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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.

1876.

WITH INDEX.

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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 & 25 Vic., Cap. 67.

The Council met at Government House on Thursday, the 22nd June 1876.

PRESENT:

His Excellency the Viceroy and Governor General of India, G. M. S. I., *presiding.*

His Excellency the Commander-in-Chief, K. C. B.

Major-General the Hon'ble Sir H. W. Norman, K. C. B.

The Hon'ble A. Hobhouse, Q. C.

The Hon'ble E. C. Bayley, C. S. I.

The Hon'ble Sir W. Muir, K. C. S. I.

The Hon'ble Sir A. J. Arbuthnot, K. C. S. I.

Colonel the Hon'ble Sir Andrew Clarke, R. E., K. C. M. G., C. B.

The Hon'ble J. F. D. Inglis, C. S. I.

The Hon'ble T. C. Hope.

The Hon'ble F. R. Cockerell.

PRESIDENCY MAGISTRATES BILL.

The Hon'ble MR. HOPE presented the further Report of the Select Committee on the Bill to regulate the procedure and increase the jurisdiction of the Courts of Magistrates in the Presidency Towns, and moved that the Bill be published in the *Gazette of India*, and in the Gazettes of the several Local Governments.

He said that on the last occasion when he had the honour to address the Council on this subject, in presenting the previous Report, he pointed out the differences between the Bill then laid on the table and its predecessor. The most essential characteristic of the Bill as then presented was, that it embodied, *in extenso*, the whole of the provisions of the Criminal Procedure Code applied to Presidency Towns, which previously had been applied by simply quoting the sections in the schedule. The only alteration at all of importance was a slight improvement in the record, by which Magistrates, in appealable cases, were required to state their reasons for a conviction and to give a brief summary of the substance of the evidence on which they had based it. At the same time he had intimated that

as the Bill had been, in its then existing form, for about eleven months before the public, and no objections had been raised to its provisions, it was proposed to proceed with it in the course of about a month. It very soon, however, became apparent that the presumption that "silence gives consent" was premature in this instance, and that, in fact, the Bill had been entirely overlooked by the public, and by many who were materially affected by it, and that there were strong objections entertained to various portions of it in different quarters. Under these circumstances he need hardly say that the intention to push on the Bill immediately was abandoned, that all the suggestions and objections which were made were carefully considered by the Committee, and that, in consequence, it was not until the present time that the Committee were in a position to report further upon the subject. This delay he could not consider otherwise than with unmixed satisfaction, not only on account of the general expediency of allowing ample time for the consideration of all suggestions and objections that might be made, but also on account of the great amount of really valuable matter which had been laid before the Committee in consequence. The Report which he was now presenting would speak for itself, and at very considerable length. He need hardly say that in the case of a large measure of this kind, the material alterations in which were summarized in no less than twenty-seven paragraphs, it was scarcely to be expected that every Member of the Committee should entirely concur in every one of the separate matters noticed. For his own part, he could only say that he should be sorry to be considered as entirely responsible for every single thing embodied in the Bill. At the same time, speaking impersonally as the Member in charge of the Bill, he might, perhaps, draw attention to one or two of the more serious changes made, without expressing any individual opinion upon them.

The principal change he would first notice was that relating to the powers of Magistrates. By the provisions of the Bill as last presented to the Council, the extended powers which it was proposed to give to the Magistrates were intended to be exercised almost in the same summary manner as the powers which the Magistrates now possessed were exercised. The only alteration then made was that which he had just noticed, and the result still was that the High Court were liable to be left, in hearing a case on appeal, with very little indeed to go upon, and, in dealing with a case on *certiorari*, as it was called, might be left with nothing at all. The present Bill materially altered that. It was now rendered obligatory upon every Magistrate, in the first place, to record his reasons

