bill, since it merely carried out a Convention already entered into at Home by Her Most Gracious Majesty. But he wished to suggest to the Executive Government the expediency of pointing out to Her Majesty's Ministers the apparent fallacy on which these Conventions were based,—*viz.*, the notion that India was overpopulated, and that the remedy of emigration, which had brought such enormous advantages to England, Scotland, and Ireland, must prove of equal service here. It was true that, in many towns, and, perhaps, in some districts, there was an excess of population, but then these were balanced by other districts very sparsely populated; and it would be more expedient for Government to encourage Natives to migrate from one part of India to another, rather than to carry their labour to Foreign Colonies with which we have no commercial reciprocity. In making these remarks, he wished to guard himself against any imputation of narrow views in reference to free trade. He professed himself a free-trader in the item of labour, as in other things, and he desired to see every man at liberty to carry his labour to the best market, whether in his own country or out of it; but it was one thing to bring that liberty to the notice of Natives, and quite

another to tempt them to emigrate by various modes of encouragement, and even by a kind of licensed impressment. He hoped the subject might receive the impartial attention of His Lordship and the Executive Members of this Council.

The Hon'ble MR. FITZWILLIAM said that his Hon'ble friend, Mr. Cowie, had so fully expressed the opinion of the commercial community of Calcutta, and, he believed, of India, that he could add but little to his arguments, in all of which he agreed. He admitted the right of free emigration to every Native of India. But believing, as he did, that the supply of labour in this country was now inadequate to meet the demand, he thought that the Government should, when legislating for the protection of the emigrant, avoid doing anything that would encourage him in emigrating. The time was, in his opinion, not far distant, when the question of immigration would probably occupy their attention much more than emigration.

The Hon'ble MR. ELLIS said, that it was not his intention to raise any objection to the Bill before the Council, because he conceived it had become necessary to pass that Bill, in consequence of the Treaty concluded by Her Majesty's Government with that of Denmark. The measure before the Council was merely an extension of Act XXXI of 1855, as modified by Act XLIX of 1860, which Act was passed for the protection of Natives emigrating from the British Territories in India to British Colonies; and as it was the intention of Government shortly to make a revision and consolidation of the laws relating to emigration from India, he agreed with the other Members of the Select Committee in thinking it unnecessary to make any alteration in the Law as applicable to the Danish Colony of St. Croix only. But although he was not disposed to oppose the Bill before the Council, he confessed that he very heartily concurred in the opinions expressed by his Hon'ble Colleagues, that the extension of emigration at the present time was a matter of very serious regret, and that such extension would prove very injurious to the interests of this country. Some persons in England, and Foreign Governments generally, laboured under the erroneous impression that British India had a surplus population which it could afford to send out of the country as emigrants, either to our own Colonies or to Foreign Possessions. Those best acquainted with India would certainly not concur in this opinion. In reality the future progress of India, speaking not of particular portions of the country, but of the Empire generally, ran a serious risk of being interrupted and delayed, by the want of a sufficient population. This deficiency of labour was likely to retard an object in which His Lordship's predecessor in the Government of this country, and the English public generally, had shown so great an interest, the reclaiming of the vast tracts of jungle and waste land, and the application to the soil of English capital under the superintendence of English settlers. When they reflected upon the vast extent of Railways still remaining incomplete; the tramways, feeders, and roads required to bring the great lines of Railway into profitable operation; and the vast works of irrigation which were being undertaken with the object of fertilizing and enriching the country: when they knew

