

Wednesday, February 14, 1877

ABSTRACT OF THE PROCEEDINGS

COUNCIL OF THE GOVERNOR GENERAL OF INDIA

LAWS AND REGULATIONS.

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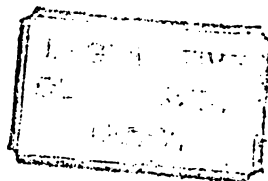
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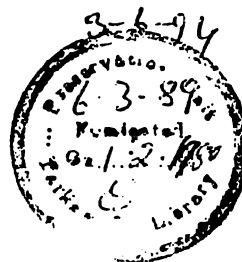
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1879.

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 Wednesday, the 14th February 1877.

PRESENT :

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

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

The Hon'ble Sir Arthur Hobhouse, Q.C., K.C.S.I.

The Hon'ble Sir E. C. Bayley, 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 Sir J. Strachey, K.C.S.I.

The Hon'ble T. C. Hope, C.S.I.

The Hon'ble D. Cowie.

The Hon'ble Mahārājā Narendra Krishna.

The Hon'ble J. R. Bullen Smith, C.S.I.

The Hon'ble F. R. Cockerell.

The Hon'ble B. W. Colvin.

The Hon'ble R. A. Dalzell.

The Hon'ble R. E. Egerton, C.S.I.

The Hon'ble Mahārājā Jotindra Mohan Tagore.

NEW MEMBERS.

The Hon'ble R. E. EGERTON and the Hon'ble Mahārājā JOTINDRA MOHAN TAGORE took their seats as Additional Members.

ACT No. XIII OF 1875 AMENDMENT BILL.

The Hon'ble SIR ARTHUR HOBHOUSE moved that the Report of the Select Committee on the Bill to amend Act No. XIII of 1875 be taken into consideration. He said that he had already explained to the Council the extremely limited object of this measure, and they would see that that object was carried into effect by an equally limited Bill. His hon'ble friend Mahārājā Narendra Krishna was kind enough to serve on the Committee, and he was satisfied that the jurisdiction of District Judges which he wished to remain

intact did remain intact. The only alteration in the Bill which had been made was the provision saving the validity of any probate which might have been granted by Courts which were now declared not to be High Courts. He did not believe that any such probate had been granted; but it was just possible that one or two might have been granted, and therefore the Committee thought it advisable to provide for their validity.

The Motion was put and agreed to.

The Hon'ble SIR ARTHUR HOBHOUSE also moved that the Bill as amended be passed.

The Motion was put and agreed to.

REGISTRATION ACT AMENDMENT BILL.

The Hon'ble SIR ARTHUR HOBHOUSE also moved that the Reports of the Select Committee on the Bill to amend the Indian Registration Act, 1871, be taken into consideration. He said that the Council would remember that this was a Bill which had been introduced by him in June last, and he had mentioned then that it was for the purpose of effecting several small alterations in the existing law, of which one was of importance and some degree of urgency, which had been pointed out by a learned Judge of the High Court of Bombay; and as to the rest, that they were matters of no urgency but had been noted from time to time in the Legislative Department as fit subjects of amendment when the Act should come up for amendment. On that occasion a question was raised by his hon'ble friend Mr. Cockerell whether it would not be advisable for the Committee to consider the propriety of extending the system of registration to a great number of transactions other than those to which it did then extend. The sense of the Council on that occasion was that they had not the materials before them to decide about any such extension: it might be a good thing here, it might be a bad thing there; it depended on local knowledge which they had not got. The result was that the Council declined to give any such instruction to the Select Committee, and his hon'ble colleague Sir E. Bayley promised that the matter should be made the subject of enquiry by the Executive Government. It was therefore decided that the principle of the Bill should be, that it should have no principle at all, but should consist only of detailed amendments of the Registration Act.

He would mention one or two of the most important amendments proposed to be made by the Bill. All the amendments were mentioned in the Statement of Objects and Reasons, but some of them were very small. The principal amendments were those which related to the main feature in the Registration

Act, which was the distinction of registrable documents into those which must be registered in order to obtain validity—what he had called compulsory documents—and those as to which it was in the option of the parties to register or not as they thought fit.

