

Saturday, 28th April, 1855

**PROCEEDINGS**

**OF THE**

**LEGISLATIVE COUNCIL**

**OF INDIA**

**Vol. I**

**(1854-1855)**

with the proposed wording, the simple problem of dividing one dollar equally amongst three persons could be performed by means of pice and pie. It could be easily done with the wording as it stands in the Bill. To adopt any wording having reference to cents, would be, he thought, to take the disadvantage of a decimal currency with none of its advantages. He, therefore, much preferred the present wording, which had been framed in strict analogy to that of the existing Laws.

The amendment was then put, and negatived.

The Section was then agreed to, after an alteration in the date from which the Act is to come into operation.

The Preamble (after some verbal alterations), and the Title, were agreed to.

The Council having resumed, the Bill was reported to it with amendments.

#### POLICE CHOWKEYDARS (BENGAL).

Mr. PEACOCK moved that the Honorable Major General Low be added to the Select Committee on the Bill "to amend the Law relating to the appointment and maintenance of police chowkeydars in cities, towns, stations, suburbs, and bazars in the Presidency of Fort William in Bengal."

Agreed to.

#### POLICE (CALCUTTA).

Mr. ELIOTT moved that a communication which he had received from the Chief Magistrate of Calcutta, relating to the amendment of the Calcutta Police Act, be laid upon the table and referred to the Select Committee on the Projects of Law relating to the Police and Conservancy of Calcutta, Madras, and the Straits Settlements.

Agreed to.

#### CONSERVANCY (BOMBAY).

Mr. LEGEYNT moved that a communication which he had received from the Bombay Government forwarding copies of papers together with the Draft of an Act for the regulation of slaughter houses and markets, and for the prevention of frauds by false weights and measures within the islands of Bombay and Colaba, be laid upon the table and referred to the Select Committee on the Projects of Law relating to the Police and Conservancy of Calcutta, Madras, and the Straits Settlements.

Agreed to.

#### NOTICES OF MOTION.

Mr. LEGEYNT gave notice that he would move the second reading of the Bill "to provide for certain applications to Courts of Principal Sudder Ameens, Sudder Ameens, and Moonsiffs in the Presidency of Bombay being written on stamped paper," this day fortnight.

Mr. GRANT gave notice that he would move, at the next meeting of the Council, that the Bill "to improve the Law relating to the Copper Currency in the Straits" be read a third time and passed.

Mr. PEACOCK gave notice that, at the next meeting of the Council, he would move that the Bill "to remove doubts relating to the power to grant pardons and reprieves and remissions of punishments in India" be read a first time, and that the necessary Standing Orders be suspended in regard to it, so that it might be carried through the several stages at once. It appeared to him unnecessary that the Act, which was only declaratory, should be published three months in the *Gazette* before it became Law, because it had received the sanction of Her Majesty, and it would be very inconvenient to introduce alterations into it, since any alteration would make it necessary to send the Act back to England, in order that the sanction of Her Majesty might again be obtained.

Also that he would, this day fortnight, move that the Council resolve itself into a Committee on the Bill "for the more easy recovery of small debts and demands in the Territories subject to the Government of the East India Company."

The Council adjourned.

Saturday, April 28, 1855.

#### PRESENT :

Hon. J. A. Dorin, Senior Member of the Council of India, *Presiding*.

Hon. Major Genl. Low, D. Elliott, Esq.,  
Hon. J. P. Grant, C. Allen, Esq.,  
Hon. B. Peacock, and  
Hon. Sir James Colville, P. W. LeGeyst, Esq..

THE CLERK reported that he had received from the Secretary to the Government of India in the Home Department, copy of a communication from the Straits' Government proposing an amendment in Section XXXVI of Act XIV of 1851.

