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PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL OF INDIA,

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1858.

CIVIL PROCEDURE.

MR. LEGEYT said that, on further consideration, he would not make the motion (which stood in the Orders of the Day) for the republication of the Bill "for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter."

MR. PEACOCK gave notice that he would, on Saturday the 18th Instant, move for a Committee of the whole Council on the above Bill. He thought that some limit should be fixed up to which the consideration of the Bill in Committee should proceed next Saturday. His idea was that it should be divided into three parts, and he was about to propose as far as "appearance of the parties." But his Honorable friend on his right (Mr. Harington) suggested as far as "Written Statements" which was only two pages further on. There were so many points to be considered in the Bill that he thought Honorable Members would prefer to have notice as to how far the consideration of the Bill would probably extend.

After some conversation, it was agreed that the Committee of the whole Council should not proceed further than the head "Written Statements" on Saturday.

EXCLUSIVE PRIVILEGES TO INVENTORS.

MR. PEACOCK also gave notice that he would, on Saturday next, move for a Committee of the whole Council on the Bill "for granting exclusive privileges to inventors."

The Council adjourned at half-past one o'clock on the motion of Mr. Ricketts.

Saturday, September 18, 1858.

PRESENT:

The Hon'ble the Chief Justice, *Vice-President*, in the Chair;

Hon. Lieut.-Genl. Sir J. Outram,	E. Currie, Esq.,
Hon'ble H. Ricketts,	Hon. Sir A. W. Buller,
Hon'ble B. Peacock,	H. B. Harington, Esq.,
P. W. LeGeyt, Esq.,	and H. Forbes, Esq.

INDIAN NAVY.

THE VICE-PRESIDENT read a message informing the Legislative Council that the Governor-General had assented to the Bill "to amend Act XII of 1844 (for better securing the observance of an exact discipline in the Indian Navy)."

ARTICLES OF WAR (NATIVE ARMY).

MR. PEACOCK moved the second reading of the Bill "to amend Act XIX of 1847 (Articles of War for the government of the Native Officers and Soldiers in the Military Service of the East India Company)."

The motion was carried, and the Bill read a second time.

GUARDIANSHIP OF MINORS (BENGAL).

On the Order of the Day for the adjourned Committee of the whole Council on the Bill "for making better provision for the care of the persons and property of Minors in the Presidency of Fort William in Bengal" being read, the Council resolved itself into a Committee for the further consideration of the Bill.

The postponed Section V provided as follows:—

"When application shall have been made to the Civil Court either by a person claiming a right to have charge of the property of a Minor, or by any relative or friend of a Minor, or by the Collector, the Court shall issue notice of the application, and fix a day for hearing the same. On the day so fixed, or as soon after as may be convenient, the Court shall enquire summarily into the circumstances, and *if it shall appear that the deceased has left a will, and that the executor or executors named therein is or are willing to undertake the trust, or, when the deceased has not left a will or the executor or executors named in any will is or are unwilling to undertake the trust, if any near relative of the Minor shall desire or be willing to administer to the estate, and the Court shall be of opinion that such relative is a fit person to be entrusted with the charge of the property and person of the Minor, the Court shall grant a certificate to such executor or executors or near relative as the case may be.*"

MR. CURRIE said, the objection taken to this Section, he believed, was that it appeared to make it imperative on the Court to make the executor

guardian of the minor when the deceased left a will and the executor named therein was willing to undertake the trust. It was not so expressed, but certainly the Section might be so understood. He had, therefore, prepared two amended Sections in which he had separated the case of an executor from the case of a relative who might be willing and qualified to take charge of the estate. It was to be borne in mind that under Section III every person claiming a right to have charge of property in trust for a minor under a will or other deed, or by reason of nearness of kin or otherwise, might apply to the Civil Court for a certificate of administration, without which he would not be competent to institute or defend any suit connected with the estate of which he claimed the charge, or to give any legal discharge to the debtors of such estate. He would now propose that all the words in italics be omitted from the Section, and the following substituted for them: —

"pass such order as it may deem proper.

"If it shall appear that the deceased has left a will, and that the executor named therein is willing to undertake the trust, the Court shall grant a certificate to such executor. If no guardian is named in the will, or if the guardian named in the will is unwilling to act, the Court may appoint the executor, or any relative or friend of the minor to be guardian of the person of the minor.

"When the deceased has not left a will, or the executor named in any will is unwilling to undertake the trust, if any near relative of the minor shall desire or be willing to administer to the estate, and the Court shall be of opinion that such relative is a fit person to be entrusted with the charge of the same, the Court shall grant a certificate to such near relative, and may also appoint such near relative or any other relative or friend to be guardian of the person of the minor."

MR. PEACOCK said, he thought it very desirable that this matter should be postponed until next Saturday. He was not sure that he clearly understood the bearing of the proposed amendments; it would be desirable to print and circulate them.

MR. CURRIE said, he had no objection to postpone the amendments with a view to bringing them forward next Saturday. The matter having been discussed last Saturday, and the point to be provided for, as he thought, settled, he had not thought it necessary to print the amendments. He had shown them to the Honorable Member for the North-Western Provinces who had concurred in them.

The consideration of this Section and of Section VII was again postponed.

The new Section after Section XXI provided as follows :—

"For the purposes of this Act, every person shall be held to be a minor who has not attained the age of eighteen years."

MR. CURRIE said, this Section also had been reserved for further consideration. He had given his best attention to this subject, and the conclusion at which he had arrived was that the Section should form part of the Bill, otherwise there would be two periods of minority for different sorts of property.

The law as it stood was as follows. By the Court of Wards Regulation (X of 1793) the term of minority for proprietors of estates paying Revenue to Government was fixed at fifteen years. But it was soon seen that this was too low a limit, and it was extended in the same year to eighteen years by Section II Regulation XXVI, Section III of which declared that the rule was to be considered to extend to proprietors of joint undivided estates. Therefore, with respect not only to landed property paying Revenue to Government which was under the Court of Wards, but also to all landed property directly paying Revenue to Government, the age of minority was extended to eighteen. Except in the case of sole proprietors of estates, the Court of Wards did not interfere. Regulation I. 1800 gave the Civil Courts jurisdiction in the case of minor proprietors in joint undivided estates. By the present Bill the Civil Courts would as heretofore have jurisdiction in such cases, and also with respect to other property. It therefore embraced two descriptions of property, namely, land paying Revenue to Government for which the period of minority was eighteen years, and all other property, whether moveable or immoveable, for which the period would be the common law term of sixteen years.