that all these great enterprizes were not looming in the distance, but were already in progress, he (Mr. Ellis) confessed that he thought they should view any increase in the number of emigrants, and any measures which, like the present Bill, had a tendency to encourage emigration, as matters of regret, and as a serious evil. He was aware that it might be said that the inhabitants of India should be free to carry their labour to the best market which they could find, and that it would be unbecoming and illiberal in the British Government to throw obstacles in the way of emigration, either to our own or Foreign Colonies. It would also be objected, that the legislative measures passed in respect of emigration had not had for their object the encouragement of emigration from India, but that they had been framed so as to protect the Natives of the country from being entrapped and deluded when making their engagements; to guard their interests when they had reached their destination: and to ensure their return to their native country when they had fulfilled their contracts. He was prepared to admit that at first sight there was great force in such observations; but although laws might be framed with care, and be thoroughly correct in principle, it behoved the Council, especially in regard to this country, to observe very carefully the practical effect of the law when applied. The laws relating to emigration would, he did not doubt, be found very sufficient in countries where the people were more civilized and self-reliant than they were in India; but he did not believe that the law, in its present state, was sufficient to guard the Natives of the interior of the country from being deceived and enticed from their homes on false, or what was nearly as bad, on insufficient, information. He believed that if we could follow the recruiters of emigrants into the interior of the country, and if we could watch their proceedings more closely than had hitherto been done, we should find them holding out the most exaggerated prospects to the most ignorant class of the population, and making promises as extravagant as those of the recruiting Serjeant to the bumpkins of a village in England, when a few fine men were wanted for service in India. The Natives in the interior completely misapprehended the position and powers of these recruiting agents. These agents displayed before their eyes a Purwannah, as they styled the document they received from the Emigration Agent, and they were invested, in the eyes of the people, with a certain degree of official authority. They were listened to all the more readily in consequence of its being supposed that their objects had the support and approval of the Government. When once a gang of Coolies was collected, care was taken to gain over a few of the most intelligent among them. These were appointed as Sirdars over small companies of the Coolies, were favoured by the recruiter, and combined with the recruiter to keep up the illusions which caused the Coolies to enlist. These Sirdars obtained, during the march to Calcutta, a very great influence over their respective gangs, and, by the time the Coolies reached their depôt at Calcutta, they were fully persuaded of the reality of the promises held out to them when they left their homes, and that these would be speedily realized. Acting under the direction of their leaders, they, parrot-like, expressed their contentment when questioned by the Protector, and their entire willingness to fulfil

their engagements. He (Mr. Ellis) must beg to observe that he believed the work of the Protector, so far as lay in his power, was most conscientiously performed at Calcutta by the Officer appointed for that purpose ; but he maintained that the bands of intending emigrants were deceived before reaching the depôt, and the influence of their Sirdars dictated their answers to the Protector. Those who were best acquainted with Natives knew how easily men could be tutored, and how difficult it was to make them give any answers but those which had been taught them. Their health was carefully and skilfully guarded during the time they remained at the depôt. It had been found necessary on the ground, it was stated, of health to give the intending emigrants, while awaiting their embarkation, a very superior diet to that to which the labourers in this country were accustomed, and spirits formed one of the sanatory precautions which it had been found necessary to employ. Further, athletic sports were encouraged by pecuniary rewards, so that the happy life which was promised to them at the time of their recruiting, commenced to be realized during their sojourn at the depôt, and it was only when they were fairly at sea that they commenced to find how illusory the promises made had been. He (Mr. Ellis) did not think that he exaggerated when he said that the majority of Coolies who emigrated (and this was especially the case with regard to Foreign emigration) were completely ignorant of that which they were undertaking. He did not wish to dwell upon the lamentable and excessive mortality which had recently occurred among the emigrants to the Island of Réunion, and which had engaged, he believed, the attention of the Government of Bengal, and the Government of India, for he had no doubt that efficient remedies would be applied. This mortality, which was nearly double that which occurred among the emigrants to the Mauritius, amounted to 4½ per cent. during the short time occupied in the voyage and in the distribution of the Coolies. With reference to this particular branch of emigration from this country, he had carefully examined the reports regarding Cooly labour, inserted monthly in the Commercial Gazette published in St Denis. He gathered from those reports some important facts. It appeared that the mortality among the Coolies received from Calcutta was of the very serious character which he had already noticed ; that this mortality was continuous during a great part of the year, and also that the Coolies received from Calcutta were physically ill-suited for the labours assigned to them on the sugar-cane plantations and in the sugar factories. It was added, and he thought this a very significant remark, that the demand for labour in the Island was so great, that in spite of the large numbers already sent, Planters and Manufacturers were eager to obtain these Coolies, although it was admitted that their physical condition was unsuited for these labours. When it was remembered that the Island of Réunion did not admit of much extension of cultivation, and that the climate, though favourable to Europeans, was considered fatal to Africans, and hostile to Asiatics, he very much feared, from the facts he had mentioned, that it had been found, as was the case with imported slave labour in America, that it paid to employ at excessive labour an Indian