The two main sections in the Act were sections 17 and 18. Section 17 related to compulsory documents; and it was provided by a subsequent section (49) of the Act, that if one of these compulsory documents was not registered, it should lose all validity. Section 18 related to optional documents; and as to them it was provided by section 50, not that they should lose all validity if not registered, but that a registered document of the same class should take priority over a non-registered one. There was some little difficulty in construing sections 17 and 18 together, and the opinion had prevailed that where documents were so described as to fall within both sections, they were to be considered as optionally registrable and not compulsorily registrable. Take, for instance, a composition-deed. It was mentioned among the optional documents. But it might contain a gift of an interest in land of the value of Rs. 100, and it thus came among the compulsory documents. Therefore it would fall under both sections. In such cases the opinion had prevailed that the document became an optional one. But the intention was that all documents mentioned in section 17 should be registrable under pain of losing their validity, and they did not become mere optional documents by containing something else which also brought them under section 18. The Committee had made that clear, and to that extent they had enlarged the area of the Registration Act, but not to any other extent; and by that enlargement they had only expressed what they believed to be its original meaning.

Then a difficulty arose under the other two sections he had mentioned, sections 49 and 50, and it was on this that they had thought it necessary to move to amend the Act. They were told that these sections left a gap in the system through which spurious and fraudulent transactions were finding their way. The case was this. By section 50, which related to optional documents, it was provided that registered documents should take precedence over non-registered documents. But it was nowhere provided that documents of which registration was compulsory should take precedence over non-registered documents of which registration was optional. Suppose now that a man acquired by deed an interest in land of the value of less than Rs. 100; he need not register because the document was optional, and does not do so. Then another man takes an interest in the land of less than Rs. 100; by registration he can

gain priority over the non-registered document. But if he took an interest of Rs. 100 in value, registration would not give him priority. That was an absurd state of things, and one which would certainly lead to fraud. The Committee had provided that all registered documents, whether compulsory or not, should take priority over non-registered documents. They had indeed been told by a professional gentleman of some standing by whom the Bill had been subjected to criticism, that the amendment might easily lead to fraud. He said :—

“ But I should deprecate the extension of this rule of priority to all documents of which registration is compulsory. The law so amended might be easily made an engine of fraud. A purchaser sees in section 17 that a sale of land for rupees ninety-nine need not be registered. Accordingly he does not register, and he would, under the proposed law, be liable at any time to be ejected by any one who held under a later registered deed.”

The answer to that was that under the existing law he was liable to be ejected by a man who held under a later registered deed, provided his interest was only worth Rs. 99. The absurdity was that if the interest under the later deed was worth Rs. 100, he was not liable to be ejected. There was no principle in that state of the law ; no reason could be assigned for it, and doubtless it was simply a slip in the drafting of the Act of 1871. It was true that the law might be made an engine of fraud. But all systems of registration might be made into engines of fraud : we ran our chance of that. The advantage of a system of registration was that it excluded more frauds than it admitted ; and the advantages and disadvantages of every law must be balanced against one another. A system of registration occasionally enabled a man to gain a dishonest priority over others. But on the other hand it afforded great safeguards against frauds, and where it would admit one, it would exclude twenty or thirty or fifty.

The alterations foregoing in the existing Act were effected by the Bill as introduced. The Committee had recommended several more, and they found that the Act would thus be altered in thirty-one places. And therefore it was determined to repeal and re-enact the Act, and that was the reason why the Bill was so changed in appearance and so much more bulky than at first. They did that on the advice of the Secretary, who, the Council well knew, had borne the principal part in the arrangement of the Statute-book ; and no man knew so well what was convenient and what was not convenient in this respect. He thought it would be more convenient to redraft the whole law than to place these amendments in a separate enactment.

Of the alterations introduced by the Select Committee he need only mention two. One was that they had substituted the Registrar for the District Court

in simple questions whether or no a document was of a registrable character. According to the existing Act, if a Registrar refused to register a document, a petition of appeal might be presented to the District Court which passed judgment accordingly. On that the Committee had been advised by an eminent District Judge, Mr. Maclean, Judge of the 24 Parganas, that the practice was inconvenient. He said:—

“This judicial decision is of no real weight. It makes the document, after registration, admissible in evidence, which, if it be one requiring compulsory registration, it would not otherwise be. So far good; but it is open to the Munsif or other inferior Court to say that execution is not proved, and to throw out the document which the superior Court has already declared to have been executed. I think this is objectionable.”