In Bombay it did not appear that there were any distinct provisions regarding minors. But in the Regulation relating to the limitation of suits

(Regulation V. 1827) it was provided in Section VII Clause 3 that in cases of minority "no limitation shall bar the recovery of a claim sued for within six years of the minor attaining the age of eighteen years." Therefore it was to be inferred that in Bombay the recognized period of minority was eighteen years.

In Madras, however, the case was different. In 1804 a Regulation (V) was passed establishing a Court of Wards. That Regulation, unlike the Bengal Regulation, was not limited to proprietors of whole estates paying Revenue to Government and subject to the Court of Wards. The Preamble of the Regulation was general and spoke of the injuries which might accrue to persons who were incapacitated from taking charge of their property, without specifying any particular description of property. And Section IV was to the following effect :—

"Where minors may succeed to inheritable property, they shall not, in any case, be competent to take charge of or to administer their own affairs during the period of their minority; and for the better understanding thereof, the duration of minority shall, without exception, continue until the completion of the eighteenth year of age.

That Section, therefore, was as general in its terms as it could be; and that it was not applicable only to Court of Wards' property was evident from Sections XX and XXI of the same Regulation. Section XX gave jurisdiction to the Civil Court in the case of minor proprietors in joint undivided estates. Section XXI contained rules for the conduct of guardians appointed either by the Court of Wards or the Civil Court, and Clause 5 of the Section provided that "the duration of the office of guardian shall not continue longer than the eighteenth year of the age of the wards being minors." Those Sections (XX and XXI) were extended by Regulation X. 1831 to property of all descriptions, real and personal; so that in Madras there could be no doubt that, with respect to all property, the proprietor was disqualified until he attained the age of eighteen. He (Mr. Currie) could see no reason why the same rule should not be adopted here.

The learned Chairman was reported to have said last Saturday :—

"In the case of Hindoos, it was equally clear that sixteen was the age of majority, except in the case of a minor entitled to a Zemindary when the Court of Wards' Regulation made eighteen the age when he should be emancipated and considered to have attained majority. But he apprehended that any contract executed not relating to the Zemindary would be valid."

It seemed to him (Mr. Currie) that this could hardly be the case as to a proprietor under the Court of Wards, for the law expressly gave the manager appointed by the Court of Wards the charge of all the property of a minor, real and personal, and authorized him to continue in charge until the minor attained the age of eighteen. Possibly it might apply with regard to sharers in joint undivided estates, and if so, when the minor sharer in a joint estate was possessed also of personal property, the term of his minority would be different in respect of the different descriptions of property. He thought it inadvisable that such a state of things should exist and equally so that there should be any doubt on such a subject. Therefore it was in every way desirable that the Section should be allowed to stand. Its effect was merely to assimilate the law in Bengal to the law as it actually existed at Madras.

THE CHAIRMAN said that his objection was not so much, according to his personal opinion, to an extension of the age of minority to eighteen instead of sixteen, as it was to the particular provision and the mode in which the thing proposed, whatever were its merits, was proposed to be done. The Clause submitted to the Council was this. (He here read it.) If the Common-Law age of minority was sixteen, the Statutory alteration in that age proposed by this Section would be only for the purposes of this Act. He conceived that there might be many minors who would not necessarily be brought under this Act, and that it would be extending, what he had always regarded as very inconvenient, the existence in the same country and presidency of two different ages of minority depending on the accident whether the minor had property within the jurisdiction of the Court of Wards or not. If the Section stood, then a minor under the Act would not be of age until eighteen. But he might not be brought under it until he was seventeen,

Mr. Currie

and what would be the effect of all contracts executed between sixteen and seventeen. He had not looked closely or with attention at the Regulations on this subject since the question was mooted. But, according to his general recollection of them, it seemed to him very questionable whether, supposing any one of those minors who were brought for their education into Calcutta, being within the ages of sixteen and eighteen years, were to run up a bill at Messrs. Allan and Hayes and were afterwards sued for the recovery of the amount in the Supreme Court, he would not be held in that Court and for the purposes of that action responsible. That there should be any doubt upon such a matter was a great inconvenience. As to the age of sixteen, he had been reminded that Sir H. Seton had expressed a strong opinion that it was too early. If persons of that age were considered of too tender years and of too immature understanding to be pronounced *sui juris*, the open and reasonable way of dealing with the question was to bring in a Bill providing that, for all purposes and in all Courts and jurisdictions, minority should terminate at eighteen. Possibly such a Bill might be favorably received by the Hindoo community; possibly not. That seemed to be the mode of dealing with the question rather than inserting in that Bill a Clause which might make it incumbent on a person dealing with one who was between the age of sixteen and eighteen to enquire whether he had been brought under this Act or not.

MR. HARINGTON said, that to the observations which had been made by the Honorable Member for Bengal in support of the new Section which he wished to introduce into the part of the Bill now before the Committee, he would only add that, as respected the full age of Infants, he believed the English law prescribed different periods for different purposes.

THE CHAIRMAN said that, by the Scotch law which was founded on the Civil law, it was so; but that the English law, according to which a person attaining the age of fourteen might have made a will of personalty, had been repealed.

MR. HARINGTON continued. He was not aware that the English law to which he referred had been repealed; but according to the Scotch law, then, there were different periods. At fourteen a male might appoint a guardian or dispose of his personal property by Will, and at seventeen he might be an Executor. The Bengal Regulations, for wise purposes, had declared that persons brought under the superintendence of the Court of Wards should continue subject to that superintendence until they had completed their eighteenth year, though according to the Hindoo and Mahomedan Laws they had attained their majority two years before; and, as noticed by the Honorable Member for Bengal, the Bombay Regulations contained a similar provision in respect to the limitation of actions; while the Madras Code went even farther. In providing, therefore, a different period of minority for the purposes of the Bill before the Committee from that fixed by the existing law, they were introducing no new principle. He need not tell the Council that the object of the special laws to which he had referred was to protect young persons who, though of age according to the law of the land, had nevertheless scarcely sufficient experience and discretion to enable them to manage their own affairs with prudence, and who, if left to themselves, would fall an easy prey to the numerous greedy attendants and companions by whom the native gentry, and particularly young men of property in this country, were almost invariably surrounded, and who frequently caused the ruin of youths of this class before they had arrived at a period of life when they could be safely entrusted with the management of their property. The new Section proposed by the Honorable Member for Bengal was framed with the same object, and as it would merely assimilate the Bill before the Committee, as respected the persons who would be affected by it, to what was already the law in regard to minors subject to the jurisdiction of the Court of Wards, and, as already noticed by him, would introduce no new principle, he should vote in favor of the Section. With regard to what had fallen from the Honorable and learned Chairman on the subject of shop-debts incurred by young persons while under the protection of guardians appointed under this Bill, notwithstanding that they were already

of full age according to the Hindoo or Mahomedan Law, he did not understand that the Bill would exempt such persons from liability on account of any purchases made by them of the nature referred to. He observed that under the Bill it would not be competent to the Civil Courts to act of their own motion, and, when applied to, their action would be confined to the care of the property and person of the minor in whose behalf the application was made.

