

*Friday,
5th February, 1886*

ABSTRACT OF THE PROCEEDINGS

OF THE

Council of the Governor General of India,

LAWS AND REGULATIONS

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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

1886

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1887.

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 Friday, the 5th February, 1886.

P R E S E N T :

The Hon'ble C. P. Ilbert, C.S.I., C.I.E., *presiding*.
 The Hon'ble Sir S. C. Bayley, K.C.S.I., C.I.E.
 The Hon'ble T. C. Hope, C.S.I., C.I.E.
 The Hon'ble Sir A. Colvin, K.C.M.G., C.I.E.
 Major-General the Hon'ble T. E. Hughes, R.A.
 The Hon'ble Rao Saheb Vishvanath Narayan Mandlik, C.S.I.
 The Hon'ble Peári Mohan Mukerji.
 The Hon'ble H. St. A. Goodrich.
 The Hon'ble J. W. Quinton.
 The Hon'ble R. Steel.
 The Hon'ble Amir-ud-dowlah Saeed-ul-mulk Rajah Mohamed Ameer
 Hosan Khán Bahádúr Mumtaz Jung.
 The Hon'ble W. W. Hunter, C.S.I., C.I.E., LL.D.

INDIAN SECURITIES BILL.

The Hon'ble SIR A. COLVIN introduced the Bill to amend the law relating to Government Securities, and moved that it be referred to a Select Committee consisting of the Hon'ble Messrs. Ilbert, Evans and Steel, the Hon'ble Rao Saheb Vishvanath Narayan Mandlik and the Mover, with instructions to submit their Report within one month.

The Hon'ble MR. ILBERT said:—"When the Act which it is now proposed to amend was under discussion before the Council at Simla last autumn I said that it was the intention of the Government to leave two questions open for future decision, first, whether the provision which it contained as to the rights of the survivors of joint holders of Government securities should be applied to all Government securities to be hereafter issued; and, secondly, whether a similar provision should be applied to certain other forms of joint contract, such as ordinary negotiable instruments.

“ On the first of these questions I am bound to accept the deliberate opinion of gentlemen conversant with banking business that it is impossible for them without serious inconvenience to the public to adapt their practice to the law as laid down in section 45 of the Contract Act, but I accept it with regret, because I am compelled to admit that if the existing law is unsuitable to Government securities it is probably unsuitable to other forms of contract also, and, if so, we shall be under the necessity sooner or later of proposing a more general amendment of the law. The case of Government securities is urgent and the remedy is obvious, and accordingly I think that the proper course is to deal with that case alone in the present Bill, but I intend to take early steps for ascertaining the views of the High Courts and other authorities with respect to the law which regulates the devolution of joint rights and liabilities in the case of other forms of contract.

“ There is another provision of this Bill which suggests the possible expediency of more general legislation. When Government securities constitute the subject of a public trust, it has often been the practice to vest them in a Government officer, such as the District Magistrate, who is intended to hold them not personally but by virtue of his office; and the Bill proposes to remove the doubts which have existed as to the legality of this practice. But several cases have recently occurred in which it would have been convenient to vest other forms of trust-property in a Government official as such, and to which the provisions of the Official Trustee Act have, for various reasons, been found inapplicable. For instance, the Official Trustee is required to perform active duties with respect to trust-property vested in him, and is entitled to remuneration for those duties; he could not remain passive and hand over his duties to a local committee.

“ In England the Secretary to the Charity Commissioners for the time being is constituted a corporation sole for the purpose of holding any property held on a charitable trust, and the practice of the Education Department, in settling schemes for the regulation of educational endowments, is to vest the property in this official as a passive, bare or dry trustee, leaving all powers of management to a committee which may be either elected or appointed, and the constitution of which may be changed without affecting the legal devolution of the trust-property. It would be worth the while of Local Governments to consider whether a similar provision might not be useful in this country for meeting the cases to which I have referred.”

The Motion was put and agreed to.

INDIAN SECURITIES; REGISTRATION OF BIRTHS,
DEATHS AND MARRIAGES; INDIAN REGIS-
TRATION ACT, 1877, AMENDMENT.

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1886.] [Sir A. Colvin; Mr. Ilbert.]

The Hon'ble SIR A. COLVIN also moved that the Bill and Statement of Objects and Reasons be published in the local official Gazettes in English and in such other languages as the Local Governments think fit.

The Motion was put and agreed to.

REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES BILL.

The Hon'ble MR. ILBERT presented the Report of the Select Committee on the Bill to provide for the voluntary Registration of certain Births and Deaths, for the establishment of General Registry Offices for keeping Registers of certain Births, Deaths and Marriages, and for certain other purposes.

INDIAN REGISTRATION ACT, 1877, AMENDMENT BILL.

The Hon'ble MR. ILBERT also presented the Report of the Select Committee on the Bill to amend the Indian Registration Act, 1877.

The Council adjourned to Friday, the 12th February 1886.

FORT WILLIAM; }
The 8th February, 1886. }

S. HARVEY JAMES,
Offg. Secy. to the Govt. of India,
Legislative Department.