## PARDONS, REPRIEVES, &amp;c.

MR. PEACOCK moved the first reading of the Bill "to remove doubts relating to the power to grant pardons, and reprieves, and remissions of punishments in India." This Bill, he said, had arisen out of doubts which had been expressed as to whether the Governments of the several Presidencies had power to grant pardons in cases in which offenders were sentenced by the Supreme Courts of Judicature, or by any Officer, such as a Justice of the Peace, within the local limits of the jurisdiction of a Supreme Court. No doubt was entertained as to the power of the local Governments to pardon persons convicted and sentenced by Courts in the Mofussil. For his own part, he considered that they at present had the power in either case. Several cases had occurred which showed that the Executive Government ought to have the power of pardon, notwithstanding that the person sentenced might have been convicted and sentenced by, or within the local limits of the jurisdiction of a Supreme Court. In one case, for example, which had occurred within his own recollection, a person imprisoned under the sentence of a Justice of the Peace of Calcutta, became lunatic during his imprisonment. The Executive Government were anxious to remove him to the Lunatic Asylum, in order that he might be properly treated; but a question arose whether the Government had the power to pardon the prisoner, or to transfer him to the Lunatic Asylum. Another case was that of an apprentice, or a supposed apprentice, belonging to a ship which had come out from England to Calcutta. After the arrival of the vessel here, the youth was taken before one of the Justices of the Peace for Calcutta, charged with an offence—he believed, with the offence of desertion. Upon the evidence which was produced, the Magistrate convicted him, and sentenced him to imprisonment and hard labour in the House of Correction for three months. Shortly afterwards, it was discovered that the witness upon whose evidence the youth had been convicted, was perjured. Upon this, the Agents of the owners of the ship became anxious to obtain the release of the prisoner; and the Magistrate, being satisfied that the sentence had proceeded upon false testimony, sent up his remarks on the case to Government, and solicited that such means might be adopted as would obtain the liberation of the prisoner. But there, again, a question arose as to whether the then Govern-

ment of Bengal had the power to pardon. If it had not, the term of imprisonment must have expired, and the lad, though believed to be innocent, must have undergone the punishment before a petition could reach Her Majesty for the remission of the sentence, and Her Majesty's pardon could be obtained. The Governor General in that case pardoned the prisoner, and it appeared to him (Mr. Peacock,) that his Lordship had the power of doing so. But it was highly expedient that all doubts should be removed for the future; and that the local Governments should have the power to pardon in the case of every sentence, whether passed within the local limits of the jurisdiction of the Supreme Courts, or in the Mofussil. In consequence of the doubts which had arisen, a representation was made. It was doubted by some persons whether it was competent to the Legislature of this country to invest the Executive Governments with such power of pardon, if they did not possess it under the Charter Act then in force; for by that Act, the Governor General in Council was precluded from making any Laws or Regulations which should in any way affect any prerogative of the Crown. In consequence of the doubts which had arisen, a representation was made by the Government of India to the Hon'ble Court of Directors, in order that the British Legislature might confer the power, if the power did not then exist. But before any thing was done upon that representation, the Statute 16 and 17 Vic. c. 95, was passed, by which it was enacted that no law or regulation made by the Governor General in Council should be invalid by reason only that it affected any prerogative of the Crown, provided it should receive the previous sanction of Her Majesty, countersigned by the President of the Board of Control. The Court of Directors had, therefore, desired that an Act should be prepared in this country, conferring the power in question upon the Executive Governments, and sent home for the sanction of Her Majesty. An Act was accordingly prepared, and agreed to by the then Government of India. At that time, the Legislative Council had not met. The Act was not published, and he could hardly say that it was read for a first time. But it was approved, and was set home substantially with an understanding that if Her Majesty should be pleased to give her sanction to it, the Government he was prepared to pass it. The Bill had not been published, and it did not, therefore,

come within the special Standing Order which provided that any Draft Act, read in Supreme Council and published for general information prior to the 20th May 1854, might be referred to a Select Committee of the Legislative, or taken into consideration by a Committee of the whole, Council. The Act went home, and was slightly altered by the Standing Counsel of the Hon'ble the Court of Directors. The modification was made in consequence of the passing of another Act—17 and 18 Vic. c. 77—which gave to the Governor General in Council, with the sanction of the Court of Directors, acting under the direction of the Board of Control, power to limit the extent of the authority of the Lieutenant Governor of Bengal or of the North Western Provinces. The Act now before the Council was altered so as to meet this provision in the English Statute. The alteration was by the following Section :—

“ Nothing in this Act shall be construed to interfere with the provisions contained in the Statutes of the Imperial Parliament 16 and 17 Vic. c. 95, and 17 and 18 Vic. c. 77, or any other Statute, which empower the Governor General of India in Council, with the sanction therein mentioned, to limit the extent of the authority of the Lieutenant Governors and other persons therein named : and in every such case, the aforesaid power of pardon and reprieves and remissions of punishment, in case and so far as the same may be excepted from the authority of the said Lieutenant Governors or other persons, may be exercised by the Governor General of India in Council.”

This Section, therefore, gave to the Governor General in Council the power of pardon in case he should think it expedient, with the sanction of the Court of Directors, to limit the authority of either of the Lieutenant Governors in respect of such power.

The Act, as it now stood, had received the sanction of Her Majesty, and been sent out with the concurrence of the President of the Board of Control.

With these observations, he (Mr. Peacock) begged to move that the Bill be now read a first time.

Bill read a first time accordingly.