Mr. PEACOCK thought it very inconvenient that a Clause of this sort should be added almost at the last moment. It altered entirely the law as to majority. If introduced, it would certainly be necessary to republish the Bill, because the Bill had been published as a Bill "for making better provision for the care of the persons and property of Minors, Lunatics, and other disqualified persons, in the Presidency of Fort William in Bengal." It was now proposed to alter the whole principle of this law which he observed would apply to all minors. A guardian would have the care of the person even of a married woman up to eighteen. Was it intended that a Hindoo or Mahomedan married lady under the age of eighteen was to be held a Minor, and was her guardian to have the charge of her person and maintenance? The preceding Section (XXI) applied only to male Minors. A guardian was not bound by this Bill to educate a female minor, but still the charge of her person might be taken out of her husband's hands. If it were necessary to alter the law as to the age at which persons were to cease to be Minors, it would be better to do so by a separate Bill applicable to that particular subject. Then, whenever a person was a Minor under that law, he would fall within the provisions of the present Bill. For these reasons, he (Mr. Peacock) should vote against the introduction of the proposed Section.

Mr. CURRIE said, he thought it very desirable that a general Act should be passed fixing the age of majority for all purposes and all places. But that did not appear a sufficient reason for striking out the Section from this Bill which would be incomplete without it. Property under the Court of Wards was not the only property in respect of which eighteen years was the legal term of the proprietor's minority. All landed property paying Revenue direct to Government was in that predicament. If the Bill passed without this provision, there would be different periods of minority according to the different kinds of property. In passing this Section, the Council would only do what had been done many years ago with regard to Minor proprietors in the Madras Presidency. He would therefore press his motion.

The CHAIRMAN, before putting the question, begged to say, by way of explanation, that he would have had less objection to what was proposed, if it laid down definite rules that all infants should be capable of certain acts at one age, and of certain others at another age; but the Clause left the class to which the infant would belong, and therefore his powers, open to doubt. It was uncertain whether he would or would not be brought within this law.

Mr. CURRIE said, he had omitted to mention that he would republish the Bill if the Section passed.

The question being put, the Council divided.

Ayes, 6.	*Noes*, 3.
Mr. Forbes.	Sir Arthur Buller.
Mr. Harington.	Mr. Peacock.
Mr. Currie.	The Chairman.
Mr. LeGeyt.	
Mr. Ricketts.	
Sir James Outram.	

So the Section was carried.

The CHAIRMAN wished to ask to what places the Bill would apply. He understood it was not intended to have operation in the Presidency town. It was in terms a Bill "for making better provision for the care of the persons and property of minors in the Presidency of Fort William in Bengal;" and he thought that, to limit its operation to the Mofussil, a Clause should be inserted to the effect that the Act was not to affect the powers of the Courts established by Royal Charter over the persons or properties of minors. As the further consideration of the Bill was postponed, perhaps something to that effect might be introduced in the manner most convenient to the Honorable mover of the Bill.

Mr. CURRIE signified his assent.

The Council resumed its sitting.

CIVIL PROCEDURE.

The Order of the Day for a Committee of the whole Council on the Bill "for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter" being read—

MR. PEACOCK moved that the consideration of this Bill be postponed until after the consideration of the other Bills.

Agreed to.

EXCLUSIVE PRIVILEGES TO INVENTORS.

MR. PEACOCK then moved that the Council resolve itself into a Committee on the Bill "for granting exclusive privileges to Inventors;" and that the Committee be instructed to consider the Bill in the amended form in which the Select Committee had recommended it to be passed.

Agreed to.

Sections I to XIII were passed as they stood.

Section XIV provided in what cases a petitioner might apply for leave to file an amended specification.

MR. PEACOCK said, this was a new Section which was proposed to be introduced by the Select Committee. It only authorized an application to the Governor-General in Council to amend a specification in which through inadvertence or mistake there was a mis-statement. That Clause was not in the original Bill; but he recollected a case which had occurred under the former Act, and in which an inventor was advised that his specification was not sufficient. He presented a petition to Government for leave to file an amended one. But the Governor-General in Council had no power to authorize him to do so, and he was told that in any action which might be brought against him or which he might bring against any party, he would have an opportunity of applying to the Court for an amendment. He (Mr. Peacock) thought it would be well to permit such an amendment also on a petition to Government, where there was an error arising from mistake or inadvertence, otherwise the exclusive privilege might be wholly lost; for if the inventor applied for a new exclusive privilege, it might not be valid, because the invention would then have become publicly known. The Clause at the end of the new Section provided that such amendment should not extend or enlarge any exclusive privilege before acquired; the inventor could therefore add nothing to his original claim in respect of any subsequent improvement, because that would be enlarging the invention for which the exclusive privilege had been obtained. He mentioned this because a letter had been recently received by the Clerk of the Council, in which a suggestion that a Section to that effect should be introduced into the Bill, was made. The discovery of a new use for an old invention could not be deemed a new invention in respect of which an exclusive privilege could be granted.

He then referred to the last Clause of the Section, which provided as follows:—

"An amended specification filed under the provisions of this Act shall, except as to suits or proceedings relating to the exclusive privilege, have the same effect as if it had been the specification first filed, provided that nothing contained in an amended specification shall extend or enlarge any exclusive privilege before acquired."

The meaning of that Clause was that the effect of the amended specification would be the same as that of the original specification, except as to suits or proceedings relating to the exclusive privilege "which shall be pending at the time of the filing of such specification."

But, as the Section was worded, it was not very clear. He would therefore move that those words be introduced after the word "privilege."

Agreed to.

Section XV provided among other things that no person was entitled to an exclusive privilege "*if the petition contains any wilful or fraudulent mis-statement.*"

MR. CURRIE suggested that this Section should provide against wilful or fraudulent mis-statements in specifications also.

MR. PEACOCK referred to Section XXIV, and moved that the following words taken from that Section be substituted for the words in italics:—

"If the original or any subsequent petition relating to the invention or the original or any amended specification contain a wilful or fraudulent mis-statement."

Agreed to.

Sections XVI to XVIII were passed as they stood.

Section XIX declared that an invention not publicly used or known in the United Kingdom or in India, before the application for leave to file a specification, should be deemed a new invention within the meaning of this Act.

