

Saturday, 17th February, 1855

PROCEEDINGS
OF THE
LEGISLATIVE COUNCIL
OF INDIA

Vol. I
(1854-1855)

case should be reported of every prisoner who was either too poor to maintain himself in jail, or who complained that he had been unjustly arrested.

The Section was ultimately passed as it stood.

The remaining Sections were also passed as they stood, except as to an alteration in Section XVI, by which it was provided that, in the application of the Act in the Settlement of Prince of Wales' Island, Singapore, and Malacca, a dollar should be deemed equal to two Rupees and one-fifth of a Rupee, and three cents to one anna.

Both the Bills were then reported to the Council, with the amendments.

ADMINISTRATOR GENERAL.

MR. PEACOCK then said, as no alteration had been made in the principle of the Bill "to amend the Law relating to the office and duties of Administrator General," and as the Governor General was about to leave Calcutta probably before there would be time to pass the Bill in the ordinary course, he should move that the 83rd Standing Order be suspended, in order that the Bill might be read a third time at once, and the assent of the Governor General to it be received before His Lordship left the Presidency.

MR. DORIN seconded this Motion, which was then carried.

MR. PEACOCK next moved that the Bill be now read a third time, and passed.

Agreed to.

The Bill having been read a third time, and passed, MR. DORIN was requested to carry a Message to the Governor General requesting his Lordship's assent thereto.

ARREST ON MESNE PROCESS.

MR. PEACOCK moved that the 83rd Standing Order be suspended, so that the Bill "to amend the Law of Arrest on mesne process in Civil actions in Her Majesty's Supreme Courts of Judicature, and to provide for the subsistence of prisoners confined under Civil process of any of the said Courts," might be read a third time forthwith, and passed.

SIR JAMES COLVILE seconded this Motion, which was then carried.

The Bill having been read a third time and passed, MR. DORIN was requested to carry a Message to the Governor General requesting his Lordship's assent thereto.

MUNICIPAL LAW (BENGAL.)

The Orders of the Day having now been disposed of,—

MR. MILLS moved that the communication which he had received from the Secretary to the Government of Bengal, dated 2nd February 1855, with its enclosures, relative to the Bill to amend Act XXVI of 1850, be printed.

Agreed to.

PRESIDENT'S ADDRESS.

MR. DORIN moved that, there being no further business, the Council do adjourn.

THE PRESIDENT said, before he put this Motion, he begged permission respectfully to take leave of the Legislative Council for a time. He desired respectfully to offer them his thanks for the courteous support which they had given to his authority in the Chair, and for the kind forbearance they had exercised with regard to any errors on his part which they might have detected, but of which he himself was not conscious. He hoped to return to the Presidency in a short time, and again to take his share in the Proceedings of the Council during the short period which would then precede his departure from India.

The Council adjourned.

Saturday, February 17, 1855.

PRESENT :

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

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| Hon. J. P. Grant, | D. Elliott, Esq., |
| Hon. B. Peacock. | A. Mait, Esq. |
| Hon. Sir James Colvile, | and |
| A. J. M. Mills, Esq., | C. Allen, Esq. |

The following Messages from the Most Noble the Governor General were brought by MR. GRANT, and read :—

MESSAGE No. 30.

The Governor General informs the Legislative Council that he has given his assent to the Act passed by them on the 10th February 1855, entitled "An Act to assimilate the process of Execution on all sides of Her Majesty's Supreme Courts, and to extend and amend the provisions of Act XXV of 1841."

By Order of the Most Noble the Governor General.

CECIL BEADON,
Secty. to the Govt. of India.

FORT WILLIAM. }
The 13th February 1855. }

MESSAGE No. 31

The Governor General informs the Legislative Council that he has given his assent to the Act passed by them on the 10th February 1855, entitled "An Act to extend the operation of, and regulate the mode of executing Writs of Execution in Her Majesty's Supreme Courts of Judicature."

By Order of the Most Noble the Governor General.

CECIL BEADON,
Secy. to the Govt. of India.

FORT WILLIAM,
The 13th February 1855.

MESSAGE No. 32.

