Judicial (1895) Department.

ORDINARY PRINTED.

G.O., No 1836-37

Dated 3^d Sept. 1895

[Despatch Abstract.]

UNREGISTERED BILLS OF SALE.

Communicating to the Government of India the opinions of the Hon. the Chief Justice and ~~the~~ Judges of the High Court and of the other bodies and persons cunsulted on the question whether any validity should be allowed to---given as securities except upon condition of their being registered, and stating that this Government agrees with those authorities who advise that bills of sale should be required to be registered.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

[G / 12]
1,000—23-7-95

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Rec T 5/9

ORDINARY, PRINTED.

Jud^l. DEPARTMENT.
G.O., DATED 3-9-95
No. 1836-7

INDEXED.

First copy sent to Press. 5/9
Returned for signature. 14/9/95
Despatched in print. 18/9/95

[Despatch Abstract.]

Unregistered Bills of Sale

Commn. to the G of I the opinions of the Hon'ble the Chief Justice & Judges of the High Court & of the other bodies & persons consulted on the question whether any validity should be allowed to ____ given as securities except upon condition of their being registered, and stating that this Govt. agrees with those authorities who advise that bills of sale should be required to be registered.

10 Copies

T 5/9

Back Paper, No. of 18

Read again Order of Government, dated
18 No.

Further Paper, No. of 18

Wp. 185/97

6/

Enclosures.

Current No.

proof in the cur. 4009 – a

Statement with ditto.

Order, &c., of Government—A.

Papers kept out of File for despatch in original
(not paged).

Number of copies required.
Order complete. 90
Letter only. 90
Order complete with Letter. 10

N.B.—
A = Print in full.
B = Not to be printed.
P = Print abstract only.
Q = Print heading only.
R = Print, but not for monthly volume.

CURRENT NO. 2773.

CHIEF SECRETARY
7 JUN. 1895
GOVERNMENT OF MADRAS
30

7

Re Registration of Bills of Sale.

Opinion

I think that an Act analogous to the English Bills of Sale Acts is greatly needed in this country

J. H. Spring Branson
Advocate General

Ootacamund
31st May 1895

(True Copy)

Ernest Barclay
Government Solicitor

CURRENT No. 2773.

Judicial (1895) Department

From:
Ernest Barclay
Government Solicitor
Madras

To
The Chief Secretary to
Government
Ootacamund

No. 326

Dated. 5th June 1895
Recd 7th do
Enc. "

Forwarded with reference to the Order of Government dated 4th May 1895 No. 912 Judicial.

Ernest Barclay
Government Solicitor

To await other replies.
D/10-6-95

MR
8/6/95

G.O. 912 : 4-5-95 Jc.

2 P

Read also the folly papers:-

From the Govt Solicitor
Madras d 5-6-95

Abstract.- Forwarding the folly opinion of the Adv Gl d 31-5-95

CURRENT No. 28

From the Chairman,
Madras Trades Association

The Trades Association
Madras

7 June 1895

To
The Chief Secretary,
to the Government of Madras
Judicial Dept.
Madras.

CHIEF SECRETARY
11
GOVERNMENT OF MADRAS

Sir,

Unregistered Bills of Sale

With reference to G.O. 4th May 1895 No. 912 Judicial, I have the honor to state that the members of this Association are of opinion that no validity should be given to "secret" Assignments of property and Bills of Sale should be of no effect unless registered.

The practice, which appears now only to be brought to the notice of Government, is calculated to facilitate the favoring of certain Creditors at the expense of others. It is however the opinion of this Association that

that legislation to put an end to the present System should not interfere with the principle of "Equitable Mortgages by deposit" which has worked satisfactorily and been of Convenience to Traders in Presidency towns

I have the honor to be,
Sir,
Your most Obedient Servant

J. Francis Lewis
Chairman

[G/9]
2,000—23-1-95.

Current No. 2833

Judicial DEPARTMENT.

From The Chairman of the Trades Association Madras.

No. –

Dated 7th
Received 11th
Regd. 12th } June 1895
Enclosures "

SUBJECT.

Submitting with reference to G.O. of 4th May 1895, No. 912, Jud., the opinion of the Association regarding unregistered Bills of Sale.