MR. CURRIE said, he was glad to see that the Select Committee by whom the Bill had been prepared had ultimately come to the conclusion that an importer of an invention should have no exclusive privilege. But in this Section the words "actual inventor" occurred. Every inventor within the meaning of the Bill, as it now stood, was an actual inventor. In the Interpretation Section of the former Act it was provided that "the word 'inventor,' when not used in conjunction with the word 'actual,' shall include the importer of an invention not publicly known or used in India." That Clause was of course omitted from the present Bill. Then came the following Clause:

"The words 'inventor' and 'actual inventor' shall include the executors, administrators, or assigns of an inventor or actual inventor as the case may be."

This last Clause was still in the Bill, and would seem to indicate that the "inventor" and "actual inventor" were not identical. He therefore moved to omit the word "actual" wherever it occurred before the word "inventor" in this Section.

MR. PEACOCK agreed that the word ought to be omitted.

The motion was carried, and the Section as amended was agreed to.

Section XX was passed after a similar verbal amendment

Sections XXI and XXII were passed as they stood.

Section XXIII provided as follows:—

"No such action shall be defended upon the ground of any defect or insufficiency of the specification of the invention, nor upon the ground *that the petition contains any wilful or fraudulent mis statement*; nor shall any such action be defended upon the ground that the plaintiff was not the inventor, unless the defendant shall show that he is the actual inventor or has obtained a right from him to use the invention either wholly or in part. Any such action may be defended upon the grouud that the invention was not new, if the person making the defence, or some persons through whom he claims, shall, before the date of the petition for leave to file the specification, have publicly or actually used in India or in some part of the United Kingdom, the invention, or that part of it of which the infringement shall be proved; but not otherwise."

MR. CURRIE asked whether the Section should not make mention of all the contingencies mentioned in Section XV. It seemed to him that the words omitted from the Section relative to a misdescription of the invention should be retained, and also that it should provide that the plea of the invention not being useful, should not be a ground of defence.

MR. PEACOCK said, the Bill drew a distinction between a defence to an action and an application to set aside an exclusive privilege. The principle was to allow an action to be defended only on grounds specially applicable to the defendant which did not extend equally to the public; if the defendant were not peculiarly interested, there should be an application to set aside the exclusive privilege. In England the inventor bringing an action would be the plaintiff; on the other hand in proceeding by *scire facias* for a repeal of the Letters Patent, he would be a defendant. According to his experience the plaintiff in an action for infringement generally succeeded; while, in the other proceeding, the person moving to set aside the patent, being the plaintiff and having the last word with the jury, generally prevailed. Cases had occurred in which the patentee as plaintiff had succeeded, and afterwards, as defendant in the proceeding to repeal the Letters Patent, had been unsuccessful. As to the present question, which was whether a misdescription of the invention in the petition should be a ground for defending the action, it seemed to him that this was a matter in which the defendant had no special ground of defence beyond those which extended equally to the public in general, and that it ought not to be set up as a bar to an action; it was rather a ground for applying to get rid of the whole exclusive privilege. He referred to Section XXXI, which had been altered, and which provided that a mis-statement in the petition not wilful or fraudulent should not defeat the exclusive privilege.

THE CHAIRMAN said, the object of the Select Committee was to limit the matters of defence in the action. Certain grounds of objection were to be asserted in a particular form so that the whole public might get the benefit of a decision respecting them.

MR. CURRIE said, suppose the defendant in the action pleaded that there was a misdescription of the invention in the petition (those words having now been omitted from the Section), would not his plea be a good defence?

MR. PEACOCK replied that it would not. According to English law any misdescription, such as a wrong title to the invention, would avoid the patent, and this was a cause of much expense and litigation to patentees. If a defendant in an action showed that the petition contained a mis-statement, the action failed; but the next day the patentee might bring actions against other persons. A fraudulent misdescription was a proper ground for applying to set aside the exclusive privilege, but it ought not to be put forward as a defence to an action, and a misdescription not fraudulent should, in no case, be a defence.

Utility was not mentioned in this Section. An invention might be useless in the shape for which an exclusive privilege had been obtained, still the privilege until set aside would exclude others from using it. He thought this should be introduced here; it ought not to be a ground of defence in the action, but should be the subject of an application to set aside the privilege.

After some conversation, MR. PEACOCK moved that the word "petition" in the 6th line of the Section be omitted, and the following words substituted for it:—"original or any subsequent petition relating to the invention, or the original or any amended specification."

Agreed to.

MR. PEACOCK moved the introduction of the words "nor upon the ground that the invention is not useful."

Agreed to.

Sections XXIV to XXX were passed as they stood.

Section XXXI provided as follows:—

"An exclusive privilege shall not be defeated upon the ground that, *the petition contains a mis-statement*, unless such *mis-statement* was *wilful* or fraudulent."

MR. CURRIE enquired whether, with reference to the provisions of Section XV and Section XXIV, this Section was necessary.

THE CHAIRMAN referred to the new Section XIV, and asked why the word "petition" only was mentioned in Section XXXI.

MR. PEACOCK said, that a misstatement in the specification, if it caused the invention not to be properly described, would be injurious to the public, inasmuch as they would not derive from it that knowledge to which they were entitled as the condition upon which the exclusive privilege was to be obtained, and at the expiration of the exclusive privilege they would not be able to avail themselves of the invention. The misdescription in the specification therefore, though not fraudulent, might be equally injurious to the public. That was not the case with the petition, for the public acquired their knowledge from the specification; a misdescription in the specification should therefore be a ground for setting aside the exclusive privilege, unless it could be amended. As to Section XXXI it was a negative Section. It declared that advantage was not to be taken of a misstatement in a petition, *unless* it was wilful or fraudulent. Strictly, perhaps, the Section was not required, but it would be better to leave it, as Sections XXIV and XXV were merely affirmative. The object was to prevent an inventor from being defeated by a technicality. The inventor ought not to be told, when the petition contained some accidental mis-statement—"Your invention is not claimed for this, but for something different, therefore your petition misdescribes it."

The case supposed (he could not at that moment think of an illustration) was where an inventor in his petition did not quite describe what he had invented. He ought not to lose his privilege because what he asked for by his petition did not quite correspond with what he subsequently described in the specification.

The Section was agreed to.

Sections XXXII to XXXVII were passed as they stood.

Section XXXVIII was the Interpretation Clause, and provided among other things that "the word 'India' shall

mean the *British Territories in India.*"

Mr. PEACOCK moved that the following words be substituted for the words in italics :—

"territories which are or may become vested in Her Majesty by the Statute 21 and 22 Victoria c. 106, entitled 'An Act for the better Government of India.'"