The Governor General informs the Legislative Council, that he has given his assent to the Act passed by them on the 10th February 1855, entitled "An Act to amend the Law of arrest on mesne process in Civil Actions in Her Majesty's Courts of Judicature, and to provide for the subsistence of prisoners confined under Civil process of any of the said Courts."

By Order of the Most Noble the Governor General.

CECIL BEADON,
Secy. to the Govt. of India.

FORT WILLIAM,
The 13th February 1855.

MESSAGE No. 33.

The Governor General informs the Legislative Council that he has given his assent to the Act passed by them on the 10th February 1855, entitled "An Act to amend the law relating to the Office and duties of Administrator General."

By Order of the Most Noble the Governor General.

CECIL BEADON,
Secy. to the Govt. of India.

FORT WILLIAM,
The 13th February 1855.

NOTICES OF MOTION.

Mr. MILLS gave notice that, on Saturday next, he would move the second reading of the "Bill to modify Act XXVI of 1850, so far as it relates to places in the Bengal Division of the Presidency of Fort William."

Mr. ELIOTT gave notice that, on Saturday next, he would move that the Council resolve itself into a Committee upon the Bill "for the better regulation of Military Bazaars." He said this Bill had been entered as No. 86 in the List of Business depending before the Government of India on the 20th of May last; and he therefore proposed to make his present motion under the special Standing Order relating to Bills read in Council, and published for general information by the Governor General of India in Council previous to that date.

REPORTS OF SELECT COMMITTEES.

MR. MALET presented the Report of the Select Committee on the Bill "to amend Regulation III of 1833 of the Bombay Regulations";—and the Report of the Select Committee on the Bill "to amend the Law in force in the Presidency of Bombay concerning the use of badges."

GOVERNMENT SAVINGS' BANKS.

MR. PEACOCK moved the first reading of a Bill "to facilitate the payment of small deposits in Government Savings' Banks, to the representatives of deceased depositors." In doing so, he said he should briefly state the object of the Bill, and his reasons for proposing to introduce it. Shortly after the publication of the Draft Act for the amendment of the Law relating to the office and duties of Administrator General, Mr. Devreux, the Government Agent and Secretary of the Savings' Bank in this Presidency, called the attention of Government to the fact that the representatives of deceased depositors in the Government Savings' Banks were frequently obliged to incur considerable expense before they could obtain payment of the deposits. By the 40th Section of the Bill, as it was originally published, the Administrator General was empowered to grant certificates authorizing the collection of debts not exceeding 500 Rupees due to British subjects dying in India. The Secretary of the Government Savings' Bank suggested an alteration in the Section so as to entitle the Administrator General to grant certificates, authorising the receipt of monies deposited in the Government Savings' Bank whether the depositors were British subjects or not. But, for granting such a certificate, the Administrator General would be entitled to charge a commission of 3 per cent. upon the amount mentioned therein, which, in many cases, would fall hard upon depositors of small amounts in the Savings' Banks.

It had, therefore, appeared to the Select Committee on the Bill that it would be better to introduce a separate Act directing, that where a depositor should die leaving in a Government Savings' Bank a sum not exceeding 500 Rupees exclusive of interest, and probate of the Will, or letters of administration of his estate or effects, or a certificate granted under Act XX of 1841, or under Section IV of Act X of 1851, should not be produced to the Secretary of the Bank within two months from the time of the death of the depositor,—it should be lawful for the Secretary of the Savings' Bank himself to adjudicate who was entitled to receive the deposit, and to pay over the same to that person. This provision would save expense to the estate, and followed the principle of Act 7 and 8 Vic. c. 83, s. 10, to which Mr. Devereux had also called the attention of Government, and which authorized the Committees of Management of Savings' Banks in England to enter into and determine the question as to who was the proper party to withdraw the deposits of deceased depositors where the amount did not exceed £50. At the same time, the Act which he proposed would leave the person receiving the deposit in the same situation as one who received money under a certificate from an Administrator General or from a Zillah Judge—and would leave him liable to satisfy the claims of creditors out of the money received in the same manner and to the same extent as if he had taken out letters of administration. These objects were provided for by the 1st Section of the Bill.

The 2nd Section provided that the Secretary of the Bank might take such security as he should think necessary from any person to whom he should pay the money, for the due administration and distribution of the same.