Cooly, even for a limited period, and that a large proportion of those employed succumbed to this labour. In Article X of the Convention made by Her Majesty with the Emperor of the French, provision had been made that the emigrant should not be required to work more than six days in seven, nor more than nine hours and a half a day, and by Article XIX, that the British Consular Agent should be informed of the allotment of the emigrants, and of all deaths and births which might occur during the period of engagement. He (Mr. Ellis) should be glad to learn that these statistics had been furnished to the Government of India by the British Consular Agent during the last eighteen months, and that they indicated a better state of things than would appear from the report which he had quoted. He (Mr. Ellis) was led to believe that this state of things continued in Réunion; for he observed in a late issue of the Commercial Gazette above quoted, dated 15th December 1862, the following remarks:—"The *Allumghir* has arrived with 400 Coolies on board. These will be allotted in a few days. The Coolies from Bengal are still out of favour, because the truth is the numerous shipments of these men are not of the kind required. It is to be hoped that the present lot will prove better than those which preceded it. But whatever may be the composition ('materiel') of it, the want of labour is so great everywhere, that in all probability not one of these Indians will remain unplaced in a very few days after their distribution is allowed." He did not wish without further information to draw any positive conclusion from this recent account of the labour market in the Island of Réunion, but he feared the deficiency of labour indicated a continuance of mortality after the emigrants reached the estates. He thought it might however be safely affirmed, that the experience of the results of the emigration of Natives from India to Foreign Colonies was not of a nature to make any one interested in the welfare of India wish for the extension of such emigration, and rendered it very desirable that stringent provisions should be introduced into the laws relating to emigration, to guard the Natives of India from being enticed by false promises to a country and to labours which were unsuited to them; the more so, that every adult labourer was certain of remunerative work either in his own country, or in countries forming part of the British dominions in India, and under the protection of the British Government. His object in making these remarks had been to hasten the revision and consolidation of the laws relating to emigration. Whether it would be desirable to send a commission to enquire, before the evil extended, into the condition of Natives who had emigrated to Réunion, must be left to the discretion of the Executive Government, but he thought this Council would fail in the performance of an important duty if a careful amendment of the law relating to emigration was delayed. He observed that an important step in this direction had been taken by the Council of His Honour the Lieutenant-Governor of Bengal, in a "Bill for the regulation of the transport of Native labourers to the districts of Assam, Cachar, and Sylhet." Sections X and XI of the Bill contained important provisions for keeping the recruiter of Coolies under the eye of the District Magistrate, whose signature must be obtained before the recruiting could commence. No labourer was to be allowed to leave his district

until he had been produced before the Magistrate, and until that officer had carefully examined the intending emigrant as to the nature of his engagement, and if the Magistrate was not of opinion that the person examined comprehended his engagement, he was required to refuse to register his name, and without such registration no labourer could be forwarded to the Cooly depôt. It was before the Cooly left his own district that protection was most required and could be more efficaciously extended to him. He trusted that these useful provisions would be introduced into the consolidated law relating to emigration, and that the Magistrates would most carefully question the Natives who proposed to emigrate, so as to ascertain that they had not been kept in ignorance on such important points, as the climate of the country to which they were about to proceed, and the nature of the labour required of them. He must ask the indulgence of the Council for the length of his remarks on this subject, but it was one of great and increasing importance, as affecting the welfare of very large numbers of the Natives of this country, and indirectly those important interests to which he had already alluded, and which would seriously suffer by any increase in emigration from British India. As it was, the emigration from the Port of Calcutta alone had reached very considerable proportions. The total number of emigrants from this Port from December 1860 to December 1862 was 37,598, of whom 8,957 went to the Colony of Réunion.