The motion was carried, and the Section as amended agreed to.

The Schedule, Preamble, and Title were passed as they stood.

The Council having resumed its sitting, the Bill was reported.

CONTINUANCE OF CERTAIN PRIVILEGES TO THE FAMILY, &c., OF THE LATE NABOB OF THE CARNATIC.

Mr. FORBES moved that the Council resolve itself into a Committee on the Bill "to continue certain privileges and immunities to the family and retainers of His late Highness the Nabob of the Carnatic;" and that the Committee be instructed to consider the Bill in the amended form in which the Select Committee had recommended it to be passed.

Agreed to.

The Bill passed through Committee without amendment, and was reported.

CIVIL PROCEDURE.

Mr. PEACOCK moved that the Council resolve itself into a Committee on the Bill "for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter;" and that the Committee be instructed to consider the Bill in the amended form in which the Select Committee had recommended it to be passed.

Agreed to.

Sections I to III of Chapter I were passed as they stood.

Section IV related to the jurisdiction of the Civil Courts.

The CHAIRMAN would ask, whether the words "work for gain" were intended to mean a personal work for gain and distinct from carrying on business?

Mr. HARINGTON said that such was the intention of the words.

Mr. PEACOCK said, perhaps the word "personally" should be introduced to show that a constructive working was not intended; and he made a motion to that effect.

Agreed to.

Section V was passed after a verbal amendment.

Sections VI to XI were passed as they stood.

Chapter II Section I provided that parties might appear in person or by recognized agent or by pleader.

Sir ARTHUR BULLER asked, whether it might not possibly be very inconvenient in some of the smaller Courts to compel a person resident within the jurisdiction (an Indigo Planter for instance) to appear in person or by a pleader. He could not appoint a recognized agent for he was actually residing within the jurisdiction. According to Section XXV, however, besides recognized agents, any person residing within the jurisdiction might be appointed an agent to receive service of summonses and other process. He wished to know if it would not be advisable to allow persons so situated the power to appoint agents other than these recognized agents.

Mr. HARINGTON said that, formerly, parties were permitted to employ agents, not being authorized pleaders, to conduct their suits; but the Regulation (XII of 1833) under which this was allowed, being found inconvenient in practice, it was rescinded; and as authorized pleaders were now attached to all the Civil Courts in the Regulation districts in Bengal, and he believed in Madras and Bombay also, he saw no reason why parties should not appear by them, if they found it inconvenient to conduct their suits in person.

The Section was carried.

Sections II to VIII of Chapter II, and Section I of Chapter III were passed as they stood.

Section II prescribed the particulars to be given in the plaint.

Sir ARTHUR BULLER, referring to the words "as per account at foot" in line 34 of Clause 8 said, he presumed that an account was always to be added, as without it there would be no particulars of the demand.

The CHAIRMAN said, he thought that was implied.

Mr. LeGEYT moved the omission of the words "Company's Rupees" wherever they occurred in this Section.

The motions were carried, and the Section as amended was agreed to.

Sections III to VII were passed as they stood.

Section VIII provided as follows:—

"If, upon the face of the plaint and after questioning the plaintiff if necessary, it appear to the Court that the plaintiff has no cause of action, the Court shall reject the plaint. If it appear to the Court that the cause of action did not arise, or that the defendant is not dwelling or carrying on business or working for gain within the limits of the jurisdiction of the Court, or, if the claim relate to land or other immoveable property, that such land or other property is not situate within such limits, the Court shall return the plaint to the plaintiff in order to its being presented in the proper Court."

THE CHAIRMAN asked, whether it would not be better, instead of repeating the several causes of jurisdiction, to say briefly "or if the Court has no jurisdiction to entertain the suit?" He also wished to observe, with reference to the present Section, that, as he understood it, it would not be for the Court to take the objection that the suit was barred by lapse of time; that would be left for the defendant. Considering that Statutes of limitation did not furnish a very conscientious defence, and that defendants might not wish to avail themselves of such a defence, and further that there were many limitations and exceptions to the operation of such laws, he thought the Judge should not have power to reject a plaint on any such ground, especially if the law were understood to bar the right as well as the remedy. He should think the Court could not, under this Clause, reject a plaint on the ground that the cause of action was barred by lapse of time.

MR. HARINGTON said that, as the Section was originally framed by the Select Committee, it gave the Court power to reject a suit, if the cognizance of it appeared upon the face of the plaint to be barred by lapse of time; but this part of the Section was afterwards struck out as it was considered to go beyond the proper province of the Court at this stage of the suit. He agreed with the Honorable and learned Chairman that, as the Section now stood, no Court would reject a plaint on the ground that the cause of action was barred by lapse of time. The cause of action might have arisen within the Court's jurisdiction, though the period for bringing a suit upon it might have expired. It was not a question of jurisdiction. There might be a good cause of action still existing notwithstanding the lapse of time.

MR. PEACOCK proposed to substitute "or" for "and" after the word "plaint" in the beginning of the Section.

As it now stood, it declared that "if, upon the face of the plaint, and after questioning the plaintiff if necessary, it appear to the Court that the plaintiff has no cause of action, the Court shall reject the plaint." It should be to this effect. If the facts stated in the plaint gave no cause of action, the plaint should be rejected, if the plaint was in that respect sufficient, still if the Court upon questioning the plaintiff as to the facts should ascertain that in point of fact there was no cause of action, the plaint should be rejected, so that the Court would be at liberty to reject the plaint, if the facts which it stated were not true.

THE CHAIRMAN said he rather thought that other provisions of the Code gave the Court sufficient power to enable the plaintiff to amend or add to his case. If so, he should prefer the word "and" to "or" in the Clause under consideration. The plaintiff might go to the Court in person in this first stage without employing a pleader. Often an ignorant man would fail to state his cause of action, though he really had one, and a Judge anxious only to get rid of suitors would reject his plaint. This would be a hardship to such persons, for, when the plaint had been rejected, they would have again to provide themselves with stamps in order to renew the suit. It seemed limiting too much the right of suit and giving too great a power to the Court. Would it be proper to impose upon the Court the duty of setting the plaintiff right?

MR. PEACOCK said, he ought to have before stated that he proposed introducing in a later part of the Section a power to amend the plaint. Suppose the Judge, on questioning the plaintiff, should see that, if the whole case were stated, there would be a sufficient cause of action, this should be made to appear on the face of the plaint itself.

MR. HARINGTON said, he did not understand it to be intended that

the examination of the plaintiff at this stage of the case should go to the extent proposed by the Honorable and learned Member of Council. All that the Court would have to consider was whether the plaintiff had a cause of action against the defendant, and this the Court should ascertain either from the plaint or by questioning the plaintiff if necessary.