Then Mr. Maclean proceeded to discuss one reform which might be made, which was that the District Court should go on to try all questions regarding the validity of documents and decide finally on their validity or invalidity when they were presented for registration. And he said:—

“I would prefer to see the Judge relieved altogether of the duty of deciding whether a document has been executed with a view to its registration only. This might, I think, be left to the officers of the Registration Department. If execution is denied before the Sub-Registrar, let him call for evidence and decide the question, subject to an appeal to the Registrar. If denial of execution is made before the Registrar, let the Inspector General hear the case on appeal, and whatever be the decision, let the document be admissible as evidence in the Civil Court, if possible, subject to rules as to its registration when execution has been duly proved before the Courts.”

Now the Committee quite concurred with Mr. Maclean that it was objectionable to call in the District Court in cases in which its decision could not be final. And they also agreed with him that the second alternative was preferable to the first. It would be a matter of extreme inconvenience if before the question was decided whether a document was registrable, the whole circumstances attending its validity or invalidity should be brought into dispute—a course which might lead to dilatory and expensive litigation. Therefore the Committee proposed to make the Registrar the judge of that question. In doing so they were not excluding the Civil Court from any ordinary jurisdiction. The Civil Court had been brought into the registration-system and made into a sort of superior registering office in certain cases. From that position they displaced the Civil Court. But they had provided that any party who was dissatisfied with the decision of the Registrar might at once institute a suit in the Civil Court, and in that suit every question respecting the validity of a deed might be decided. And they had then provided that

the time for registration should be extended so as to give ample time for it after the decision of the suit. These alterations were effected by sections 74 to 77 of the Bill before the Council.

The only other point which remained to be mentioned was one which related to the Land Improvement Act. The Committee was informed that persons who desired to borrow money for the improvement of land found it vexatious and expensive to register the deeds that had to be executed, whether they related to the land that was to be improved or to the collateral security that was given. The vexation was principally experienced by those who gave the collateral security. Now the Land Improvement Act provided that a full description whether of the land to be improved or of the collateral securities should be given in the certificate that was required before the money was advanced. And the great object of the Registration Act was to give notice to all persons interested what was the position of the land with which they were about to deal. The Committee thought it therefore quite sufficient if the officer giving the certificate were to send a copy to the Registrar for entry in the registration-books, and thus dispense with the necessity for the registration of any deeds in respect to that transaction. That alteration was effected by section 89 of the Bill before the Council.

SIR ARTHUR HOBHOUSE did not think there was anything else which he need mention. His hon'ble friend Mahārājā Narendra Krishna had several amendments to move, which no doubt he would take the opportunity of moving, if the Council took the report of the Select Committee into consideration, before they proceeded to pass the Bill.

The Motion was put and agreed to.

The Hon'ble MAHARAJA NARENDRA KRISHNA moved the following amendments :—

1. That in section 17, the following clause be added after clause (d) :—

“Any document not itself creating, declaring, assigning, limiting or extinguishing any right, title or interest of the value of rupees one hundred and upwards to or in immoveable property, but merely creating a right to obtain another document which will, when executed, create, declare,” &c., &c.

In proposing this amendment, he begged to observe that the registration of baiānas, or contracts for sale and mortgage of immoveable property, to the value of one hundred rupees and upwards, ought to be made compulsory, in order to protect honest purchasers from fraud. As the law at present stood, there was nothing to prevent a man who got an advance of money before he executed a baiāna, from getting a similar advance from another person, without

any intention of fulfilling his engagement with any body or with whomsoever he chose. Now, if the registration of such documents were compulsory, people would make proper enquiries at the registration office before they would advance any money on baiânas. It might be said that the first person with whom a contract was made could legally enforce its fulfilment, and that others had also their remedy by suit; but their remedy might prove infructuous if the would-be vendor or mortgagor were possessed of no property other than what he contracted to sell or mortgage. For these reasons it was very desirable that purchasers should have adequate means of satisfying themselves of the legitimate character of baiânas before they accepted them.