The 3rd Section provided that, for the purpose of ascertaining the right of a person claiming to be entitled to withdraw a deposit, it should be lawful for the Secretary of the Bank to administer an oath or solemn affirmation; and that any wilful false testimony given under it, should be deemed, and punished as, perjury.

The 4th Section provided that, after the passing of the Act, no Administrator General of a Presidency should grant a certificate under Section XLIII of Act VIII of 1853 in respect to any sum of money deposited in a Government Savings' Bank. The object of this provision was to prevent the occurrence of conflicting claims, which

would arise if the Administrator General as well as the Secretary of the Savings' Bank should have power to determine who was the proper person to withdraw a deposit.

The 5th and last Section provided that nothing contained in the Bill should apply to the payment of any money deposited in a Government Savings' Bank belonging to the estate of any European officer or soldier dying in the service of Her Majesty or of the East India Company in India; or to the estate of any officer, or seaman, or other person dying in the Indian Navy; or to the estate and effects of any person who, at the time of his death, should be a deserter from any of those Services. The Mutiny Act and the Articles of War relating to the European troops of the East India Company, authorized—indeed, they made it the duty of the officer commanding the troop or company to which a deceased soldier belonged, to secure his effects, to pay the regimental debts of the deceased therefrom, and to transmit the surplus to the Military Secretary of the Government of the Presidency, which officer might order and direct the distribution of such surplus to any amount not exceeding 1,000 Rupees, without any probate or letters of administration. Provisions were also made for the collection and distribution of the effects of officers and soldiers dying in Her Majesty's Service in India by the Mutiny Act and Articles of War; and with regard to the effects of European officers and seamen in the Indian Navy, by Act XIII of 1854. The case of deserters was also specially provided for. It had, therefore, been considered that it would be unnecessary as well as inconvenient to authorize the Secretaries of Savings' Banks to pay over deposits made by those classes of persons for whom express provisions of a different nature had already been made in the manner he had pointed out.

With these observations, the Hon'ble Member begged to move that the Bill be now read a first time.

Bill read a first time accordingly.

MINORS (MADRAS.)

Mr. ELIOTT moved the second reading of a Bill "for making better provision for the education of male minors, and the marriage of male and female minors, subject to the Superintendence of the Court of ~~Wards~~ in the Presidency of Fort St. George."

Motion carried and Bill read a second time accordingly.

MR. ELIOTT moved that the Bill be referred to a Select Committee, consisting of Mr. Mills, Mr. Allen, and the Mover.

Agreed to.

MESNE PROFITS AND IMPROVEMENTS.

SIR JAMES COLVILE begged to postpone going into Committee on the Bill "relating to mesne profits, and to improvements made by holders under defective titles," which stood in the Orders of the Day. He said a point had occurred to him in regard to the Bill since the Select Committee (of which he was a Member) had made their Report, and he desired to confer with his Hon'ble and learned friend opposite (Mr. Peacock) upon it.

COMPENSATION FOR ACCIDENTAL DEATH.

SIR JAMES COLVILE moved that the Council resolve itself into a Committee upon the Bill "to provide compensation to families for loss occasioned by the death of a person caused by actionable wrong ;" and that it be instructed to consider the Bill in the amended form in which it was recommended by the Select Committee to be passed.

Agreed to.

The 1st Section of the Bill, as it originally stood, after providing in what cases an action for compensation should lie, directed—

" That every such action or suit shall be for the benefit of the wife, husband, parent, and child, *all or any of them*, of the person whose death shall have been so caused, and shall be brought by, and in the name of the executor, administrator, or representative of the person deceased :"—and that, on damages being recovered, the amount, minus the costs, " shall be divided amongst the before-mentioned parties in such shares as the Court, by its judgment or decree, shall direct."

In the Section as amended by the Select Committee, the words "*all or any of them*" are omitted. On the Section being proposed—

MR. ELIOTT asked if the object was to make it obligatory on the Court to direct a division of damages which should include all the relatives for whose benefit an action might, under this Section, be brought. If not, why had the words "*all or any of them*" been omitted? It appeared to him that, as the Section now stood, the Court would be bound to direct a division which should include all the parties for whose benefit the action might be brought; for it

said the damages awarded "*shall* be divided amongst the parties before-mentioned," and the parties before-mentioned were "wife, husband, parent, and child."