MR. PEACOCK said, suppose the examination should show something differing from the plaint, the defendant would be called upon to answer the plaint and not what had been disclosed upon the plaintiff's examination. He thought it would be better to substitute "or" and then given a power of amendment.

THE CHAIRMAN said, he would not encourage the Judge entering into the merits of the case. He had always thought there was great force in Sir Lawrence Peel's objection to Mr. Cameron's system of getting the party to the suit into the presence of the Judge and eliciting from him the points in dispute, that it gave the Judge a prejudice, but the advantages of the system might outweigh that. He feared, if the Judge were allowed to examine and cross-examine a suitor who came to him to obtain the process of the Court, it might lead to great abuse. It should be considered that this Code was intended for the subordinate Courts as well as for others. Doubtless many of the Judges of those Courts were men of strict integrity. Still all of them were not above suspicion in the general estimation. It was possible that a crafty and ingenious Judge might cross-examine an ignorant plaintiff and reject his plaint in such a form that there would be no remedy by appeal. He would prefer to limit the duty of the Court to ascertaining that there was a sufficient cause of action and that the facts were true.

MR. PEACOCK said, he would give a power to amend the plaint if the examination of the plaintiff or of any other person showed that an amendment was proper, his object being that the defendant should be called upon to answer the plaint and not the examination which he might never see.

MR. PEACOCK'S motion was put and carried.

MR. PEACOCK then moved that the words "if necessary" before the word "it" in the 3rd line of the Section be omitted.

Agreed to.

MR. HARINGTON, with reference to doubts which had been expressed, moved that the words "plaintiff has no" before the word "cause" in the 5th line of the Section be omitted in order that the words "subject-matter of the plaint does not constitute a" might be substituted for them.

Agreed to.

MR. PEACOCK proposed to move the introduction of the words "or other person" after the word "plaintiff" in the 2nd line of the Section. The plaintiff might not himself know the facts; in that case he should be at liberty to produce other evidence.

MR. HARINGTON objected to the examination at this stage of the case of any person but the plaintiff or his pleader or authorized agent. He thought that this was not the proper stage of the suit for going into the merits of the claim, or for receiving evidence as to the facts.

THE CHAIRMAN observed that the verification was only that the plaintiff's statement was true according to his information and belief.

MR. PEACOCK moved that the following Proviso be inserted after the word "plaint" in the 6th line of the Section:—

"Provided that the Court may, in any case, allow the plaint to be amended, if it appear proper to do so."

Agreed to.

MR. PEACOCK then moved that the word "personally" be inserted before the word "working" in the 10th line of the Section.

Agreed to.

SIR ARTHUR BULLER moved that all the words from and after the word "If" in the 6th line of the Section stand as a new Section.

The motion was carried and the Section as amended was passed.

SIR ARTHUR BULLER said he would now propose a Clause to set at rest the question respecting the Statute of Limitation. He apprehended that now the Court would be able to entertain a suit although barred by lapse of time. Why bring a defendant into Court, if the result must be that the

suit fails because thus barred. If it appeared that the action was barred, let the Court call upon the plaintiff to explain under what exception he fell. What was the use of calling upon the defendant to answer a suit which could not be maintained? He would therefore move the introduction of the following new Section:—

"If it shall appear on the face of the plaint that the right of action is barred by lapse of time, the Court may call upon the plaintiff to explain the grounds upon which he maintains his right to sue; and if he cannot satisfy the Court that he has such right, the Court shall reject the plaint. If such grounds appear sufficient, the Court shall direct the plaint to be amended by inserting them."

THE CHAIRMAN suggested that the plaint should be amended so as to state the exception upon which the plaintiff relied as preventing the bar.

MR. HARINGTON said, he doubted whether it was advisable to put the result of the examination into the plaint, having a due regard to the particulars to which it was the object of the Code to confine that paper, so that it might not become a lengthened pleading.

THE CHAIRMAN said, it appeared to him that, if the first part of his Honorable and learned friend's amendment was right, the other was almost a logical consequence. The question for decision was whether the bar which appeared on the face of the plaint was a thing of which the Judge should take notice, and which he should require to be explained. There was a defect patent on the face of the plaint which might be removed by showing that the party was within one of the exceptions of the law of limitation, as infancy or the like. If that apparent defect be removed, it ought to appear upon the face of the plaint, not only that there was a cause of action originally, but that it was still subsisting and capable of being maintained. He agreed that the question should be cleared up because, as the Section stood, one Honorable Member who had sat in a Sudder Court assured them that the Judges would invariably consider that the words would be understood to include the right of raising the question of a bar by statutes of limitation; while another Honorable Member, who had also been a Sudder Judge, took the opposite view in which he must say he concurred. If there was this great difference of opinion, it was right that the Legislature should clear it up. He would prefer to leave the statute to be brought forward by the defendant rather than give a power to the Court to reject the plaint on this ground. But if the Legislature determined to give the Judge the power of rejecting the plaint, it was only right that the grounds should appear and should be stated in the same manner as any other material statement in the plaint.

MR. CURRIE suggested that, instead of amending the plaint, the Court should have the power of noting such grounds on the face of the plaint, since the plaintiff could hardly go into a statement of the grounds of his right to sue under the restrictions prescribed by the Code respecting the particulars to be stated in the plaint.

MR. HARINGTON said that, on referring to the Code of Civil Procedure prepared by Mr. Mills and himself, he found that, when a suit was brought after the period ordinarily allowed by law for the institution of Civil actions, the plaintiff was required to state in the plaint the ground on which exemption from the law was claimed, and as, under the Section which had been proposed by the Honorable and learned Member on his left (Sir Arthur Buller), the Court would be competent to reject a plaint, if upon the face of it the suit appeared to be barred by lapse of time, he thought a similar provision should be added to Clause 3, Section II. He asked permission, therefore, to return to that Section, and moved that the words

"and if the cause of action accrued beyond the period ordinarily allowed by any law for commencing such a suit, the ground upon which exemption from the law is claimed"

be inserted after the word "accrued" in the 13th line.

Agreed to.

MR. PEACOCK moved that the following illustration be inserted after the words "Balance due" in the 26th line of the same Section:—

"If the plaintiff claim exemption from any law of limitation, say 'the plaintiff was an infant (or as the case may be) from the day of to the day of .'"

The motion was carried and the Section as amended was passed.

SIR ARTHUR BULLER'S new Section was then put and carried.

Section IX (suit to be in name of party really interested: Court to reject plaint, if a substituted or fictitious name is given).