If the new clause which he had proposed was adopted, clause (4), section 17, necessarily fell to the ground.

2. That in section 21, clause (6), line 6, *for* the words "other houses and lands," the words "houses and lands situate in places other than towns" be substituted.

This amendment was proposed in order to make the provisions of the section more explicit.

3. That to section 22, the following explanation be added:—

"Explanation.—Names of indigo-factories and concerns, Towji numbers of mahâls and taluqs, names of tenures with those of thâna and sub-districts in which they may be situated with boundaries, and numbers of lands and houses in towns with boundaries, are sufficient description to identify property."

He proposed the addition of this explanation, as otherwise doubts might arise in the minds of the rural sub-registrar as to what was or was not a sufficient description of property presented for registration in his office.

4. That to section 80, the following words be added at the end:—

"Fees for registration of conveyances shall be paid by the purchaser; of mortgages, by the mortgagor; of leases, by the party presenting the same, unless there be an agreement to the contrary."

The ΜΑΝΑΡΛΑΪΑ believed it was absolutely necessary that the law should lay down the principle upon which parties to a registrable document should be made to pay the necessary fees for registration. The omission in the law as to the person liable to pay the fees led to misunderstanding, dispute and loss. In this respect the provisions of section 6 of the General Stamp Act ought to be a guide.

5. That the following section be inserted after section 89:—

"If any power-of-attorney be presented to a registrar, he shall authenticate the same and keep a memorandum of it in his office."

At present powers-of-attorney authorizing a registration of a deed were authenticated by a Registrar. Why should not all powers-of-attorney be authenticated by him ?

The Hon'ble MR. COCKERELL said that the precise questions raised by the *amendments* proposed by his hon'ble friend Mahārājā Narendra Krishna would be best understood by a reference to the provisions of the Bill as it was introduced, and to the circumstances under which the Bill had gone through its different stages up to the present time. It would be seen that the Bill as introduced in its second section provided for the insertion of the following clause immediately after clause (c) of section 17 of the existing Act, namely :—

“(d) to any document merely creating a right to obtain another document which will, when executed, create, declare, assign, limit or extinguish any right, title or interest of the value of one hundred rupees and upwards, to or in immoveable property.”

And the exact effect of this provision was declared in the third paragraph of the Statement of Objects and Reasons by which the Bill was accompanied when introduced. The paragraph was as follows :—

“The second amendment embodies in section seventeen of the Act the resolution of the Government of India in the Home Department, No. 51-1906, dated 10th July 1874. Its effect is to expressly exempt from compulsory registration documents merely creating a right to obtain other documents, which will, when executed, create, &c., rights of the value of one hundred rupees and upwards to immoveable property.”

And the circumstances under which this description of documents was deliberately included in the category of instruments which had been designated the “optional class” was stated in the speech of the hon'ble and learned mover of the Bill at the time of its introduction. He said :—

“The second section proposed to make an addition to section 17 of the Act. Section 17 was that important section which indicated those documents of which the registration was compulsory. There were several exceptions made to the operation of the section, and the latter part of it provided that the prior compulsory clauses should not apply to certain deeds and documents. We proposed to add to this that they should not apply to any document which merely created a right to obtain another document which would create the right in question ; that was to say, supposing there was an agreement by a man to execute a conveyance of land, the agreement need not be registered. The owner of the agreement would have an option to register it, which might be advantageous to him under certain circumstances. For the agreement would give him no absolute right to the land ; and if before he got his conveyance, another person took a conveyance and registered it, acting honestly, the agreement would be displaced. But it might be hard to compel the owner of such an agreement to register it, for he would have to register his conveyance when it was completed, and in that case there would be two registrations for one transaction.”