The Hon'ble MR. ERSKINE said that, as one of those who had signed this Report, he wished, after the statements which had just been made, to offer a few remarks on one portion of this subject. Abstaining from any allusion to the economic aspect of the question, he could not but think that, in dealing with it as a legislative question, Mr. Cowie and Mr. Ellis had hardly given sufficient prominence to considerations connected with the actual state of the law. The Acts which had been passed from time to time, of late years, for the purpose of regulating emigration from British India, could not, he thought, be correctly described as Acts to encourage emigration. Mr. Cowie had declared himself to be a free-trader in respect to labour, as well as to other things; and he (Mr. Erskine) might therefore just remind him, that, since the passing of the Act of 1839, the general law had recognised it as a penal offence to contract with any Native of India for labour in a Colony beyond the Seas, or to aid any Native of India in emigrating for employment as a labourer. The labourer, indeed, had been left nominally at liberty to carry his labour to the place in which it would be most productive. But, practically, this liberty of choice could hardly be exercised, owing to the penalties enacted against all who aided emigrant labourers. And even under the special laws passed from time to time, to exempt certain Colonies from the prohibitory provisions of the Law of 1839, a Native emigrant could not be carried as a passenger unless he personally expressed his desire to go; nor unless he had been engaged on the part of the Government of the country to which he was proceeding; nor unless he showed a passport signed and countersigned by the Emigration Officers; nor unless the vessel had been specially licensed

to carry emigrants; nor until the rules relative to accommodation and treatment of emigrants, and provision of return passages to India, had been fulfilled; nor to any place but one at which a Protector of Emigrants had been recognized. It was not easy to see how the Indian Legislature could go much further than this in restricting the freedom of action of emigrant labourers, and of Commanders of Vessels. Acts passed in this spirit could hardly, he thought, be described as Acts to encourage emigration. In the practical working of those Acts great evils might arise, and no doubt did arise, as Mr. Ellis had pointed out; and the Council were obliged to him for bringing some of those evils so distinctly to notice. But still it was uncertain, and was a difficult question to decide, how far and in what way the Legislature could advantageously interfere for the purpose of remedying those evils; and how far they must be left to the vigilance of the Executive administrations in India and elsewhere. The question, as regarded practical abuses or evasions of the law, seemed to divide itself naturally into two parts; one relating to the proper protection of emigrants while still in British India; the other to their protection after they had left the limits of British India. In connection with the former, he was disposed to think with Mr. Ellis, that some better arrangement should be made for ascertaining, before an emigrant left his own district, that he was fully informed of the meaning of the engagement into which he was entering, and of the risks he would have to run. Some provisions for this purpose, in the nature of those recently proposed in the Bengal Council, would probably be desirable. Other measures, too, of a similar kind might be practicable; and he had no doubt that when the consolidated Bill announced by Mr. Maine was introduced, full justice would be done to every proposal for the better protection of intending emigrants. In like manner, with reference to the treatment and protection of those who had passed beyond the limits of British India, it must be remembered that an Act of 1856 empowered the Governor-General in Council to suspend any Act permitting emigration to any Colony, if there were reason to believe that proper measures had not been taken there for the protection or re-transmission of emigrant labourers. He (Mr. Erskine) was not sure that there was any other precautionary measure which the Indian Legislature could take in view to this last contingency. His object in making these observations was not to indicate dissent from the views expressed by his Colleagues on such questions as the supply of labour in India, and the value of that supply; and he fully sympathized with those who desired to protect intending emigrants from being misled or deceived by designing agents. When proposals for affording better protection against such abuses should come before the Council, they would all be anxious to do full justice to them. In the meantime he could not but think that sufficient prominence had hardly been given on this occasion to the fact that the law, as it stood, might be described as generally restrictive, rather than as affording encouragement to emigration.

The Hon'ble SIR CHARLES TREVELYAN said that he fully admitted the correctness of the views of the previous speakers as to the population of India.