SIR JAMES COLVILE said the Section followed strictly the wording of the English Statute; and he apprehended the object was to lay down broadly that there should be but one action, and to define the class of persons beyond whom compensation should not extend. No doubt, the action brought might be an action for the benefit of all the persons mentioned in the Section, supposing them to be in existence; but in such a case, as the Court had the power of directing how the amount recovered should be divided, it would, of course, in making its order, be guided by the degree in which each person had been dependent upon the deceased. It might give the minimum sum to one whose relationship to the deceased had been such that he was the least injured by the death, and the maximum sum to one who had been the most material sufferer by it.

MR. PEACOCK said, he was a Member of the Select Committee on the Bill, and would state the object with which the words "*all or any of them*" had been struck out. The Section directed that the action should be brought by the executor, administrator, or representative of the person deceased. If the words "*all or any of them*" formed part of the Section, they would put it in the power of the executor, administrator, or representative to bring an action for the benefit of only such of the parties mentioned in the Section as he might consider to be entitled to compensation. This was a power which ought not to be left to him; but he should be bound to bring the action for the benefit of all the parties, leaving it to the Court to distribute the amount of damages recovered in such proportions as it might think fit. It was to be observed that, by the Act, only one action could be brought. If the executor or administrator were a friend of the father of the deceased, he might bring an action for the benefit of the father only; and then, no other action could be brought for the benefit of the wife or child, who would, in that way, be left without any compensation. Doubtless, the Honorable Member to his left (Mr. Eliott) was right in thinking that the Section, as it stood, would make it compulsory on the Court to direct that the amount of damages recovered should be divided amongst all the parties mentioned in it; but this might be remedied by word-

ing the concluding part thus:—"and the amount so recovered, after deducting all costs and expenses, &c., shall be divided amongst the before-mentioned parties or such of them as the Court may direct, &c." If this were the wording, the executor or administrator would still be bound to bring the action for the benefit of all the parties, and the Court would say whether all were entitled to share in the damages, or only some of them. A parent might be well able to support himself; and in such a case, he ought not to have a share. On the other hand, the deceased might leave an aged mother who had been dependent upon him for her support; and it would be a great injury to her to give all the damages recovered to the wife and child. He (Mr. Peacock) was, therefore, against the introduction of the words referred to by the Honorable Member to his left (Mr. Eliott); but he should have no objection to the words "or such of them as the Court may direct," or words to the same effect, being added to the words "shall be divided amongst the before-mentioned parties." This would give the Court power to award a share of the damages only to those who had sustained pecuniary loss by the death of the deceased.

SIR JAMES COLVILLE moved that the words "if any" be inserted after the words "every such action shall be for the benefit of the wife, husband, parent, and child" in the Section.

Agreed to.

MR. ELIOTT moved that the words "or any of them" be inserted after the words "shall be divided amongst the before-mentioned parties" in the Section.

Agreed to.

The Section was then agreed to with the above amendments, and the remaining Sections were agreed to as they stood.

ADMINISTRATION.

SIR JAMES COLVILE begged to postpone going into a Committee on the Bill "to improve the English Law in force in India, by extending to this country, with some enlargement thereof, the provisions of the Statute 3 and 4, Wm. 4, c. 42, s. 2."

REGULAR APPEALS (MADRAS.)

MR. ELIOTT moved that the Council resolve itself into a Committee of the whole Council on the Bill "for the amendment of procedure in cases of regular appeal to the

Sudder Court in the Presidency of Fort St. George."

Motion carried.

The Bill was agreed to in Committee with some verbal alterations.

EVIDENCE (MADRAS.)

MR. ELIOTT moved that the Council resolve itself into a Committee on the Bill "to amend the Law of Evidence in the Civil Courts of the East India Company, in the Madras Presidency," and that it be instructed to consider the Bill in the amended form in which it has been recommended by the Select Committee to be passed.

Agreed to.