in every case in which he inflicted imprisonment, or any fine exceeding rupees 50; secondly, he was required to draw up a formal charge in every case of an offence punishable with more than six months' imprisonment; and thirdly, he was required to record the whole evidence in full in every case which was appealable to the High Court. But, more than that, the limit of appeal, which in the previous Bill was fixed at sentences exceeding twelve months' imprisonment, and rupees 500 fine, had, in the present Bill, been reduced to six months, and rupees 200 fine—that was to say, that the Magistrates would exercise free of appeal very much the same powers as they exercised at present, only subject to certain restrictions which were not now imposed upon them. Whether, considering the increased facility which, by this very great improvement of the record, was given to the High Court for dealing with a case on *certiorari* (which was an inferior sort of appeal), there was any necessity for also curtailing the relief which the previous arrangement of twelve months' appeals afforded to the High Court, was, perhaps, a matter which only experience could determine.

The next important point was that which related to the power of the Government to appeal against acquittals. This power had been considerably objected to in certain quarters, and, he could not but think, upon grounds which showed that the nature of the provision was not quite thoroughly understood. It was supposed that this was a power which the Government, in its executive capacity, reserved for itself, and did not allow to the subject generally, for the purpose of obtaining its own ends in cases in which it was personally interested. Nothing could be more erroneous than this supposition. In point of fact the power which the Government would exercise, would be simply of the same nature, and exercised in the same way as that which it already had as public prosecutor in an original criminal case. If it were reasonable that the Crown, on behalf of the public, should undertake the prosecution, as it did in every criminal case, it appeared equally reasonable that the Crown should have the power of going up to the higher Court, in the interest of the public, in any instance in which it appeared that there had been a gross failure of justice in the lower Court; and, further, he might say that, in practice in the Mofussil, this power was almost invariably exercised by the Crown at the instance of private prosecutors in cases instituted by themselves. The Crown only moved on the advice of its law officers, and usually had not the slightest personal interest or concern whatever in such cases.

The last point he would notice was that the previous Bill followed perfectly closely the arrangement of the Mofussil Criminal Procedure Code, and, as closely as was practicable, the wording of that Code, only making such verbal alterations as were absolutely indispensable. The present Bill effected a total change in this respect—the arrangement of the chapters had been very much changed, their contents had been consolidated, and an improvement in the language had been introduced in every instance where there appeared to be the slightest room for it. It might, perhaps, be thought that this complete change in phraseology, where the subject was the same, might lead to conflicting rulings upon the Criminal Procedure Codes of the Presidency towns and the Mofussil, and to considerable doubts as to what the law was, or ought to be. But, on the other hand, we did not find in practice that any inconvenience had arisen from the differences now existing between Act X of 1875 and the Mofussil Code, and the Bill which he now submitted to the Council might, perhaps, be very usefully applied in due time towards the improvement of the Mofussil Criminal Procedure Code itself. With these remarks he thought he might conclude. He would merely add that the Committee would recommend that ample time should be allowed for any further objections and suggestions to be made, and that consequently it would probably be advisable that the Bill should not be proceeded with until next cold weather.

The Motion was put and agreed to.

SINDH INCUMBERED ESTATES BILL.

The Hon'ble MR. HOPE also moved for leave to introduce a Bill to relieve from incumbrances the estates of Jágírdárs and Zamíndárs in Sindh. He said that he might perhaps appropriately commence by explaining who those Jágírdárs and Zamíndárs were. The Jágírdárs in Sindh consisted of about 170 families, of whom some sixteen were great Beluch chiefs of very high rank and antiquity, who had been living in the country for many centuries. Then there were the families of the old Amírs of Sindh, who were dispossessed at the time of our annexation. Below them were the Sardárs of various degrees of importance, and there were also what were called Pattídárs, who were chiefly Afghán settlers; and finally, Khyrátdárs or charitable grantees, who were persons of more or less social and religious status—many of them Kházís. These Jágírdárs were a class deserving, he thought, of our highest sympathy and consideration. At the battle of Míání we found that they were the most resolute and gallant soldiers, and once the conquest was effected, they settled down under our rule in loyalty and contentment.