There was no doubt that, so far from being *over*-populated in the proper sense, India was *under*-populated. One-third, if not one-half, of the land, including a large proportion capable of high cultivation, remained waste. There were great works in progress, but much difficulty was experienced in executing them, owing to the deficiency of labour. In the Central Provinces, there were two lines of Railway—that from Bombay to Jubbulpore, and that from Mirzapore to Jubbulpore—having for their object a continuous line of communication across India. There was also a great navigation work on the Godavery; and even now there was a serious deficiency of labour on those Railway lines, and still more on the Godavery works, the progress of which was obstructed by that cause, and it was to be feared that the line from Mirzapore would not be pushed on with the activity which the great interests depending upon its completion imperatively required, because sufficient labour would not be forthcoming. On both sides of the Madras Presidency, there were ranges of mountains, intersected by passes, which it was the object of the Government to open. But so great had been the difficulty in procuring labour, that they had been compelled to organize bodies of labourers by a kind of military arrangement, and to induce them to remain by entering into a long engagement with them. Another instance occurred in Scinde, where the Government had actively promoted the formation of canals; but it was found that the population was so scanty, that, by the withdrawal of labour for those works, the ordinary cultivation was seriously interfered with: other instances of a similar kind might be mentioned. There could be no doubt that every labourer removed from India was a loss to it. To support the highly stimulated consumption of the great bodies of labourers employed on the great works in progress in various parts of India, and to meet the constantly increasing demand for exports of different kinds, immense supplies of agricultural produce were required; and when labour was withdrawn from the soil, the value of the produce became artificially enhanced. There was already a dearth of labour, and every man who emigrated aggravated that dearth. It was also true that the people—the lower orders especially—stood in need of protection. They were ignorant of Foreign countries; were singularly docile, and were accustomed to yield to every semblance of authority. The very words “Purwannah” and “Sirdar” had an influence over them. But this was not the whole case. There were great evils and great dangers connected with emigration; but there was great good also. The emigrant went where he earned higher wages, and could acquire that which was to him a little fortune. He saw life in new aspects, and drank in new ideas, so that he returned a changed man. The emigrants who returned from the Mauritius, to which emigration had been going on for many years, came back an improved people; well clothed, and well fed; with an aspect of contented independence, and with property which they ordinarily invested in agriculture, and it was partly to these investments that the great extension of agricultural industry in the Madras Presidency was attributable. An annual efflux of the Madras labouring population had also been going on for many years to the coffee estates in Ceylon. They crossed the Straits of Manaar for the coffee season, as the Irish

labourers crossed St. George's Channel for the hay-making and harvest in England and Scotland, and returned home at the end of the season with the savings of the year. He (Sir Charles Trevelyan) might mention another instance of the advantage arising from emigration. In his official tour in Tanjore he held free conferences with all classes, and especially with the landholders, the Meerassidars, who were a very important class in that part of the country. After other topics had been discussed, they asked that the people, whom they had formerly held in a kind of serfdom, should be prohibited from emigrating. He (Sir Charles Trevelyan) told them, that every subject of Queen Victoria was free to go wherever he chose, and that the remedy was in their own hands, as they had only to give higher wages to induce their people to remain at home. If emigration had been stopped, this servile class would have remained in their old condition, but emigration had emancipated them from those who had exercised a qualified ownership over them. It had given them a new sense of freedom, and had elevated their condition, and there could be no doubt that, in various ways, the freedom which the people now possessed to go where they liked, was a great benefit to them. The practical conclusion to which he (Sir Charles Trevelyan) came was that, while there was some evil, there was more good in emigration, and that it was the duty of Government to allow perfect freedom, but at the same time to take care that it was not emigration through compulsion, nor through deception; and also to do all in its power to protect Indian emigrants in the Foreign lands in which they were temporarily sojourning.

The Hon'ble RAJAH DINKAR RAO said that he was aware that it depended on the will of each emigrant whether he would elect to leave the country or not; still that there was so much difficulty in arranging for the proper transport of emigrants, and for their treatment and protection after arrival at their destinations, especially in places under Foreign Governments, that the subject seemed to him to require careful consideration.