SIR ARTHUR BULLER said, he wished to know (if this Section was intended to apply to *benamee* transactions,) who would be the party really interested? The *benamee* person would be told "You have no actual existing interest in the matter." Then the real owner would come in and he also would be told the same thing.

MR. CURRIE said, the particular class of cases for which this Section was intended to provide was where a man of high rank (say the Nabob Nazim) sued in the name of a person having no interest whatever.

THE CHAIRMAN said, still the nominal plaintiff must somehow prove his interest.

MR. HARINGTON said, according to the Code, certain obligations were imposed on a plaintiff, thus, he might be required to attend the Court in person to answer any questions put to him by the Judge or to appear as a witness on the motion of the opposite party and he would be liable to be tried for perjury if he gave false evidence. He should not be allowed to escape from these liabilities by putting forward another person as plaintiff. This would be prevented in a great measure by the Section under discussion.

THE CHAIRMAN said, he confessed that the Clause appeared to him to be rather unintelligible. It would seem that the objection must be taken in the first or initiatory stage of the suit. Suppose a party sued upon a written document, and the written document gave a nominal interest in certain property, though in reality *benamee* for another? If it was advisable to strike at the *benamee* system,—which could hardly be effected by this Bill—it must be done by a substantive law. The Privy Council had treated it as a matter of inveterate presumption that a father purchasing in his son's name was purchasing *benamee*. He did not see how the Court could take upon itself to say that a person appearing on the face of documents to be the owner, was only a trustee. Again, he believed there were great facilities in the Mofussil Courts for allowing parties who were transferees of choses in action to sue. Was the Court to institute an enquiry as to whether the transferree was beneficially entitled to the thing sued for? It would be better to treat it as a matter for defence. Besides, did not the Section come in the wrong place here before summons issued?

SIR ARTHUR BULLER said, he would move the omission of the Section. If any Honorable Member should desire its introduction on any future occasion, he might make a motion for the purpose. But it was clear from what had been said that this was not the proper place for it.

The Section was negatived.

Section X authorized the Court to reject the plaint when security was not furnished by the plaintiff if residing out of the British territories in India.

THE CHAIRMAN said, it occurred to him upon this Section that it might be going a little too far. It seemed almost to throw upon the Court the duty of rejecting the plaint if the plaintiff did not come prepared with his security. He (the Chairman) should have thought it quite sufficient to provide that, if a plaintiff resided out of the British territories, the Court at the time of the plaint being presented might require security from him before filing the plaint. It seemed to him (the Chairman) that the plaintiff might be ignorant of the law on that point. The defendant was not prejudiced so long as the security was given before the summons issued.

MR. LEGEYT said, the law in Bombay now was as the Honorable and learned Chairman seemed to think it should be.

MR. PEACOCK moved that the words "or within such time as the Court shall order" be inserted after the word "plaint" in the 9th line of the Section.

The motion was carried and the Section as amended then passed.

Sections XI to XIII were passed as they stood.

Section XIV related to the production of written documents.

MR. HARINGTON said, it had been suggested to him that the words

"The plaintiff may, if he think proper, deliver the original document to be filed instead of the copy"

might be advantageously introduced in line 17 of this Section after the word "plaintiff." As the law now stood, the plaintiff was required to file with his plaint the original documents on which he relied in support of his claim; but as these might be tampered with before the day appointed for the first hearing of the suit, the Section provided that copies only should be retained, the originals being returned to the party filing them. As, however, the making of the copies would entail expense, there seemed no reason why the plaintiff, if he thought proper, should not be allowed to file the original documents. He therefore moved that the words "the plaintiff may, if he think proper, deliver the original document to be filed instead of the copy" be inserted after the word "plaintiff" in the 17th line of the Section.

The motion was carried, and the Section as amended was then passed.

Sections XV to XLIX were passed as they stood.

Section L provided how the Court should proceed on an application for arrest before judgment.

SIR ARTHUR BULLER thought that this Section required some addition for the defendant's protection. Suppose the Court arrived at the conclusion that there was probable cause and issued a warrant. The Section did not in terms give any opportunity to the defendant to show cause. He should have some opportunity of doing so as he might be able to show that he was not going to leave the jurisdiction. He (Sir Arthur Buller) should move that the words "show cause why he should not" be inserted after the word "may" in the 12th line of the Section.

The motion was carried.

THE CHAIRMAN moved that all the words of the Section after the word "appearance" in the 13th line be omitted.

The motion was carried and the Section as amended was agreed to.

MR. PEACOCK then moved that the following new Section be introduced after Section L:—

"If the defendant fail to shew such cause, the Court shall order him to give bail for his appearance at any time when called upon whilst the suit is pending and until execution or satisfaction of any decree that may be passed against him in the suit; and the surety or sureties shall undertake in default of such appearance to pay any sum of money that may be adjudged against the defendant in the suit with costs."

Agreed to.

Sections LI and LII were passed as they stood.

Section LIII provided as follows:—

"If on the trial of the suit, it shall appear to the Court that the arrest of the defendant was applied for on insufficient grounds, or if the claim of the plaintiff is disallowed, the Court may (on the application of the defendant) award against the plaintiff in its decree such amount as it may deem a reasonable compensation to the defendant for any injury or loss which he may have sustained by reason of such arrest. Provided that the amount of compensation awarded under this Section shall not exceed one hundred Rupees if the decree be passed by a Court whose jurisdiction may not exceed the sum of one thousand Rupees, or five hundred Rupees if it be passed by any other Court. An award of compensation under this Section shall bar any suit for damages, in respect of such arrest."

MR. RICKETTS called attention to the strict limitation contained in this Section. If a defendant were arrested on insufficient grounds, no Court could award a compensation exceeding five hundred Rupees. It appeared to him that there might be a case or many cases in which that compensation would barely be sufficient for a person unnecessarily committed to prison. Under Section LXIII (providing for grant of compensation for an attachment applied for on insufficient grounds) and Section LXIX (providing for grant of compensation for needless issue of injunction,) the Court had an unlimited discretion. Of course it must be admitted it was not easy in those cases to determine the compensation; still as such a wide discretion was there given, he could not see why, in this case, it should be so strict and limited. He would move to omit the Proviso. Should the Council not agree with him he would be inclined to propose to substitute five thousand Rupees for five hundred Rupees.