MR. PEACOCK then moved that the necessary Standing Orders be suspended, in order that he might carry the Bill through its several stages without the necessity of publishing it for three months in the *Government Gazette*. As he had observed before, although the Act had not been read a first time by the Government of India, it was in the same position as if it had been

so read ; for the sending it home to receive the sanction of Her Majesty was substantially saying that the Government of India had given their assent to it, and were prepared to pass it if confirmed by Her Majesty. Of course, this would not conclusively bind any Member even of the old Government, and certainly not any Member of the present Legislative Council. But as the Act had been sent home under such circumstances, and the sanction of Her Majesty had now been given to it, it would be rather discourteous for the Legislative Council to insist that it should be published for three months in the *Gazette*, in order to solicit objections from the public. This did not appear to him to be a case in which the public could have any reasonable objections to urge against the Bill. The Act did not take from the Supreme Courts any power which they now had of suspending or commuting punishment ; nor did it invade any prerogative of the Crown ; while it certainly provided for difficulties which might again arise, as they had already arisen, in the case of sentences for imprisonment for a short term, which might expire before Her Majesty's pardon could be obtained.

With regard to the Bill itself, if any Honorable Member of the Council had any objection to its provisions, it would undoubtedly be open to him to make it ; but if any alteration should be introduced now, it would, of course, be necessary to send the Act back to England, in order that it might receive Her Majesty's further sanction.

Under all the circumstances, though he very much objected to the suspension of the Standing Orders as a general rule, it appeared to him that this was a case in which the Legislative Council would act very properly in suspending them. Should it agree to do so, he did not intend to ask that the Act should be passed through its several stages to-day ; but he should move now that it be printed, and placed in the hands of Honorable Members. At the next meeting of the Council, he should move that the Council resolve itself into a Committee upon the Bill ; and every Hon'ble Member would then have an opportunity of offering any objections to it which he might think fit.

GENERAL LOW seconded the motion.

SIR JAMES COLVILE said, he rose certainly not to offer the slightest opposition to the motion. He thought it a very proper motion to make. The only substantial reason for not passing a measure until it had been previously published to the world, was,

he thought, that such a publication afforded the means of eliciting objections which might be taken to it by those whom it affected, or those whose position enable them to give an authoritative opinion on the subject. In regard to the measure before the Council, there was no reason to suppose that by proceeding as the Hon'ble mover of the Bill intended, he would shut out from the Council any information which would be useful to it in its deliberations. The measure itself, he had no hesitation in saying, was one which it was most desirable to have passed. As far as the sentences of the Supreme Courts were concerned, there was not that great inconvenience which existed in regard to cases of summary conviction by Justices of the Peace; because the Supreme Court had long been in the habit, where it saw any reason to suppose that the carrying out of its sentence would be a miscarriage of justice, of recommending for pardon the person sentenced, and, under a power which, in cases of secondary punishments, it derived from the Legislature of this country, of allowing the prisoner to go free in the meantime, on his own recognizances. Still, there could be no doubt that it was an inconvenient thing to have to send home all the proceedings in a case, and to have a matter decided in England which might as well be decided here. In regard to cases of a summary conviction by Justices of the Peace, they were, unless the Government had the power of pardon, unprovided for in this country. Of course, the Supreme Courts, which had nothing to do with passing the sentence in these cases, were unable to interfere, or to recommend for pardon. There was no alternative but to petition home; and there existed no power to enlarge the prisoners on their own recognizances, or legally to suspend their punishment, in the meantime.

As the Hon'ble Member had said, this Bill proposed to take away no power from the Supreme Courts with which they were now invested. It was simply a delegation, with the consent of the Crown, of the royal prerogative of pardon to another and distinct body. He could not see upon what plausible grounds any persons in this country could oppose such a delegation by the Crown of its prerogative, even if there was any possibility, which he thought there was not, that the power would be improperly exercised by those to whom it was given.

Therefore, considering that this Bill, if published before it was passed into Law, would elicit no opinion, except perhaps from

*Sir James Colville*

the Supreme Courts of the other Presidencies; and that there was no reason to suppose that the learned persons presiding in them would be adverse to the measure, it seemed to him that no substantial object would be served in this instance by a strict and pedantic adherence to the Standing Order which required publication, especially as the speedy passing of the measure was desirable, since there might be a recurrence of such cases as those to which the Hon'ble Member had alluded.

Mr. PEACOCK'S motion was then put and carried.

SIR JAMES COLVILLE remarked that, as the Hon'ble Member proposed going into Committee upon the Bill at the next meeting of the Council, it would be necessary to carry it through the second reading now.