The Zamíndárs in Sindh, generally, were simply the landowners or proprietors of the soil. They were persons who had no subordinate holders under them, but who worked their lands either personally or by labourers whom they engaged, usually on annual contracts: they were not superior holders in any sense. The definition of a Zamíndár in Sindh, therefore, differed from that of a Zamíndár in other parts of India. It was not of course intended that a measure of this description should apply to all the landowners of Sindh, and it was therefore necessary to draw an artificial line so as to show who were to be considered Zamíndárs for the purposes of the proposed Act. This line had been drawn at the payment of not less than Rs. 300 per annum direct to Government. By means of this definition he might say that we virtually got all the landed gentry of the country, and a certain small number perhaps of the very superior yeomanry, and we had to deal with a class who were in many instances of as old standing as the Jágírdárs, and who were held in great estimation and consideration by the people.

Having briefly explained who the Jágírdárs and Zamíndárs were, he would observe that under the Amírs of Sindh their condition was, on the whole, one of very fair prosperity. They were not subject to many of the temptations to profligacy and extravagance to which they were now exposed. There were also fewer means of indulgence. There was then less money in the country; and there was no regular law for the recovery of debts, the consequence being that there was much more difficulty in obtaining paper credit. There was also less necessity for obtaining cash loans, because the Government did not press severely on them for cash payments for their lands, but carried on a system of sharing the annual produce of the lands in kind, which fell heavily upon them in good years perhaps, but did not press in bad ones; consequently, as a class, he believed they were not much, if at all, indebted. If an individual did fall into difficulties, he generally had the liberal assistance of his Government to get him out; he either obtained some remission of his rent, or perhaps an extra jágír if he was in favour, or some sort of composition was made by which he was enabled to pay by instalments. When our British rule supervened, he (Mr. Hope) regretted to say that a very rapid change took place in the condition of the Jágírdárs and Zamíndárs. As early as 1859—indeed before that—their growing indebtedness attracted the attention of Sir Bartle Frere, who passed certain rules for limiting their power of involving themselves and extricating them from the difficulties into which they had got. Again in 1868 Sir William Merewether brought very seriously to the notice of Government the extent to which this evil had spread; and further on, in 1872, Mr. James,

Assistant Commissioner in Sindh, portrayed with great force and ability the history and present miserable condition of the Zamíndárs in certain portions of the Haidarábád Collectorate. This led to a general enquiry into their condition, and the upshot was that it appeared that out of about 170 Jágírdárs in Sindh, no less than 70 were involved in debts amounting to 10 lákhs of rupees. It was also found that 600 Zamíndárs were involved, their liabilities being 20 lákhs of rupees, or 30 lákhs in the whole. No doubt some of these debts were small, but, after eliminating all Jágírdárs who were not indebted more than two years' income, and all Zamíndárs who were not indebted more than two years' Government assessment, there was still a residue of 45 Jágírdárs whose debts amounted to 9 lákhs, and of 370 Zamíndárs whose debts amounted to 17 lákhs. The pressure of debt among the Jágírdárs occurred chiefly in the Haidarábád Collectorate, while the pressure upon the Zamíndárs was greatest in the Frontier Districts, under the Political Superintendent, and in the others bounding upon them. With regard to the Haidarábád Jágírdárs, the fact that nearly 6½ lákhs had been incurred by the immediate families of the Amírs of Sindh, whom we dispossessed in 1843, would show that the case was entitled to very great consideration. Accompanying these financial results we had the most forcible representations from officers of the Bombay Government of the utter state of destitution and distress into which these people, as a class, had fallen. In a great number of instances indeed, MR. HOPE feared, our proposed measure would come too late, as many of them had been already sold up and their lands had passed into the hands of Hindús and other persons; still a good deal might yet be done, and considering who these people were, he thought we ought to try and save them, more especially when we recollected that in India, when classes of this description were ousted from their hereditary possessions, they did not, as in other countries they would do under similar circumstances, amalgamate with the lower orders and gradually disappear in the mass of the population, but remained on in their ancient villages and lands, a perpetual source of quarrelling and disaffection.

