

**LEGISLATIVE COUNCIL  
OF  
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PROCEEDINGS

OF THE

LEGISLATIVE COUNCIL OF INDIA,

January to December 1858.

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1858.

Committee, consisting of Mr. Grant, Sir James Outram, Mr. Peacock, and the Mover.

Agreed to.  
The Council adjourned.

*Saturday, December 18, 1858.*

**PRESENT :**

The Hon'ble J. P. Grant, in the Chair.

Hon'ble Lieut. Genl.	P. W. LeGeyt, Esq.,
Sir J. Outram,	H. B. Harrington, Esq.,
Hon'ble H. Ricketts,	and
Hon'ble B. Peacock,	H. Forbes, Esq.

DELHI TERRITORY; RYOTWAR ARREARS (MADRAS PRESIDENCY); AND GUARDIANSHIP OF MINORS (BENGAL).

THE PRESIDENT read Messages informing the Legislative Council that the Governor-General had assented to the Bill "to repeal Regulation V. 1832 of the Bengal Code, and to make certain provisions rendered necessary by the transfer of the Delhi Territory to the administration of the Chief Commissioner of the Punjab;" the Bill "for the better recovery of arrears of Revenue under Ryotwar Settlements in the Madras Presidency;" and the Bill "for making better provision for the care of the persons and property of Minors in the Presidency of Fort William in Bengal."

**OATHS AND AFFIRMATIONS.**

THE CLERK presented to the Council a Petition from Mr. Macleod Wylie, Barrister-at-Law, praying that the Council will not pass the Bill "concerning Oaths and Affirmations," but will, on the contrary, abolish all oaths and solemn affirmations in judicial proceedings, and pass a law to provide a summary punishment for perjury, and such other laws as experience may suggest for the discouragement of existing malpractices of a like nature.

MR. FORBES moved that the above Petition be printed.

Agreed to.

THE CLERK reported to the Council that he had received a communication from the Secretary to the Govern-

ment of the North-Western Provinces, forwarding copies of letters addressed to the Sudder Court and the Sudder Board of Revenue on the subject of judicial oaths and affirmations.

MR. FORBES moved that the above communication lie upon the table.  
Agreed to.

**FRAUDULENT TRANSFERS.**

MR. PEACOCK (in the absence of Sir Arthur Buller) postponed the first reading of a Bill for the punishment of Fraudulent Transfers of Property and of Secret Trusts.

**NABOB OF SURAT.**

MR. LEGEYT moved the second reading of the Bill "to amend Act XVIII of 1848 (for the Administration of the Estate of the late Nabob of Surat, and to continue privileges to his family)."

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

**STAMP DUTIES (BENGAL).**

On the Order of the Day for the third reading of the Bill "to amend Regulation X. 1829 of the Bengal Code," (for the collection of Stamp Duties) being read—

MR. PEACOCK moved that the Bill be re-committed to a Committee of the whole Council, for the purpose of considering a proposed amendment therein.

Agreed to.

MR. PEACOCK said, since giving notice of amendments in Section III of this Bill, he had spoken to his Honorable friend on his right (Mr. Harrington), and it appeared to them that, under the Section as it would stand if amended as proposed, a review of judgment would necessarily be admitted on the application of any party considering himself injured by the decision of a Court by which any deed, instrument, or document was rejected upon the ground that the same was not stamped within the meaning of the Rule which this Act proposed to repeal. He would not, therefore, move the amendment in the precise terms proposed, but he would move an amendment by which it would be left to the Judge to grant or not the application for a review. Unless he

was satisfied that the deed, instrument, or document, if admitted, would have led to a different decision upon the merits of the case, he would not grant the application. This appeared to be more satisfactory than if the application for review were to be granted as a matter of course. He, therefore, begged to move that all the words after the word "may" in the 7th line of Section III be omitted, and the following words substituted for them:—

"Obtain a review of judgment if the application be made within six months from the passing of this Act, and if the Court to which the application is made be satisfied that the deed, instrument, or document, if admitted, would have led to a different decision upon the merits of the case."

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

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

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

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

#### CANTONMENT JOINT-MAGISTRATES.

MR. HARRINGTON moved that the Council resolve itself into a Committee on the Bill "for conferring Civil Jurisdiction in certain cases upon Cantonment Joint-Magistrates, and for constituting those Officers Registers of Deeds within the limits of their respective jurisdictions;" 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.

#### REGISTRATION.

MR. FORBES said, when his Honorable friend, the Member for the North-Western Provinces, brought in a Bill for conferring Civil Jurisdiction in certain cases upon Cantonment Joint-Magistrates, and for constituting those Officers Registers of Deeds, he also stated that he believed that he (Mr. Forbes) had a measure in contemplation for amending the general Law of Registration. He had had such a measure in

*Mr. Peacock.*

contemplation for some time—before even he had had the honor of a seat in the Legislative Council; and, although the longer he had contemplated the measure the more he was convinced of its very great importance, he had at the same time become also more aware of the many difficulties by which it was surrounded. But these difficulties, great as they were, he had no doubt, would be surmounted if the consideration and experience of several minds were engaged together upon the subject. Instead, therefore, of attempting, single-handed, to grapple with a question, which had already been unsuccessfully essayed by far abler men than himself, he proposed to ask for the appointment of a Select Committee to consider and report upon the subject.

He had received a communication from the Madras Government, submitting a report from the Sudder Court, suggesting improvements in the present system of registering Assurances, together with the draft of an Act for affording protection to rights on property; and he now moved that these papers be referred to a Select Committee, consisting of Mr. Peacock, Mr. LeGeyt, Mr. Currie, Mr. Harrington, and the Mover.

Agreed to.

#### NABOB OF SURAT.

MR. LEGEYT moved that the Bill "to amend Act XVIII of 1848 (for the administration of the Estate of the late Nabob of Surat, and to continue privileges to his family)" be referred to a Select Committee, consisting of Sir James Outram, Mr. Peacock, and the Mover.

Agreed to.

#### STAMP DUTIES (BENGAL).

MR. PEACOCK moved that Mr. Ricketts be requested to take the Bill "to amend Regulation X. 1829 of the Bengal Code (for the collection of Stamp-Duties)" to the President in Council, in order that it might be submitted to the Governor-General for his assent.

Agreed to.

The Council then adjourned, on the motion of Sir James Outram, till Saturday the 8th of January 1859.