CURRENT No. 2906

The Madras Chamber of Commerce,

Madras, 15th June 1895.

68

FROM

H. Scott Esqre
The Vice-CHAIRMAN, CHAMBER OF COMMERCE,
MADRAS.

To

The Chief Secretary to Government
Judicial Department
Ootacamund.

Sir;

With reference to the Order of the Madras Government, dated the 4th ultimo, No. 912, Judicial, I have the honour to inform you that the Chamber is of opinion that it is not desirable that legislation should be undertaken with the object of preventing secret assignments by means of bills of sale from acquiring an undue priority over the general creditors of bankrupt or insolvent assignor, and that no validity should be

Pd

allowed to bills of sale except upon condition of their being registered.

The Chamber takes it for granted that a "bill of sale" will be properly defined if and when legislation is undertaken.

I have the honor to be,
Sir,
Your most obed.t Servant,

H Scott
Vice-Chairman.

CHIEF SECRETARIAT
17 JUN 1895
GOVERNMENT OF MADRAS

D

[G/9]
2,000—23-1-95.

Current No. 2806

Judicial DEPARTMENT.

From The Vice-chairman,
Chamber of Commerce,
Madras.

No. -

Dated 15th } June 1895
Received 17th }

Enclosures -

SUBJECT.

Submitting, with reference to G.O. of 4th ultimo, No 912 Judl., the opinion of the Chamber regarding unregistered bills of sale.

[G/50]
200—15-3-93

Judicial DEPT.

Ref

No. 1653

~~Fort St. George,~~ Ootacamund
17th July 1895.

From

The Hon'ble J. F. Price C.S.I.

CHIEF SECRETARY TO THE GOVERNMENT OF FORT ST. GEORGE,

To

The Hon'ble the Chief Justice of the High Court of Judicature,
Madras.

SUBJECT.

Remarks on the question whether any validity should be allowed to unregistered bills of sale given as securities except upon condition of their being registered.

G.O. *No. 912 Judl dated 4th May 1895.

Hon. SIR,

I am directed to invite attention to the communication marginally noted,* and to request the favour of an early reply thereto.

I have the honor to be,
Hon. Sir,
Your most obedient Servant,

15-7-95

for Chief Secretary.

R.N.
Please pass. N.B. evening. Give this letter a number.

13/6
16

Govt. of {189 } Madras.

Dated 189 , No.

Requesting an early reply to

No. 2098.

High Court of Judicature,
Madras, 6th August 1895.

CURRENT NO. 3757

From

D. W. G. Cowie Esquire,
Ag. Registrar of the High Court
of Judicature, Appellate side,
Madras.

To

The Honorable J. F. Price, C.S.I.,
Chief Secretary to Government,
Fort Saint George.

Honorable Sir,

With reference to G.O. dated 4th May 1895, No. 912, Judicial, communicating, for remarks, correspondence on the questions whether any validity should be allowed to unregistered bills of sale given as securities except upon condition of their being registered, I am directed to forward a transcript of the minutes recorded by the Honorable Justices Parker, Shephard, Best and Subrahmania Aiyar and to state that the Honorable the Chief Justice has nothing to add.

I have the honor to be,
Honorable Sir,
Your most obedient Servant

D. W. G. Cowie
Ag. Registrar.

D.W.

Minutes.

D

Every letter, whether printed or in manuscript, should be docketed and abstracted on the back; * * * * * and the abstract should state clearly the purport of the letter and not merely its title subject. * * * * *

Enclosures and statements also, whether sent with letters, or merely under cover, should be numbered, docketed and abstracted. The headings of statements should be written in full to prevent mistakes. (G. O. 8th April 1893, No. 289, Public.)

500 -13-7-95.

CURRENT NO. 3757

Judicial {1895} Department.

No.

FROM

The Registrar of the High Court
of Judicature, Appellate Side,
Madras.

Dated 6th August } 1895.
Received 8th } do
Regd. 9th }

CHIEF SECRETARIAT
18 AUG 95

No. 2098
Enc — 1

Forwarding a transcript of the minutes recorded by the Honorable Justices Parker, Shephard, Best and Subrah-mania Aiyar on the question whether any validity should be allowed to unregistered Bills of Sale given as securities except upon condition of their being registered.

M.H.C.