As to the origin of all this state of things, there were, naturally, great differences of opinion prevailing, and the controversy had been carried on with a great deal of ability on both sides; but, speaking very broadly, he might attribute it to four main causes. First, there was the natural improvidence and prodigality which characterized the Mussulman nobility in almost all parts of India that we were acquainted with. Next to that were the peculiar natural circumstances of the Province of Sindh; in Sindh water was almost everything, but unfortunately there was perpetually either too much or too little of it, so that it often occurred

that there was not merely a partial or slight failure of crops but a total absence of any crop at all. Besides that, in the period with which we were now dealing, there had been some very bad seasons which had given an additional push to some unfortunate men who happened to be previously involved. Another cause, he must frankly admit to be the operation of the Revenue Survey settlement introduced into Sindh. The Sindh survey commenced many years ago under Sir Bartle Frere, and took a definite form by the application of Act I of 1865. The problem of making a settlement at all in Sindh, instead of going on, as the Amírs used to do, from hand to mouth, no doubt, was an exceedingly difficult one, and was treated by the officers who had to deal with it with great conscientiousness and ability; but the result was that in some cases it had been found in the course of one or two years' experience that the rates were too high, while in others a settlement was made which was not suitable. Further, the application of the settlement was in some instances somewhat harsh and unintelligent; and, finally, the people themselves, being so little accustomed to a measure of the kind, could not sufficiently understand it to avail themselves of all the advantages which it really offered to them. And he must not omit to mention the perpetual change of officers, which he thought he might say was one of the greatest plagues which affected districts all over India, for an officer no sooner got into a district and learned something of its circumstances and people than he was by necessity changed to some new district. Lastly, he must mention the action of the Civil Courts, which took a complete form by the application of the Code of Civil Procedure to Sindh in 1865. There could be no doubt that by this Code, and still more by the mode in which it was worked, the facilities for the recovery of debts by the creditor were enormously increased. He did not wish to be understood as attributing to the Civil Courts all the misfortunes of the Jágírdárs and Zamíndárs of Sindh, but the action of the Courts might fairly take its place among the other causes which he had mentioned. Of course, it would be understood that all this had not been going on without various efforts to improve matters. The rules of Sir Bartle Frere to which he had referred, prohibited a Jágírdár from alienating his jágír beyond a certain extent, and in the frontier districts General Jacob wholly refused to take notice of debts at all; but the Code of Civil Procedure of course put an end to these expedients, which no doubt were somewhat rude, and must at some time have given place to a more regular system. However, the present condition of these people was as bad as it could be, notwithstanding the expedients thus adopted, and there was no question that the measure for relief which had been urged upon the Government ever since 1868 ought to be passed without delay.

As to the nature of the Act, it was contemplated that it should be of the same kind as those which already existed for Oudh, the Broach Taluqdárs, the Ahmadábád Taluqdárs, and for the Chutia Nágpur Chiefs, the last of which was passed but very recently. He should of course reserve an explanation of the details of the proposed Bill for the occasion of its introduction. He was quite aware of the objections which might be made, on economical grounds, to Bills of the general scope of the present one; but as those objections had been fully considered on the three previous occasions on which the subject had been before the Council, and had been held to be outweighed by political and general considerations in favour of the measure, he need not now go into them. Some of those considerations, however, had special force as applied to Sindh, arising from the fact that we had not only an aristocracy but a superior class of gentry involved, and likewise a peculiar nationality to deal with which required cautious treatment. MR. HOPE thought he could not conclude his remarks more appropriately than by reading the following passage from the speech of Sir John Strachey in 1870, when the Oudh Taluqdárs' Bill was introduced in the Council:—

*** "there would be many people who would say that if these estates had been mismanaged by the taluqdárs and thus became encumbered with debts, the sooner they passed into the hands of solvent proprietors, the better. Not only in Oudh, but in other parts of Northern India with which he had been personally acquainted, he had never believed that that principle was a right one to apply. He had always believed, and he thought the experience of 1857 had shown it to be the case, that this was a matter in which we could not afford to ignore the feeling of the people of the country. It shocked every feeling of propriety and justice in the Natives of Northern India, that we should allow estates which had been held in the same family for generations to pass into the hands of strangers—generally of the money-lending class—in satisfaction of decrees of civil Courts for debt. He thought there could be no doubt that the experience of 1857 showed conclusively the mischief thus done. The transfer, under the operations of our Courts, of many ancient estates into the hands of strangers was found, in 1857, to be a great cause of political weakness, by depriving the Government of the support of the chiefs whom the people themselves looked on as their leaders; and it also became a cause of internal commotions and bloodshed among the people themselves."