The Hon'ble MR. HARRINGTON said,—Upon the general question as to whether, regard being had to the interests of the country at large, it was desirable or proper to encourage emigration from India either to British or to Foreign Colonies, he did not understand that there was any great difference of opinion. Most persons who had any knowledge of the interior of the country would confirm what had fallen from Honorable Members as to the fact that India had not an excessive population, or a population in excess of the wants of the country, or beyond its means of support. The motives, therefore, which led to the encouragement of emigration in other countries, did not exist here. He believed he was not wrong in saying that, at the present time, India could find full employment for every one of its millions of inhabitants. But while this was admitted to be the case, and while they all felt that most exaggerated notions prevailed at home and elsewhere as to the capability of India to furnish labour for

other parts of the world, not only without injury, but with positive advantage to itself, he was glad to find no one supposed that the restrictive laws which were passed in 1837, and which prohibited contracts from being entered into with the Natives of India for labour to be performed in any British or Foreign Colony,—an exception being made in favour of menial servants and seamen,—could or should be maintained, and that the privilege which was enjoyed by the labouring classes at home, and, he believed, in most other civilized countries, of taking their labour to any market where it was likely to prove most profitable to themselves and their families, ought to be denied by legislative enactment to the labouring classes in India, or that they should be debarred by law from seeking their fortunes in other countries whenever they felt inclined to do so. The impossibility of maintaining, in their integrity, the restrictive laws to which he had referred, became apparent very soon after the passing of those laws, and, in the period which had since intervened, it had been found expedient to relax them in favour of different Colonies. He was not aware that any inconvenience or injury to the country at large had been produced by this relaxation of the law, while, as regarded the labouring classes of India, who, availing themselves of the relaxation of the law, had sought employment out of India, he believed that the result had been exceedingly beneficial. No doubt some cases of individual hardship had occurred, which were to be regretted. This must be the case under any system of emigration, however well managed. A modification of the Act of 1839 having been forced upon the Government, it obviously became the duty of the Government at the time that it relaxed that law, to pass other laws which should protect the labouring classes in India from misrepresentation, or from being deceived by interested parties, and should secure for those classes proper accommodation and care on the voyage from India; good treatment on reaching their destination; and the fulfilment of the conditions which had been mutually agreed upon. As had been pointed out by Mr. Erskine, these were the only objects sought to be accomplished by the laws relating to emigration which had been passed at different times. But it was suggested that these laws had had the effect of encouraging emigration! Whether this was really the case he could not say. He could only repeat that the sole object of the laws in question was not to encourage emigration, but to protect emigrants. If the effect of the laws had been to promote emigration, it only shewed how careful the framer had been so to frame their legislation that it should afford substantial protection to the classes for whose benefit it was designed. He could not think that it would be wise in the Government now to alter the policy which it had pursued for some years in respect to emigration. In the proposed Bill for consolidating and amending the emigration laws, upon the preparation of which Mr. Maine had told them he was engaged, it might be advisable to introduce some additional safeguards, shewn by the experience of past years to be necessary, in order to secure to every Native wishing to emigrate full knowledge of what he was about to do, of the country to which he was going, and of what would happen to him there. He had no doubt Mr. Maine would make

ample provision in his Bill with this view. He (Mr. Harington) saw no reason to suppose that emigration would ever reach such a height in this country as to become positively injurious. He thought that there was an influence at work which would serve as a check and prevent excessive emigration. This was the great rise in the value of labour, which was steadily increasing. He fully expected that at no distant date the Colonies, whether British or Foreign, which looked to India to supplement their home supply of labour, would find themselves unable to offer sufficient inducement to the Indian labourer to leave the country, and that the Indian labourer, content with the remuneration for his labour procurable at home, would have no desire to try to better his fortunes elsewhere. To this check on emigration no one could object. It appeared to him that it would prove a better preventive means than any which human ingenuity could devise, whether in the form of legislation or otherwise. With regard to what had been stated about the mortality amongst emigrants to Réunion, whether on board ship, or after arrival, he could only say that returns of deaths on board of emigrant ships were required by the Government. These returns were carefully scrutinized. Any great or unusual mortality was enquired into, and such orders were passed in each case as appeared proper. He had no knowledge of many of the facts mentioned by Mr. Ellis. He thought that Mr. Ellis had made out a sufficient case for enquiry, and he felt sure that His Excellency the Governor-General would concur with him that there should be an investigation into the circumstances stated by Mr. Ellis, with a view to the adoption of such remedial measures as might seem to be called for. The Natives who had emigrated to the neighbouring Island of Mauritius were, he believed, generally well satisfied with the treatment which they received there, and he had heard of Natives going back to the Island after a short return to India, taking with them numbers of relatives, friends, and fellow villagers, who were induced to accompany them by the favourable reports which they were able to give of the climate and of the treatment which they had received.