So that the direct object of this provision in the law was to save a person from having to register two deeds in relation to the same subject-matter, executed for the purpose of giving effect to a single transaction regarding it. And it was expressly pointed out by the hon'ble mover that the mere agreement to execute a conveyance of any immoveable property gave the person who obtained that agreement no absolute right in the property itself, but merely the right to obtain thereafter a document in regard to such property, and this agreement could never operate to displace a conveyance obtained in good faith by some other person and duly registered. As MR. COCKERELL understood the observation of his hon'ble friend Maháríjā Narendra Krishna, he seemed to think that this agreement would in itself give some sort of right or title to the property to which it only indirectly related, and that, consequently, if such agreement was not registered, the person who obtained in good faith a regular conveyance of the property concerned would suffer by reason of there being no public record of the prior agreement through which the purchaser could have become acquainted with the fact of the insecurity of the title obtained by him. That objection, if he understood it rightly, was met by the statement contained in the passage he had read from the speech of the mover of the Bill at the time of its introduction, and which correctly, as he believed, described the legal effect of the documents referred to. From what had been said, therefore, it would be seen that the hon'ble member's proposal amounted to this,—that the policy of the Bill, as introduced, and which was maintained by the Select Committee to which the Bill had been referred, should now be reversed, and that this particular class of documents should be transferred from the optional class, in which it had for the reasons just stated been designedly placed, to the compulsory class.

Now he (MR. COCKERELL) would submit that such a proposal, coming as it did at something later than the eleventh hour, was, quite apart from its merits as regarded the question of policy, wholly inadmissible in point of time; for the Bill was introduced in June last; the first report of the Committee was presented on the 6th of December; the final report on the 31st January; and although his hon'ble friend was not present at the time of the introduction of the Bill, and therefore had no opportunity to speak on this question, if his object was to directly traverse one of the principal alterations of the law, or the construction of the law, to be effected by this Bill, the opportunity to do so was given at the time of the presentation of either of these reports. That his hon'ble friend must have been aware that the effect of the Bill was that which had been stated, namely, to place this class of instruments in the optional class, though they had hitherto been in the compulsory class, was to be inferred

from the communication which the Council had received from the British Indian Association, of which it was well known his hon'ble friend was, if not the Vice-President, at least an influential member; and presumably no communication on the subject of any proposed enactment pending before this Council would be addressed to it without his concurrence.

That the manner in which this class of documents was to be dealt with under the provisions of the Bill had been noticed and fully understood, was to be gathered from the second paragraph of the communication referred to, which contained the following remark :

“The object of the limit of one hundred rupees in clause (d) provided by this section is not apparent. As the clause refers to optional registration, no money-limit, the Committee believe, is contemplated.”

He (MR. COCKERELL) considered that this clearly supported his contention as to the untimely character of the chief amendment proposed by his hon'ble friend, and he might add that the other amendments were open to a similar objection, for they were not directed to anything that had been done whilst the Bill was before the Select Committee, but to certain provisions of the law as they now stood. All such proposed alterations could, and clearly should, have been brought forward at some one or other of the previous stages through which the Bill had passed ere the report of the Select Committee was taken up for final consideration.

He would now comment on the amendments in detail, and endeavour to show that the alterations contemplated by them were inexpedient or unnecessary.

The first and second amendments both related to the matter which he had just discussed. In regard to the third amendment, his hon'ble friend had explained that it was designed to make the intention of the law clearer. He could not agree that the proposed change would have any such effect. On the contrary, he apprehended that to the majority of the Council it would appear that the law was clear as it stood and needed no amendment of language. It would be seen on reference to section 21, clause (b), that the substitution of the words proposed would leave land situated in towns unprovided for.

Passing to section 22 it was proposed to add an explanation to that section. That section declared that failure to comply with the provisions contained in section 21, clause (b), should not disentitle a document to be registered if the description of the property to which it related was sufficient to identify such property. It had not been represented to the Council at any time that

these words were capable of any sort of misapprehension, or that any practical difficulty had ever arisen from their incompleteness.

He thought, therefore, that no explanation was required. There was, moreover, this objection to the proposed explanation, that its effect was to narrow the scope of the provision which it was designed to explain, and introduce vernacular terms which, though current in Bengal, were probably unknown in some other parts of the empire.

Then with regard to the next amendment, namely, the proposed addition to section eighty, his hon'ble friend thought it would be a useful provision, because, apparently, a similar rule had been inserted in the Stamp Act.

But there was a reason for the introduction of such a provision into the stamp-law which hardly applied to the present case.

Under the former stamp-law, every document which was executed in relation to a transaction to which the Government was a party was exempted from stamp-duty; but the object of this exemption was merely to relieve the Government from the nominal cost to which, but for such exemption, it would have been subjected: there was no reason why the other party to the transaction with the Government should be freed from the charge of stamp-duty which he would have had to bear if his transaction had been with any other than Government.