The Motion was put and agreed to.

BOMBAY MUNICIPAL DEBENTURES BILL.

The Hon'ble MR. HOPE also moved for leave to introduce a Bill to amend the law relating to the transfer of Bombay Municipal Debentures. He said that the matter was a very simple one, and he would explain it in a few words. In 1865 a local Act was passed enabling the Bombay Municipality to raise money on mortgage, and it was provided by that Act that such mortgages

should be transferred by deed duly stamped. As a matter of fact the public in general overlooked this provision entirely, and transferred mortgages in the same way as they transferred Government paper—without any stamp or deed but simply by endorsement. This practice was now found to affect the sale of those debentures, because in consequence of it no present holder could transfer his interest to another with a valid title. The object of the Act in the first place, therefore, was to relieve parties from the penalties which they had already incurred from this course and to validate the transfers which they had made; and, secondly, to assimilate the law to what it was in Madras and Calcutta by allowing such transfers to be made by endorsement.

The Motion was put and agreed to.

MERCHANT SEAMEN'S BILL.

The Hon'ble MR. HOBHOUSE presented the Report of the Select Committee on the Bill to amend the law relating to Merchant Seamen.

REGISTRATION ACT AMENDMENT BILL.

The Hon'ble MR. HOBHOUSE also moved for leave to introduce a Bill to amend the Indian Registration Act, 1871. He said that the Council would be aware that when we touched on an Act like the Registration Act, which consisted largely of mechanical details, there were always a good many small points which had been observed from time to time, and noted in the Legislative Department, in which amendment was required. Those points would be mentioned in the Statement of Objects and Reasons, and to some extent when he introduced the Bill, if the Council gave him permission to do so. He would only now mention the principal one—the only one in which it could be said that any principle was involved—which he conceived would be a sufficient reason for the Council giving him permission to introduce the Bill.

Everybody knew that the object of a Registration Act was to give certainty to titles and to prevent the operation of fraudulent and secret transactions by which a man's right in the property which he had acquired might be defeated. For that purpose the Registration Act adopted the following arrangements. It took a certain class of documents—documents of the more important kind—and required that they should be registered. There was no option given to the holder of such a document; he must register it within a certain time, and under certain conditions, in order that the document should be valid. Then another class of documents was taken—documents of less importance—as to which an option was given to the holder whether he would register them

or not. For the purpose of giving the registration of the first class, which he might call "compulsory documents," an advantage, it was provided that, unless registered, they should be invalid for certain purposes, which in fact included almost all purposes for which a document should be used, and that they should take effect against any oral agreement relating to the property comprised in them; and for the purpose of giving the holder of documents of the second class, which might be called "optional documents," a motive to register, it was provided that the registered document should have priority over oral agreements and over all unregistered documents of the same class; so that the holder of a document duly registered was perfectly safe against all unregistered documents of the same class, or against all oral agreements respecting the property comprised in his document. But it seemed to have been overlooked that the owner of a compulsory document might be exposed to danger from an unregistered document of the optional class. For instance, supposing he (MR. HOBHOUSE) purchased land and that he paid for it and got his conveyance, and that he registered his conveyance with due formalities on the 1st of January 1876. He was perfectly safe against all conveyances of the same land, though they might have been executed in the year 1875; and he was perfectly safe against oral agreements concerning the same land, though they might have been made and though consideration might have been given for them in the year 1875. But supposing his vendor, in December 1875, had signed an agreement and received consideration for that agreement to the effect that if Rs. 50 was not paid in February 1876, the donor, or holder, of the document should have a charge upon the land, he was not safe against such an agreement as that. That was one of the optional class. The document need not be registered, and there was nothing in the Act which gave priority over an unregistered document of that class. Now, it was obvious that if a transaction of that kind took place, there must be a fraud somewhere. Either there was such an agreement, and then it would be a fraud in his vendor not to have disclosed it to him; and it was right that the holder of the unregistered document should suffer for that fraud because he had had the option of registering his document and had not availed himself of it; one had taken every precaution allowed to him by the law, and the other had not, and it was right that the latter should suffer. Or there was no such agreement, and then there would be a fraud on the part of the person alleging it. Either way it was clear that the holder of the registered document ought to have the advantage. We had been warned by a high judicial authority in Bombay that suspicious transactions had already taken place owing to this omission in the Act; that the people at large were becoming acquainted, through the publicity given by litigation, with the gap that there