Mr. PEACOCK said he proposed to move the second reading at the next Meeting.

Mr. GRANT said, where the Standing Orders were suspended, the course had always been to read a Bill a second time immediately after the first reading.

Mr. PEACOCK, upon this, moved the second reading of the Bill.

Motion carried, and Bill read a second time according.

Mr. PEACOCK then gave notice that, on Saturday next, he should move that the Council resolve itself into a Committee upon the Bill.

#### EMIGRATION TO ST. LUCIA AND GRENADA.

Mr. PEACOCK moved the first reading of the Bill "relating to the emigration of Native laborers to the British Colonies of St. Lucia and Grenada." The Council, he said, were aware that, by Act XIV of 1839, all persons were prohibited from entering into contracts with the Natives of India for labour to be performed out of the territories of the East India Company; and were also made subject to punishment for aiding or abetting any native inhabitant in emigrating from the said territories, for the purpose of being employed as a labourer. By Act XV of 1842, that Act was repealed, and native inhabitants of India were allowed, under certain limitations, to emigrate as labourers to the Island of Mauritius; and, by Act XXI of 1844, Natives were allowed to proceed from the ports of Calcutta, Madras, and Bombay, to Jamaica, British Guiana, and Trinidad. Her Majes-

ty's Government had since expressed a desire that Act XXI of 1844 should be extended so as to legalize the emigration of Natives to St. Lucia and Grenada; and the Hon'ble Court of Directors had intimated this desire to the Government here, in order that it might be taken into consideration by the Legislative Council. In their Despatch upon the subject, the Hon'ble Court stated—

“ We have pointed out that, before the proposed Act comes into operation, it will be necessary that the same securities should be provided for the welfare of the coolies at St. Lucia and Grenada as in the other colonies to which they have heretofore been allowed to emigrate; and also for their eventual return to India.”

The present Bill, which had been framed by him, proceeded upon the principle of Act XXI of 1844. It provided for the appointment, by the Governments of St. Lucia and Grenada, of an Emigration Agent at each of the Ports of Calcutta, Madras, and Bombay, and also for a Protector of Emigrants at St. Lucia and Grenada. It made it incumbent on those Officers to see that no imposition was practised upon emigrants; and that their safety, comfort, and clothing during the voyage were sufficiently provided for. It also laid down certain rules as to the quantity of food and water for the use of the emigrants during their voyage, and the accommodations to be provided for them in the ship in which they should be conveyed. It enacted that there should not be less than 72 cubic feet between decks for each emigrant, and that the space between decks should be at least 5 feet 6 inches in height. Act XXI of 1844, which allowed emigration to Jamaica, British Guiana, and Trinidad, required that there should be 12 superficial feet for each emigrant, and a space of 6 feet between decks. But by Act IV of 1852, this was slightly altered. The space which it reserved for every emigrant, was still 12 superficial feet; but it allowed the height between decks to be only 5 feet 6 inches. If the height between decks was less than 6 feet, a larger number of superficial feet would be necessary, to prevent the berths from being too crowded, and the atmosphere from being impregnated. The Bill followed the provision of Act IV of 1852 in this respect, and also in the dates between which a vessel carrying such emigrants, should sail. Act XXI of 1844 provided that no ship carrying emigrants to Jamaica, British Guiana,

or Trinidad, should sail from Calcutta, Madras, or Bombay, at any other time than between the 30th of September and the 1st of the ensuing March. But Act IV of 1852 provided that the dates of sailing should be between the 31st of August and the 1st of the ensuing March; and he had adopted the latter dates in this Bill, because there did not appear to be any substantial ground for making a difference in regard to the period of sailing whether the voyage were to St. Lucia or Grenada, or the islands to which Act XXI of 1844 applied.

There was only one Section added to the Act, and that he had taken substantially from Act XV of 1842, which allowed Natives of India to emigrate to Mauritius. It was a Section providing that the Act should not come into operation until the Governor General in Council should notify that such regulations have been provided, and such measures taken in St. Lucia and Grenada, as he might deem necessary, for the protection of emigrants during their residence in those Colonies, and in respect of their return to India. Labourers emigrating to Jamaica, British Guiana, and Trinidad, were bound to enter into a contract for five years of industrial service, after which term they were permitted to return to India. In these cases, formerly, the Colony was bound to provide a free passage home for the emigrants. At present the Colony was not bound to do that; but it was bound to find a vessel for the emigrants, and each emigrant was obliged to contribute a portion of his passage-money. These were matters for the consideration of the Governor General in Council; and he (Mr. Peacock) had introduced a Section, therefore, providing that the Act now proposed should not come into operation until the Governor General in Council should be satisfied that proper regulations had been made, and measures taken in St. Lucia and Grenada for the protection of coolies there, as in the case of coolies who emigrated to the other Colonies under the previous Acts.