The rules laid down in the Stamp Act were designed solely to meet cases of this kind, and to maintain the just and proper liabilities of persons in respect of the stamp-duties in their transactions with the Government.

As regards the last amendment, his hon'ble friend had very considerably narrowed the proposal of the public body with whom he was associated. The British Indian Association proposed that every registering officer should have the power of authenticating powers-of-attorney. The advantage of that proposal as regards public convenience was obvious. Registering officers were located all over the country, and it would in many cases save a great deal of time and trouble if persons could get powers-of-attorney properly authenticated near their homes; but his hon'ble friend merely proposed that these documents should be presented for authentication to a Registrar, *i. e.*, to an officer to be found only at the head-quarters of a district. There was already every facility for authenticating powers-of-attorney at such places, and therefore the object of the limited provision now proposed was not apparent. In regard to the larger proposal of the British Indian Association, Mr. COCKERELL might say

that the Committee, after due deliberation, rejected it on two considerations. First, it was not within the province of the Registration Act to provide for such matters at all; and secondly, because, in the class of registering officers met with in different parts of the country, there were those to whom it would not be wise to entrust this power of authenticating powers-of-attorney, other than those executed solely for registration purposes.

In his own opinion none of these amendments should be accepted by the Council. He would further submit that if the majority of the Council thought that these amendments, or any of them, were worthy of consideration, then the more convenient course would be that his hon'ble friend should move, in substitution for the present motion, that the Bill be recommitted, because he apprehended that the adoption, at this late hour, of a number of detailed provisions of this kind for incorporation in the Bill would be extremely inconvenient, as it was impossible to see how far the rest of the Bill might be affected by these changes without a detailed examination and revision of the entire enactment. Therefore, if any of these amendments were to be admitted, the more convenient course would be that they should be again considered in Committee, and the whole Bill shaped in accordance with whatever decision might be come to in regard to them.

The Hon'ble SIR ARTHUR HOBHOUSE had not much to add to what had fallen from his hon'ble friend Mr. Cockerell. With regard to the first two amendments, which both related to the same point, the object of the Committee in making the alteration which they had made, was to avoid throwing the burden on any man of making two registrations in respect of the same transaction. An agreement to purchase and a conveyance were two parts of the same transaction. The conveyance might follow very quickly on the agreement or after a longer time. But the conveyance was merely the complement and the fulfilment of the agreement. There was no doubt that, as the Act was worded, it appeared to compel a person claiming under these two documents to register both of them. And the Committee thought it more advisable and more convenient that a man should exercise his option whether he should register the agreement or not: if he thought he was safe, he need not register it; if he thought there was any danger, he might register it. SIR ARTHUR HOBHOUSE did not understand what evils his hon'ble friend the Maharájá thought would follow from the alteration made by the Select Committee. If there was any evil it must either occur to the person who claimed under the agreement, or to some other person who intended to deal with the land. But there could be no injury to the person who claimed under the

agreement, because he might exercise his own judgment whether to register or not. Neither could any injury accrue to a subsequent purchaser of the land. A prudent man would pay his money on getting his conveyance, and if the transaction was an honest one, no previous agreement, not of itself creating an interest in the land, could impair it. Therefore SIR ARTHUR HOBHOUSE could not conceive what was the evil which was to occur to anybody from making these instruments optionally registrable instead of compulsory documents.

In respect to the next two amendments, which also SIR ARTHUR HOBHOUSE presumed related to the same point, it seemed to him that some obscurity would be introduced into the Act by any amendment of the kind. If they did not relate to the same point, then the amendment marked number 3 was a purely verbal one, and was exposed to the observation made by his hon'ble friend Mr. Cockerell that it would leave lands in towns not described at all. But he thought the explanation proposed to be added to section 22 would introduce considerable obscurity. For instance, it said that the names of indigo-factories and concerns were to be sufficient description to identify property. He supposed that meant that the name of a concern was to be sufficient to describe the property of the concern. So if he understood it aright, the name of a tea-plantation would be sufficient for the whole description of the property of that concern, comprising lands which might extend over several square miles. That would not fulfil the object of the Registration Act, which required each property to be described in a much more particular way. The proposed amendment would give a dangerous latitude of description in some instances, and in other cases it would tend to narrow the operation of the Act by not leaving the parties to give whatever might be the most appropriate description of their lands. It seemed to him that the Bill as now drawn was more suitable. It pointed out a mode which would be the usual and the preferable one for describing properties; but it declared that a description of that kind should not be compulsory, and that any description might be used which was sufficient to identify the property.