MR. HARINGTON said, the Honorable Member of Council opposite had stated that under this Section, as now framed, no Court could award a larger sum by way of compensation to a defend-

ant who had been improperly arrested, than five hundred Rupees; but this was not strictly correct. No doubt under this particular Section a larger sum than that mentioned by the Honorable Member of Council could not be awarded. But the defendant, instead of applying for compensation in the suit in which he had been arrested, might bring a separate action for damages and lay the amount at any sum he pleased, in which case there was nothing to prevent the Court from awarding the whole or such portion of the amount claimed as it might consider a reasonable compensation for the injury sustained by the arrest. There might be no objection to increase the amount mentioned in the Section, but he would not take away the proviso altogether, for in that case a Moonsiff might award a lakh or even a crore of Rupees. There ought to be some restriction. As regarded the other Section referred to by the Honorable Member of Council, the attachment was required to be proportioned to the amount or value of the claim, and, ordinarily, he supposed that the award of compensation would be limited to that amount. There was not therefore the same reason for imposing any restriction upon the discretion of the Court in such cases, though, if considered necessary, he should not object.

THE CHAIRMAN observed that this Section was not the defendant's only remedy. It applied only where the defendant made application to the Court. The Section did not prevent a separate action.

MR. PEACOCK said, he would suggest that the Court should have power to award damages to the same amount which in a suit in the Court it might have awarded; there was such a provision, he thought, in the Evidence Act.

MR. RICKETTS said, as there was some difference of opinion about this Section, and as it was now past four o'clock, he would move that the further consideration of this Bill be postponed till next Saturday.

The motion was carried, and the Council resumed its sitting.

INSOLVENT DEBTORS (MOFUSSIL).

MR. LEGEYT moved that a communication received by him from the Bombay Government, connected with the subject of a Law for the relief of Insolvent Debtors in the Mofussil, be laid upon the table and printed. He said, when this communication was printed, it would be found to go considerably beyond that subject. Still it might be useful, when the Council came to the Sections in the Civil Procedure Bill relating to Insolvency, to have the opinions of certain high authorities in the Bombay Presidency contained in this communication, before them.

Agreed to.

ARTICLES OF WAR (NATIVE ARMY).

MR. PEACOCK moved that the Bill "to amend Act XIX of 1847 (Articles of War for the government of the Native officers and Soldiers in the Military Service of the East India Company)," be referred to a Select Committee consisting of the Vice-President, Sir James Outram, and the Mover.

Agreed to.

MR. PEACOCK then moved that the Standing Orders be suspended to enable the Select Committee on the above Bill to present their Report within six weeks.

SIR ARTHUR BULLER seconded the motion, which was then carried.

SIR JAMSETJEE JEJEEBHOY'S ESTATE.

MR. LEGEYT moved that a communication received by him from the Bombay Government, relative to the Bill "for settling a sum of Company's Rupees twenty-five Lacs, Government four per centum Promissory Notes, and a Mansion-house and hereditaments called Mazagon Castle, in the Island of Bombay, the property of Sir Jamsetjee Jejeebhoy, Baronet, so as to accompany and support the title and dignity of a Baronet lately conferred on him by Her present Majesty Queen Victoria, and for other purposes connected therewith," be laid upon the table and printed. Sir Jamsetjee Jejeebhoy wished the Bill to be slightly modified, so that, instead of specifically settling twenty-five Lacs of Rupees in four per cent. Government Promissory Notes, it might provide that such an amount of Government Promissory Notes be settled as would yield an income of not less than one Lac

of Rupees per annum. This modification would leave it optional with Sir Jamsetjee Jejeebhoy to invest, for the purposes of the Act, either four or five per cent. Notes or both, and in such proportions as might be most convenient to him. But the Bill having been transmitted to England, he (Mr. LeGeyt) apprehended that there might be some difficulty in altering it now.

MR. PEACOCK said, if the Bill was to be amended, the Council should go into Committee and settle it. Perhaps, the better course now would be to amend the Bill, and to send the amended Bill home. The Bill, as it stood, had already been transmitted to England; but there would probably be no objection to the course he proposed. He supposed that the mere fact of having sent the former Bill for sanction would form no objection to this course. The Bill had been settled in Committee of the whole Council, but had not been passed, and the Council therefore had power to amend it.

The motion was carried.

MR. LEGEYT then gave notice that he would, on Saturday next, move for a Committee of the whole Council on the Bill.

CIVIL PROCEDURE.

MR. PEACOCK gave notice that the consideration of the Bill "for simplifying the Procedure of the Courts of Civil Judicature not established by Royal Charter" would be proceeded with next Saturday to the end of Chapter IV if possible.

The Council adjourned.

Saturday, September 25, 1858.

PRESENT:

The Hon. the Chief Justice, *Vice-President*, in the Chair.

Hon. Lieut.-General Sir James Outram,	E. Currie, Esq.,
Hon'ble H. Ricketts,	Hon. Sir A. W. Buller,
Hon'ble B. Peacock,	H. B. Harington, Esq., and
P. W. LeGeyt, Esq.,	H. Forbes, Esq.

LUNACY.

THE VICE-PRESIDENT read Messages informing the Legislative Council that the Governor General had assented to the Bill "to regulate proceedings in Lunacy in the Courts of Judicature established by Royal Charter," the Bill "to make better provision for the care of the estates of Lunatics not subject to the jurisdiction of the Supreme Courts of Judicature," and the Bill "relating to Lunatic Asylums."

GUARDIANSHIP OF MINORS (BENGAL).

THE CLERK presented to the Council a Petition of the British Indian Association praying for such a modification of the Clause introduced at the last meeting of the Council into the Bill "for making better provision for the care of the persons and property of Minors in the Presidency of Fort William in Bengal," as would extend the age of Minority of Wards to twenty-one years.

MR. CURRIE moved that the above Petition be printed.

Agreed to.

AHMEDABAD MAGISTRACY.

MR. LEGEYT moved the first reading of a Bill "to empower the Governor in Council of Bombay to appoint a Magistrate for certain Districts within the Zillah Ahmedabad." He said, the Rajah of Bhownuggur was a dependent Chief on the Western Coast of the Gulf of Cambay, some of whose estates were included in the Zillah of Ahmedabad, and were subject to the British Laws. Certain of these estates he held independently, being within the Province of Kattywar, in respect to which he was under the control of the Political Agent of that country. The Magisterial and Police duties of these districts in the Ahmedabad Zillah, had, for some time past, been the subject of discussion and difficulty; and some time ago, the Government of Bombay resolved to relieve the Magistrate of Ahmedabad of the charge of the districts, and place them under the Political Agent of Kattywar. A legal difficulty soon presented itself, as the Appellate Courts had no jurisdiction over the Political Agent, and the returns of crime in those districts were no longer furnished to the Sudder Fouzdaree Adawlut by the Magistrate of Ahmedabad. The Sudder