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

Bill read a first time accordingly.

#### LANDS FOR PUBLIC WORKS (BOMBAY).

MR. LEGEYT moved the first reading of a Bill “to empower the Government of Bombay to take lands and buildings within the Presidency of Bombay for purposes of

public utility." The Bill, he said, had been originally framed by the Government of Bombay, and, before the Legislative Council was formed, went before the Council of India, who returned it to the Government of Bombay, recommending certain alterations and amendments, and also suggesting that it might be more convenient to adopt Regulation I of 1824 of the Bengal Code, and Act XX of 1850 in force at Madras, so as to meet what was required in Bombay. The Government of Bombay had now returned the original Draft Act amended, having imported into it most of the alterations suggested by the Council of India, and had also sent the draft of an Act in which was incorporated Act XX of 1850; but in sending these two drafts of Acts, the Government of Bombay said they gave a decided preference to the amended draft, which was the wants of the people whom it concerned, and also because the procedure prescribed in it was less intricate. He, therefore, now moved the first reading of the Bill, which contained 19 Sections, and provided to the following effect:—

That the Governor in Council might at all times order land within the Presidency of Bombay to be taken possession of for purposes of public utility.

That a public notification should be made proclaiming such order, and calling upon all persons claiming to be interested in the land, to make their claims known.

That, on issue of the Proclamation, the land should belong to the Government, and be taken immediate possession of by a Government officer on behalf of Government.

That Government officers should estimate the value of every individual interest in the land, and offer compensation.

That, if the offer of compensation should be rejected, four arbitrators should be appointed, two of them by the Government officer, and two by the person rejecting the offer: the award of the majority to be final. In the event of the majority being unable to agree upon the amount of compensation, the arbitrators to be at liberty to appoint an umpire; and the award of the majority of the arbitrators and the umpire to be then final. But in the event of the arbitrators being unable to agree on an umpire, or of the majority of arbitrators and the umpire not agreeing on an award, each arbitrator and the umpire to state the value, in his opinion, of the land, or each separate interest in the land; and the amount to be paid as

*Mr. LeGeyt*

compensation, to be the average value of the sums so stated. The provision, Mr. LeGeyt remarked, which made the amount of compensation to be paid the average value of the sums stated, had been objected to by the Council of India; but it had been retained by the Government of Bombay.

The Bill went on to provide—

That the Government officer should afford aid to the arbitrators and the umpire; and should be competent to summon witnesses, and administer oaths; and that false evidence given upon such oaths, should be punishable as perjury.

That it should be competent to Government officers to demand the production of title deeds, and to issue search warrants if these are withheld.

That, if neither the owner of the land nor his agent, can be found, a Panchayet should assess the amount of compensation.

That the value of land belonging to a mosque, temple, or dhurumsalla, should be assessed by a Panchayet, and the amount thereof be disposed for the benefit of the Institution as the Governor in Council might direct.

That, whenever conflicting claims to land exist, the Government officer should ascertain the value of the interest in dispute.

That all compensation money should remain in deposit with the Collector of the Zillah for the use and benefit of the person declared by a competent Court to be entitled to it,—bearing interest at the lowest rate of Government interest prevailing at that time.

That, when land is taken under an attachment, a certain mode of procedure should be observed.

That payment of compensation money should give no legal title to the person to whom it is made; but that adverse claims might, notwithstanding such payment, be prosecuted in a Civil Court, under certain limitations and restrictions.

That persons employed on public works might, after notice to occupants, enter upon lands for the purposes of survey, and of placing land-marks, provided that no such entry be made before sunrise and after sunset, except with the consent of the occupier.

That lands adjoining public works might be occupied for temporary purposes; and that compensation should be given in certain cases.

That obstructions to public works should be subject to certain penalties.

And lastly, that the Bill did not extend

to land within the local limits of the Supreme Court of Judicature in Bombay.

With this statement of objects and reasons, the Honorable Member moved the first reading of the Bill.

Bill read a first time accordingly.

#### COPPER CURRENCY (STRAITS).

Mr. GRANT moved that the Bill "to improve the Law relating to the Copper Currency in the Straits" be now read a third time and passed.