was in the Act; and he apprehended that a great many frauds would be executed. That had led us to undertake the task of amending the law, and it would, he imagined, be a sufficient reason for the Council to give him leave to introduce the Bill.

The Hon'ble MR. COCKERELL said that although it was not usual on the occasion of the permission of the Council being asked for the introduction of any measure, and before the substance of such measure was brought under consideration, to raise any discussion on questions of detail, yet the matter to which he desired to draw attention, though in one sense falling within the category of details, involved a question of principle which rendered it eligible for consideration at this early stage of the proceedings, whilst its undoubted importance made it desirable that the question should be considered without unnecessary loss of time.

The system of enforced registration of instruments affecting any interest in immoveable property was first introduced by the enactment of Act XVI of 1864. The details of that enactment having been found incomplete, the law was entirely revised in 1866. Again in 1871, experience of the working of the law having brought to light several imperfections, fresh legislation was undertaken, and Act VIII of that year contained the present law on the subject.

That law restricted the absolute obligation to register instruments affecting immoveable property to cases in which the value of the interest affected was not less than Rs. 100; and the question which he now desired to raise was, whether that restriction should be maintained.

The legislature very naturally at the outset hesitated to extend the obligation to register to the point of including every transaction, however minute, in relation to immoveable property. Great as was the advantage to be anticipated from a complete system of registration of titles and interests in land, yet in the first working of the measure, when the entire machinery for registration was, for lack of experience, necessarily imperfect, there was a risk, or even a probability, of a more than counterbalancing evil resulting from such a step in the harassment of a large number of persons, by their being compelled to travel in many cases great distances to get their documents registered, and further to incur much expense and inconvenience through excessive delay in the transaction of their business at the registration office. It was the anticipation of such annoyances and possible hardship to the people which, so far as

he know, had alone stood in the way of the attainment of a complete public record of rights and titles in immoveable property.

A system which admitted of so wide a gap for the escape of documents relating to interests in land from registration,—for in many parts of the empire so marked had been the progress of the sub-division of such interests in late years, that individual shares in property of a value below the pecuniary limit of compulsory registration abounded,—was necessarily and avowedly imperfect.

When the existing restriction was originally fixed he believed that it was declared to be a tentative measure; and although he had not been able, within the short period in which he had notice of any proposal to bring forward a Bill for amending the present law on this subject, to obtain access to the connected records or papers, yet he felt sure that he was correct in saying that on each of the occasions to which he had referred, on which the reconsideration of the law had come before this Council, the expediency of abolishing all restriction of the absolute obligation to register had been mooted and more or less earnestly advocated.

In these circumstances he ventured to suggest that the time had now come when the existing restriction might be safely removed and the registration of all documents affecting any interest in immoveable property rendered compulsory. Five years had now elapsed since the present law was enacted, and he was strongly of opinion that the objections to the extension of the compulsory system to the most minute written transactions affecting interests in land had been in great measure, if not wholly, obviated, in at least many parts of the empire, by the greatly improved working machinery which time and experience had brought into operation.