With regard to the last two amendments, each of them seemed to him to be entirely beyond the scope of the Act. The fifth amendment dealt with points with which the Registration Act had no concern. We did not care who paid the fees; if they were paid, the document might be registered, if not, there would be no registration, and that was all we were concerned with. The sixth amendment provided for the authentication of powers-of-attorney. It proposed to turn the registration-office into the office of a Notary Public, and that was a

matter which, if dealt with by the legislature at all, should be dealt with by some other Act.

If SIR ARTHUR HOBHOUSE had thought that some of the amendments ought to be accepted and others rejected, or if any other hon'ble members expressed such an opinion, he should have asked his hon'ble friend the Mahārājā to put them one by one. But as the Mahārājā had taken the course of putting his amendments in the lump, it was sufficient that he should oppose them in the lump; and it seemed to him that they ought one and all to be rejected.

The amendments were put and negatived.

The Hon'ble SIR ARTHUR HOBHOUSE then moved that the Bill as amended be passed.

The Hon'ble MR. COCKERELL wished, before the motion was put, to say that he understood from the hon'ble Mover that this Bill was to be passed in its present shape without prejudice to the question of sooner or later doing away with the money-limit of compulsory registration. He wished to take the opportunity of saying this —

The Hon'ble SIR EDWARD BAYLEY mentioned that the enquiry on the question to which his hon'ble friend Mr. Cockerell referred was still going on. He had sent for the papers on the subject to know the exact position in which the matter stood. But he believed that all the replies had not yet been received; as soon as they were, the question would be taken into consideration by the Executive Government.

The Hon'ble MR. COCKERELL only wished to say that, as he understood, if the Bill was passed in its present shape, it would be without prejudice to the ulterior consideration of this question.

The Motion was put and agreed to.

LIMITATION OF SUITS BILL.

The Hon'ble SIR ARTHUR HOBHOUSE also moved for leave to introduce a Bill for the limitation of suits, and for other purposes. He said that in order to induce the Council to give leave to introduce this Bill, he thought he need only state two facts. One was that the Civil Procedure Bill now pending before the Council would alter the periods of time now provided for making divers applications to the Court; so that in some respects the existing Limitation Act which provided for these periods of time would be incorrect, and in other cases it would be insufficient because certain new applications

would be created by law. The other fact was that Sir Richard Garth, the Chief Justice of Bengal, had with great pains and labour revised the Limitation Act, and had sent to the Legislative Department an elaborate Note on it in which he pointed out several respects in which he considered that the present rules led to inconvenience, and in regard to which he thought the Act ought to be amended. In many of these respects the Legislative Department and the Government of India agreed with him, and they thought an attempt should be made to improve the Act. SIR ARTHUR HOBHOUSE conceived that these were sufficient reasons to induce the Council to give leave to introduce the Bill, the nature of which he would explain upon its introduction.

The Motion was put and agreed to.

INDIAN FOREST BILL.

The Hon'ble MR. HOPE moved that the Hon'ble Mr. Egerton be added to the Select Committee on the Bill to amend the law relating to the management and preservation of Government forests, to the transit of forest-produce, and to the duty leviable on timber.

The Motion was put and agreed to.

STRAITS SETTLEMENTS EMIGRATION BILL.

The Hon'ble SIR ARTHUR HOBHOUSE moved that the Hon'ble Mr. Dalrymple be added to the Select Committee on the Bill to regulate the Emigration of Native Labourers from the Presidency of Fort Saint George to the Straits Settlements.

The Motion was put and agreed to.

The Council adjourned to Wednesday, the 21st February 1877.

WHITLEY STOKES,

CALCUTTA,
The 14th February 1877. }

*Secretary to the Government of India,
Legislative Department.*