Sir JAMES COLVILLE said, it was not his wish to renew the discussion which had taken place upon this Bill on Saturday last; and if the objections which he felt in regard to it were confined to himself, he certainly would have been contented with that discussion, and would not now divide upon the Bill, and so run a chance, which he believed was considerable, of finding himself in the honorable position of a minority of one. Nor, of course, if he were satisfied by the arguments with which he had been met on Saturday last, that the objections which he had taken to the Bill were unfounded, should he have taken this step. He should have had the candor, he hoped, to admit that he had been wrong. But he was bound to say that after the best consideration that he could give to the question, he was not satisfied that this Council would be doing right in passing this Bill into Law. His objection still was, that the Bill would remedy in a most partial degree the existing anomalies in the currency of the Straits, and that it would, of itself, add an anomaly which the Council might hereafter have to deal with, together with the others. It seemed to him that the Council started from an altogether erroneous assumption in treating the rupee as being, in the strict and ordinary sense of the term, a legal tender in the Straits. Because, so long as private contracts were almost exclusively made in dollars and cents, and the rupee had no fixed value in relation to the dollar, the rupee could hardly be called, in the ordinary sense, a legal tender; for the proportion which it bore to the nominal price of the article contracted for, must fluctuate from day to day with the rate of exchange. By the measure now proposed, the Legislature would remedy the existing evil only to the extent of transactions under the amount of a dollar, and no further. For example, he would suppose the case of a sepoy who went to market, and entered into a bargain be-

yond a dollar. After this Bill came into operation, it would be open to the seller of the article contracted for, to say to that sepoy—"Down with your dollar, or with your rupee according to the market rate of the dollar." If the bargain should be under a dollar, the sepoy, if he were armed with a bag of pice, might doubtless pay the seller in pice; but he would not be able to pass his eight-anna pieces, or his four-anna pieces, or even his rupee for a fixed fractional part of a dollar. That something would, of course, be gained by the Bill in that way, he (Sir James Colville) freely admitted. But, when considering the Bill that morning, an instance had occurred to him which, if it showed that one class of the community might gain some slight advantage by the new Law, also showed strongly how little was in fact gained, and in what an anomalous state the currency would be left. It perhaps showed that the Honorable Member's Bill might have a moral effect, which probably he had not contemplated, in making the persons, for whose benefit it was peculiarly designed, more economical, by encouraging them to confine their transactions to small amounts, and to adopt the ready-money system. To put his case, he would suppose that on the *dies faustus*—the 15th of the month—a Government servant had received his salary in rupees; that, on hospitable cares intent, he meditated a dinner, but was in doubt whether his *pièce de résistance* should be a goose or a couple of ducks; the goose costing a dollar, the ducks being procurable for half a dollar a-piece. This grave question, if he were a prudent man, he would determine, not by his palate, but by the current rate of exchange. If the value of the dollar was down in the market, he might indulge his predilection for goose; but if the dollar was at a premium, he would arm himself with a bag of his (Sir James Colville's) Honorable friend's pice, and buy one duck at one poulterer's and another duck at another poulterer's. He (Sir James Colville) admitted that his Government servant might, thanks to this Bill, dine more cheaply; but he thought that the illustration disclosed a state of things which could not possibly be of long continuance, and must ultimately force upon the Legislative Council the consideration of the silver currency of the Straits.

Objecting, therefore, as he did, to piecemeal legislation if it could be avoided; and being fortified in the opposition which he



had offered to this Bill by the concurrence of the only two classes of the Community in the Straits who had expressed an opinion upon the Bill; considering, too, that those classes, having a diversity of interests, must have looked at the question from two different points of view, and yet had arrived at the same conclusion, he felt constrained to vote against the third reading. He repeated, however, that it was only in deference to the opinions which had been expressed by the Mercantile community and the Government officers in the Straits, that he meant again to divide the Council. But for that consideration, he would have acquiesced in the decision to which the Council had come on Saturday last, and not have renewed this discussion.

MR. ALLEN said, the Honorable Member who had spoken last, contended that the measure proposed by this Bill would be partial and ineffectual, and would add an anomaly to those already existing in the currency of the Straits. But the Honorable Member had not told the Council how he should propose to get rid of those anomalies which already existed. He said merely that he would treat the silver currency in the Straits as a whole question, and not legislate for the fractions of the silver currency only as this Bill did. Now, there were two ways of dealing with the silver currency as a whole. One was, to declare that the rupee alone should be current in the Straits: and the other, that the dollar should be the sole silver currency. No doubt, if either of these measures could be adopted, some of the present anomalies would be got rid of. But if the rupee, which had been extended to the Straits, was retained there as well as the dollar, he (Mr. Allen) did not see how it would be adding to the existing anomalies, to declare that fractional parts of the rupee should be payable for fractional parts of the dollar.