MR. ELIOTT read the following paragraph from the Report of the Select Committee on the Bill:—

"The 19th Section of the said Act (II of 1855) provides that no Court other than Her Majesty's Supreme Courts of Judicature shall compel the attendance of any party to any suit or proceeding to give evidence therein 'except under and subject to the rules prescribed in that behalf in Act XIX of 1853.' The rules contained in Sections VIII, IX, and XI of the last-mentioned Act, would probably be held applicable to parties in suits in all Civil Courts of the East India Company without any further provision. But a doubt might arise whether a party making a false declaration to excuse himself from attending as a witness, could be convicted of perjury under Clause 2 of Section X elsewhere than in the Bengal Presidency, without an express provision to that effect. To prevent any doubt on this point, and to indicate distinctly at once all the Rules referred to, we propose to retain the Sections of the Bill from VII to XI, but to alter the provision in Clause 2 of Section X so as to make the penalty for a false statement the same as in Act XLIX of 1853."

MR. ELIOTT said, he read the above to explain that, when the proper time arrived, he should propose that the provision of a Section which appeared in the original Bill, but was not retained in this, should be introduced, upon the principle laid down by the Select Committee in the foregoing paragraph of their Report—viz., the principle of indicating distinctly all the Rules prescribed in Act XIX of 1853 for compelling the attendance of a party to any suit or proceeding to give evidence therein.

Sections I to IV of the Bill were passed as they stood.

MR. ELIOTT said, he should now move—with the view of including all the Rules provided by Act XIX of 1853 for compelling the attendance of a party to a suit to give evidence therein—that the following Section be added to the Bill after Section IV:—

"A Court need not compel the attendance of any party to a suit, for the purpose of giving evidence therein, if such party shall satisfy the Court that he has no personal knowledge of any material subject of inquiry in the suit, and that he cannot give any material evidence therein."

Agreed to.

The 5th Section provided, that if no sufficient cause were shown by a party to a suit for not attending upon notice, a summons should be issued to compel him to attend and give evidence.

On this Section being proposed,—

MR. ELIOTT said the 3rd Section assumed that the party employed a pleader ; and he should therefore move that the following words be added to the end of Section V :—"which summons, if the party shall have employed a pleader, may be delivered to the pleader, to be transmitted to him." He thought it an unnecessary step in practice, after a party had employed a pleader, for the Court to go in search of him. The party had employed the pleader to represent him in Court : the pleader was there : and he (Mr. Elliott) thought it very proper that every paper and every process should be served upon the latter, instead of the Officer of the Court being sent in search of the principal himself.

MR. MILLS said, he should object to the addition of the words proposed, upon two grounds. This Bill had been copied from Act XIX of 1853 for the Presidency of Bengal, and the 5th Section, as it now stood, was precisely the same as the 11th Section of that Act :—both corresponded with each other word for word ; and he did not think it was expedient to alter a Section like this in the manner proposed. He did not think it was desirable to establish one rule of practice for one Presidency, and a different rule of practice for another Presidency. If any modification should be made, he would propose that where a party to a suit came in, upon notice, and showed cause why he should not attend and give evidence, his appearance should be deemed equivalent to the personal service of a summons, and it should not be necessary to issue a summons at all. If he failed to come in and show cause, a summons should then issue to compel his attendance.

Another objection to the proposed change, was, that the pleader employed by the party might not be authorized to receive such a summons. He (Mr. Mills) had known many cases in the Mofussil in which

pleaders had declined to accept service, and the practice was not to tender such processes unless the Agent was empowered to receive them by the terms of the *rakalutnama*.

For these reasons, and as the Select Committee had recommended that the existing rules of procedure for the attendance of witnesses should not at present be altered, he considered that it would be better to leave the 5th Section of the Bill as it stood.

SIR JAMES COLVILE said, the 5th Section of the Bill provided that if a party to a suit did not, upon notice given, show cause why he should not attend and give evidence, the Court should cause a summons to be issued for compelling his attendance. Nothing was said as to the mode of serving the summons. That would be regulated by the existing practice of the Court. If the existing practice admitted of service on the pleader of the party, this Section did not seem to insist on personal service. If the practice of the Court required personal service, the Section, as it stood, would not make service on the pleader good service. Assuming that the Courts in question did recognize service on the pleader sufficient in any case—which seemed doubtful, from what had been said by the Honorable Member near the gangway (Mr. Mills)—he should have thought that, upon general principle, they would, in the case of a summons of this nature, disobedience of which involved the consequences contemplated by this Act, require personal rather than constructive service. In his opinion, therefore, it would be safer not to introduce the words now proposed.