The Hon'ble SIR ROBERT NAPIER said, that the general result of the discussion had been to show that no restriction could be placed on the right of the Native of India to take his labour to the best market, and the question was therefore reduced to the nature of the protection to be afforded prior to emigration, and of the watch to be kept on the subsequent treatment of the emigrant. He felt certain that every possible attention would be given to these important subjects, with a view to remove any painful doubts that might now exist. But he (Sir Robert Napier) thought it fair to the Government to state that, so far as he was aware, during the two years he had been connected with it, every representation respecting the mortality among emigrants on their voyages had received the most serious consideration, and had been published, with the view of calling the attention of all who were interested in the subject to the facts, and to show that there would be no concealment of any circumstances of that nature.

The Hon'ble MR. MAINE, in reply, said that, like his Hon'ble friends, Mr. Harington and Sir Charles Trevelyan, he agreed with the Hon'ble Mr. Cowie, that very unfounded impressions of the state of population in India were abroad in Europe. It was no doubt a mistake to suppose that India was filled with a superabundant population, which could supply every labour-market in the world from its overflowings. The probability was that India, since it had been known to Europe, had never been overpopulated relatively to its natural resources; the population was only accumulated, and, as it were, congested in particular localities. The natural resources of the country were now being rapidly developed by English capital and energy, and he might add, by Native capital and energy stimulated by English example; and he (Mr. Maine) fully believed it would soon appear that India had not more labourers than she required for herself. The time was near at hand when European Nations and British Colonies would have, to a great extent, to relinquish the notion that the void caused by the abolition of slavery would always be filled up from India. At the same time he must say that, in his opinion, the stoppage of the supply of labour from India would be brought about, not by any increased stringency of positive law—though he guarded himself against stating that no increase of stringency in some respects would be required—but by the operation of natural laws; by the natural gravitation of labour towards the nearest field of remunerative employment. They must not forget that it was only by accident that any legislation of the kind now proposed was required. All emigration laws, such as the Bill before the Council, were preceded and underlain by the principle laid down by the Hon'ble Mr. Harington, the right of every subject of Her Majesty to go anywhere he pleased—to the very ends of the earth if he thought fit—for the sake of bettering his condition; that principle, he took the liberty of saying, ought to be denied, least of all men, by an Englishman in India. These Emigration Bills only restored the fundamental principle which had been exceptionally, temporarily, and for particular causes suspended. When a Native of India was solicited to go to St. Croix or elsewhere, the burden of proving that he ought not to be allowed to expatriate himself rested on those who opposed his going. It was not enough to show that he had mistaken his interest; it must be established that he exposed himself to actual danger, suffering, or cruelty. No doubt, considering how impressionable were the Natives of India under the influence of their Governments, it would be very wrong in Government actively to encourage emigration. On this point the suggestions of the Hon'ble Mr. Ellis were most valuable, and on the part of the Government, he (Mr. Maine) might assure the Council they would receive the fullest attention when the measure of consolidation was prepared.

The Motion was put and agreed to.

The Hon'ble MR. MAINE then moved that the Bill be passed.

The Motion was put and agreed to

The Council adjourned.

M. WYLIE,
Depy. Secy. to the Govt. of India,
Home Department.

CALCUTTA, }
The 4th February, 1863. }

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