The case of the Straits was not the first instance in which the Government of India had endeavored to extend the circulation of the rupee, and make it current. The Government had successfully introduced its own currency wherever it had conquered—wherever it had annexed, though it had never said by legislative enactment that the old currency and old rupees should be exchangeable with the new or Company's rupees, or that contracts made in one currency should be paid in Government coins at a specific rate. It had not, for example, said that contracts made in Rangoon at so many

ounces of silver, should be payable in rupees. Until very recently, there was no coined money in Pegu; and all transactions there were carried on by means of pieces of bullion; but now the people readily used the rupee, and made their contracts in that currency. In the Punjab, before annexation, several coins were in use—such as the Nanuckshahee or Runjeet Singh's rupee, and many other descriptions of rupees, as well as the gold coins of the Netherlands, particularly the Dutch sequin. But this Government introduced the Company's rupee into those countries, by declaring that all payments from its local treasuries should be made in the Company's rupee only, and that all Government demands or dues might be paid either in the coin current on the spot, at a certain fixed rate, or in the Company's rupee. The Government was now doing the same thing in the Straits. But by an anomaly, and an oversight, while the Company's rupee was made current there, the Company's pice had been curiously declared to be not a legal tender for fractions of the rupee. The measure proposed by the present Bill, merely reformed that anomaly. [Correcting himself on a remark from Sir James Colville.] Yes, it did more; for it made the pice a legal tender for fractional parts of a dollar also. So far, no doubt the Government had gone further in the Straits by legislation, than in other places. But then, it had only gone a step further for the advantage of the people who held and used the dollar.

The Honorable Member had urged that the Council should not deal with the question of the Straits currency by only a partial measure, but that it should take up and provide for the whole question together. He (Sir James Colville) would at once cause it to be declared that so many rupees should go for so many dollars. But, surely, what this Bill provided, was a step towards that measure; and, unless his Honorable and learned friend wished to do away with the rupee altogether as a Government coin in the Straits, he could not see why he should not allow this Bill to pass.

★ MR. PEACOCK said, he rose to correct an error into which he had fallen at the last Meeting when speaking upon this Bill. On that occasion, he had said that 5 cents weighed 700 grains Troy of copper; and he certainly was under the impression at the time, that this was so. He had since discovered, that 5 cents weighed 720 grains Troy of copper, as 1 cent weighed only 144

grains Troy. But by the 2nd Section of this Bill, 1 pice was a legal tender for one 140th part of a dollar. Seven pice were consequently a legal tender for 5 cents. Therefore, the Bill made coins weighing 700 grains of copper a legal tender for coins weighing 720 grains. Had he been aware of this when the Bill was considered in Committee at the last Meeting of the Council, he should have opposed the adoption of the 2nd Section. The difference was very small, and he would not now move that the Bill be recommitted in order to have the Section struck out. He believed that if he had voted against the 2nd Section, he should have been in a minority. But he did not think it right to allow the Bill to pass the third reading without correcting the error into which he had fallen.

Mr. GRANT said, in reference to what had fallen from the Honorable Member opposite (Mr. Peacock), it was quite true that the quantity of copper in the pice did not bear precisely the same ratio to the quantity of copper in the cent as the exchangeable value of the one coin did to that of the other according to the rate of exchange fixed by the Bill. The difference, however, which was only 1 part in 36, was quite immaterial, for it was much too small to have any practical effect. And even in theory, he thought the Bill might be successfully supported against this objection. Copper pieces were not money, but tokens representing it. Pice might be coined by Government to-morrow with only half the weight of copper in them which the present pice have; and yet, if made by law tender for the same fractional parts of a rupee, they would pass current indiscriminately with the heavier pice. Pice might be made of any cheap material, just as well as of copper, provided they could not be easily forged. And really, what *was* the intrinsic value of the copper contained in the present pice? No person would buy pice to copper the bottom of a ship with. Any person who did so, would have to pay many times the value of his copper. He (Mr. Grant) did not, therefore, think that the objection taken by his Honorable and learned friend opposite, was of any importance.

With regard to what had been urged by the Honorable and learned Member to the right (Sir James Colville), it was not his intention to say much. The principle of the Bill had been fully discussed last week, and nothing had been said to-day which showed that any point of importance had been omit-

ted in the course of that discussion. So far as he could understand it, the objection of the Honorable Member was really not to the Bill. The Honorable Member did not say that the Bill was a bad Bill; or that it would do great harm; or, indeed, that it would do any harm at all.