MR. PEACOCK said, he agreed with the objections which had been advanced against the introduction of the proposed Clause. It appeared to be advisable not to make any difference between this Act and the Act for the same purpose passed for Bengal ; and as very stringent provisions were made for the refusal of any party to a suit to attend before the Court upon a summons, care ought to be taken that the summons should be duly served upon him. The observations made by the Honorable Member (Mr. Mills) showed, that the pleader of a party might refuse to receive a summons for his principal, and that the Court had not the power to compel him to receive it. If, receiving it, he chose not to serve it on his principal, it could not be expected that the principal would attend ; and yet, under the 7th Section of this Bill, the Court might dismiss the suit if the principal were a

Mr. Elliott.

plaintiff, or decide it *ex parte* against him if he were a defendant.

MR. GRANT said, he observed that, as the Bill was originally framed, it contemplated and expressly required personal service. To him, it certainly appeared that it would be much better to allow the general form of procedure to apply to these cases, as to all other cases.

MR. ELIOTT, with the permission of the Council, withdrew his motion for the amendment of the 5th Section.

The 5th Section was then passed as it stood.

The remaining Sections were passed with one or two verbal alterations.

MR. ELIOTT proposed to move an amendment in Section XI, but the motion was disallowed, as being made after the Section had been agreed to.

THE PRESIDENT reported to the Council the three Bills settled in Committee.

ADMIRALTY JURISDICTION (MADRAS).

MR. PEACOCK moved that the Report of the Select Committee on the project of Law for extending the Admiralty Jurisdiction of Her Majesty's Supreme Court of Judicature at Madras, be adopted; and that the Clerk do communicate the Report to the Madras Government. He said, he believed the facts connected with this subject would be in the recollection of the Council. The *Chinsurah*, a British barque, sailing under British colors, and belonging to a native subject residing in Calcutta, had been chartered to convey a cargo of salt from Kistnapatam to Calcutta. The vessel was lying in the Madras Roads, and the Master, contrary to the instructions of the owner, and the wishes of the charterer, was about to take her to Sydney. The Advocate General at Madras obtained a warrant for the arrest of the vessel, which warrant, however, upon argument, was discharged by the Chief Justice, on the ground that the Master of the vessel, the party complained against, was not subject to the Admiralty jurisdiction of the Court, because he was not a British subject residing within any of the factories subject to, or dependent upon, the Government of Madras. But the Supreme Court on its Admiralty side had jurisdiction *in rem*, as well as *in personam*. It appeared to him that the distinction had not been sufficiently adverted to, and that the Court might have had power over the vessel notwithstanding the Master was not personally

subject to its jurisdiction. The Honorable and learned the Chief Justice of this Presidency was of that opinion, and stated that the power had been constantly and without dispute exercised at Calcutta. But it was unnecessary to determine here what the Law on this point really was. Whether the power existed in the Supreme Court at Madras or not, it undoubtedly did exist in the Vice-Admiralty Court there; and, consequently, it had appeared to the Select Committee—of which the Hon'ble and learned the Chief Justice (Sir Lawrence Peel) was a Member—that it was unnecessary to legislate upon the subject,—and they recommended accordingly.

With these remarks the Honorable Member submitted his motion.

Agreed to.

AFFRAYS (BENGAL).

MR. MILLS moved that Mr. Eliott be added to the Select Committee on the Bill "for the more effectual suppression of affrays concerning the possession of property." He said it was proposed to take this subject into consideration in connection with the Bill for amending the Law regarding the taking of Mochulkas for the Presidencies of Bombay and Madras; and Mr. Eliott being a Member of the Select Committee on that Bill, it was desirable that he should also assist in the consideration of this.

Agreed to.

MOCHULKAS OR PENAL RECOGNIZANCES (MADRAS AND BOMBAY).