Moreover the consideration and adoption of the course which he was now advocating were peculiarly pertinent to the present occasion; for there was before the Council a large measure for amending and reforming the whole procedure of the Civil Courts, and a most important section of that measure was the improvement of the system in force for the execution of the Courts' decrees. It was, he might say, an essential condition of any substantial improvement in that direction that we should have a complete public record by means of which rights, titles and interests in land could be sifted and ascertained with absolute certainty down to the lowest degree; and such a record must be wanting so long as the existing limitation was maintained.

For these reasons, he would ask the hon'ble and learned mover to consider the propriety of so framing the Bill which he was about to introduce as to make the registration of all deeds relating to immoveable property compulsory, or to consent to the sending of a special requisition to all Local Governments and Administrations to advise the Council as to the propriety of the change proposed with a view to its being adopted and incorporated in the Bill whilst it was before a Select Committee.

He felt strongly that the present opportunity for making this very important change should not be lost, if after a general consultation of experienced local officers competent to give an authoritative opinion on the subject, the change should appear desirable.

The Hon'ble MR. HOBHOUSE said that he had only one or two remarks to make on his hon'ble friend's observations. Mr. Cockerell had no doubt raised a large question of principle, which he was perfectly entitled to raise on the present occasion. He would not discuss it now, because he presumed that his hon'ble friend would have something more to say about it, and in greater detail, when he (MR. HOBHOUSE) came to introduce the Bill, which was the correct time for discussing the principle of the measure. He began by stating that this was a measure which could hardly be said to have any principle, being all detail, but he found now that it had a principle, because the question was whether we should undertake the large operation of making our registration system extend to all documents, or whether we should only undertake the smaller operation of making the system now existing more perfect than it was. His hon'ble friend had stated that he had not seen the papers on the subject, and he would undertake that, between that time and the introduction of the Bill, he would give him a very thick bundle which was lying on his table, which he would find very interesting, and which would take him some time to read; but he did not think that he would find that we had materials for entering into such a large operation as he wished to undertake. He thought that before we could commence any such operation, we should have to make a great deal of inquiry, which would take time, possibly a couple of years. When, however, his hon'ble friend had read the papers, he could form his own judgment whether it was wise to press for a wider measure, or whether it was better to undertake the smaller measure which he now asked for leave to introduce to the Council.

The Motion was put and agreed to.

STAGE CARRIAGES ACT AMENDMENT BILL.

The Hon'ble MR. BAYLEY moved for leave to introduce a Bill to amend the Stage Carriages Act, XVI of 1861. He said that the proposed amendment was a very small one. The Act of 1861 provided certain regulations with the object of bringing stage carriages within the control of the law, and preventing the great abuses which had previously existed from horses being driven in an improper condition and the carriages being overladen, and from intoxication or carelessness of drivers and other similar evils. The first and the last sections provided that it should apply to every carriage drawn by one or more horses which should be used for the purpose of conveying passengers for hire, and that such carriage should be deemed to be a stage carriage within the meaning of the Act. The twenty-first section provided that the term 'horse' should include ponies and mules; but it was found by experience, in the North-Western Provinces especially, that carriages of this kind were often not drawn by horses, ponies, or mules, but by camels or oxen, and that the same abuses which the Act was intended to prevent existed with regard to those conveyances. The whole object of the Bill, therefore, was that the law which now applied to carriages drawn by horses should be applied to those drawn by camels and oxen.

The Motion was put and agreed to.

OPIUM BILL.

The Hon'ble SIR WILLIAM MUIR moved that His Honour the Lieutenant-Governor of the Panjáb be added to the Select Committee on the Bill to amend the law relating to Opium. He explained that as opium was grown in the Panjáb, Sir Henry Davies was interested in the Bill, and was quite ready, as he was present in Simla, to act upon the Committee.

The Motion was put and agreed to.

The Council adjourned to Thursday the 29th June 1876.

SIMLA;
The 22nd June 1876.

WHITLEY STOKES,
Secretary to the Government of India,
Legislative Department.

Govt. Central Branch Press, Simla.—3-7-76.