Sir JAMES COLVILLE remarked, what he did mean to say was, that if any partial measure of this kind were to be passed, he should have proposed one which said that a rupee should be equivalent to  $45\frac{1}{2}$  or  $45\frac{3}{4}$  cents; because, in so doing, it would not introduce the new anomaly of a double copper currency. His graver objection was, that it left almost untouched the greater anomaly of the double silver currency; and he thought that, ultimately, the Council would have to deal with the whole question. That the present Bill would provide a remedy to some extent for the evils complained of, he quite admitted.

Mr. GRANT said, then he understood that the Honorable Member did feel some objection to that part of the Bill which made pice legal tender for fractional parts of a dollar. But that was an objection which might have been taken last Saturday, when the Council were considering the Bill in Committee. No such objection, however, had been then taken. There was no objection to the measure itself as providing small change in copper for the rupees now actually circulating in the Straits. The objection taken to this measure was, that it is not a measure which will alter the Law relating to the silver currency in the Straits. Now, was that a good objection to a Bill relating only to the copper currency of the Straits? There were some persons who believed that the law in India relating to the gold coinage was not what it ought to be—who thought that the gold-mohur ought to be a legal tender for rupees at a certain fixed rate. He himself was not one of those who held this opinion; but there were some who did. Would it be reasonable in a person holding that opinion, to object to this Copper Currency Bill, because it is not accompanied with another Bill making the Law relating to the gold currency what he would have it to be? And if that would not be a reasonable objection, how could Honorable Members support an opposition to this Bill on the ground that it is not accompanied with another Bill making the Law relating to the silver currency what they would have it to be?

He did not recollect any other point ad-

verted to by the Honorable Member, which had not been sufficiently considered by this Council on Saturday last; and he should, therefore, say no more, but move the third reading of the Bill.

The question being put, the Council divided :—

Ayes 5.

Mr. Allen.  
Mr. Elliott.  
Mr. Peacock.  
Mr. Grant.  
Major General Low.

Noes 3.

Mr. LeGeyt  
Sir James Colville.  
The President.

Majority for the Motion—2.

The Bill was then read a third time, and passed.

#### BOUNDARY MARKS (FORT ST. GEORGE).

MR. ELLIOTT moved that certain papers received by him from the Government of Fort St. George relating to the Bill “for the establishment and maintenance of boundary-marks in the Presidency of Fort St. George,” be laid upon the table, and referred to the Select Committee upon the Bill.

Agreed to.

#### MASTERS AND SERVANTS (FORT ST. GEORGE).

MR. ELLIOTT moved that a communication received by him from the Government of Fort St. George, forwarding the Draft of an Act for the settlement of disputes between Master and Servant, together with a copy of the correspondence on the subject, be laid upon the table, and referred to the Select Committee on the Penal Code prepared by the Indian Law Commissioners, with an instruction to report specially thereon.

Agreed to.

#### ENFORCEMENT OF JUDGMENTS (BOMBAY).

MR. LEGEYT moved that a communication from the Government of Bombay to Mr. Malet's address, forwarding a copy of a correspondence relating to a judgment of the Supreme Court at that Presidency in the matter of a writ of execution issued under process from the Zillah Court of Surat, be laid upon the table and printed.

Agreed to.

Mr. Grant

#### NOTICE OF MOTION.

MR. PEACOCK gave notice that, on Saturday next, he would move the second reading of the Bill “relating to the emigration of Native laborers to the British Colonies of St. Lucia and Grenada.”

#### MESSENGER.

MR. GRANT moved that General Low be requested to carry the Bill “to improve the Law relating to the Copper Currency in the Straits” to the President in Council, in order that it may be submitted to the Governor General for his assent.

Agreed to.

The Council adjourned.

Saturday, May 5, 1855.

#### PRESENT :

Hon. J. A. Dorin, Senior Member of the Council of India, *Presiding*.

Hon. Major Genl. Low, D. Elliott, Esq.,  
Hon. J. P. Grant, C. Allen, Esq.,  
Hon. B. Peacock, and  
Hon. Sir James Colville, P. W. LeGeyt, Esq.

#### CUSTOMS REGISTRY AND PORT REGULATIONS (STRAITS).

THE CLERK reported that he had received from the Secretary to the Government of India in the Home Department, a further communication from the Straits Government relative to the Draft Acts for the provision of a more correct registry and account of all goods imported into, and exported from, the Straits Settlements: and to establish Port and Harbour Regulations for those Settlements.

#### SMALL CAUSE COURTS.

Also that he had received, by transfer from Mr. LeGeyt, a communication from the Government of Bombay relative to the Bill “for the more easy recovery of small debts and demands in the territories subject to the Government of the East India Company.”

MR. LEGEYT moved that the above communication be printed and circulated among the Members for their information. When the motion for going into Committee upon the Bill was made, he should also