MR. ELIOTT, for the same reason, moved that Mr. Allen—who is a Member of the Select Committee on the Bill "for the more effectual suppression of affrays concerning the possession of property"—be added to the Select Committee on the Bill "to amend the Law regarding the taking of Mochulkas or penal recognizances in the Presidencies of Madras and Bombay."

Agreed to.

MOFUSSIL MUNICIPAL LAW.

MR. ALLEN moved that a letter from the Secretary to the Government of the North-Western Provinces to himself on the Bill proposed to modify Act XXVI of 1850, be printed. The Bill, he said, as it now stood, applied only to the Presidency of Bengal. When the proper time came he should move that it be extended, in some

shape, to all the Presidencies. If it was right to give the benefits contemplated by the Bill to one Government, it was right to give those benefits to all the Governments. Nor did the Bill provide sufficiently for taking the opinion of the inhabitants of towns whom it was intended to tax for municipal purposes. These and all other questions of the kind, however, and the object of the extension of the Act which he proposed, he would lay before the Council as well as he could when the Bill should come before it for the second reading. At present, he should only move that the letter from the Secretary to the Government of the North-Western Provinces to himself on the subject, be printed.

MR. GRANT said, before this motion was put by the President, he would ask if the letter to which it referred was before the Council. Was it in the possession of the Council? If it was not, it would be better to move that the letter be laid on the table, and printed.

MR. ALLEN altered his motion accordingly, and it was then carried.

MR. MALET said, he had received from the Government of Bombay a letter on the same subject, and he begged to make a similar motion in regard to it.

Agreed to.

PRESERVATION OF PEACE (SINGAPORE.)

MR. PEACOCK said, at the last Meeting of the Council, a communication was read from the Straits Government, submitting the draft of a Bill for the better preservation of the public peace of the island of Singapore and the places subordinate thereto. He begged to move that this communication, together with the papers connected therewith, be printed, and referred to a Select Committee consisting of Mr. Grant, Mr. Mills, and the Mover.

Agreed to.

NOTICES OF MOTION.

MR. ELIOTT gave notice that, on Saturday next, he would move that the Bill "for the amendment of procedure in cases of regular appeal to the Sudder Court in the Presidency of Fort St. George,"—and the Bill "to amend the Law relating to the attendance and examination of witnesses in the Civil Courts of the East India Company in the Presidencies of Fort St. George and Bombay,

Mr. Allen

and to amend the provisions of Section XI, Act XIX of 1853," be read a third time, and passed:—and, further, that the latter Bill be re-committed, in order to enable him to move an amendment in Section XI.

MR. MALET gave notice that, on Saturday next, he would move that the Council resolve itself into a Committee on the Bill "to amend Regulation III of 1833 of the Bombay Regulations;"—and the Bill "to amend the Law in force in the Presidency of Bombay concerning the use of badges." The Council adjourned.

Saturday, February 24, 1855.

PRESENT :

Hon'ble J. A. Dorin, Senior Member of the Council of India, Presiding :

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| Hon. J. P. Grant, | D. Elliott, Esq., |
| Hon. B. Peacock, | A. Malet, Esq., |
| Hon. Sir James Colville, | and |
| A. J. M. Mills, Esq., | C. Allen, Esq. |

THE CLERK presented a petition from Subbaputty Pillay, a resident in the Bangalore cantonment, complaining of a decision by the Commissioner of Mysore on an appeal by the petitioner from a decree made by the Superintendent of the Bangalore Division.

THE PRESIDENT said, this petition was not connected with the business of the Council, and, therefore, could not, under the 22nd Standing Order, be received.

USURY LAWS.

MR. PEACOCK presented the Report of the Select Committee on the Usury Laws.

MR. PEACOCK moved that a "Bill for the repeal of the Usury Laws," which had been presented by the Select Committee with the above Report, be now read for the first time. He apprehended there would be no objection to this course in order that the second reading of the Bill might be proposed at the next Meeting of the Council, and its principle be then considered. For the present, he would explain its nature and object. By Act XIII of Geo. 3, c. 63, s. 30, no subject of the Crown was entitled to receive interest at a higher rate than 12 per cent. per annum. If he contracted to receive a higher rate, the contract was absolutely void; and if he did receive it, he