To be put in type in continuation. Mr Compton's file.

NR 9/8

38

Minutes.

Mr Justice Parker: — No cases similar to that which caused this reference have come under my notice in Madras, and I am told the practice of giving bills of sale is not usual here. The ordinary way of giving security is by deposit of title-deeds.

I should doubt whether any necessity exists for legislation.

Mr Justice Shephard: — Judging from my own experience, I should say that bills of sale hypothecating moveable property left in the debtor's possession were not very common. That circumstance however is perhaps rather in favor of extending to moveable property the policy of the Registration Act. I do not see any objection to the proposal, provided of course that allowance is made for all just exceptions.

Mr Justice Best: — I think it is very desirable that there should be legislation making unregistered bills of sale inoperative as against such as are registered even if it is not deemed advisable to require that all such

contracts

Contracts should be registered.

Mr. Justice Subrahmania Aiyar:— No real necessity for legislation of the proposed description seems yet to be really felt here, instances of insolvent persons resorting to secret assignments by bills of sale to defraud their general creditors being very rare. I make this statement however not without hesitation as my experience in the matter is mostly confined to certain districts only in this Presidency.

If in the interest of creditors in the Presidency towns and other large centres of Commerce, legislation of the description contemplated is resolved upon, power should, I think, be reserved to Government to apply any enactment to be passed, to such places only as actually stand in need of such a law. Considering the generally backward condition of the mass of ordinary traders in the districts, a law similar to the English statutes on the subject, is one for which members of the trading community in the said parts of the Country

Are

Are not in my opinion yet fully prepared.

(True Copy)

D. W. G. Cowie

Ag. Registrar,
Appellate Sid

1895
Jud Dept
Enclos. No 1
To
C. No 3757.

Do

3rd Sept 1836

~~AUGUST~~ 1895, No. , JUDICIAL.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—again the following paper :—

G.O., dated 4th May 1895, No. 912, Judicial.

ABSTRACT.—Communicating to the Hon'ble the Chief Justice and Judges of the High Court, the Hon'ble the Advocate-General, the Chamber of Commerce, Madras, and the Madras Trades Association, for remarks, correspondence from the Government of India requesting the opinion of this Government on the question whether any validity should be allowed to unregistered bills of sale given as securities except upon condition of their being registered.

READ—also the following papers :—

From the Government Solicitor, Madras, dated 5th June 1895, No. 326.

ABSTRACT.—Forwarding the following opinion of the Advocate-General, dated 31st May 1895 :—

OPINION.

[*Re* Registration of Bills of Sale.]

I think that an Act analogous to the English Bills of Sale Acts is greatly needed in this country.

(Signed) J. H. SPRING BRANSON,
Advocate-General.

From the Chairman, Madras Trades Association, to the Chief Secretary to Government, dated 7th June 1895.

[Unregistered Bills of Sale.]

With reference to G.O., dated 4th May 1895, No. 912, Judicial, I have the honour to state that the members of this Association are of opinion that no validity should be given to "secret" assignments of property and bills of sale should be of no effect unless registered.

The practice, which appears now only to be brought to the notice of Government, is calculated to facilitate the favouring of certain creditors at the expense of others. It is, however, the opinion of this Association that legislation to put an end to the present system should not interfere with the principle of "equitable mortgages by deposit" which has worked satisfactorily and been of convenience to traders in Presidency towns.

(Signed) J. F. DAVIES,
Chairman.

From the Vice-Chairman, Chamber of Commerce, Madras, to the Chief Secretary to Government, dated Madras, 15th June 1895.

With reference to the Order of the Madras Government, dated the 4th ultimo, No. 912, Judicial, I have the honour to inform you that the Chamber is of opinion that it is most desirable that legislation shall be undertaken with the object of preventing secret assignments by means of bills of sale from acquiring an undue priority over the general creditors of bankrupt or insolvent assignors, and that no validity should be allowed to bills of sale except upon condition of their being registered.

The Chamber takes it for granted that a "Bill of sale" will be properly defined if and when legislation is undertaken.

(Signed) H. SCOTT,
Vice-Chairman.

From the Acting Registrar of the High Court of Judicature, Appellate Side, to the Chief Secretary to Government, dated Madras, 6th August 1895, No. 2098.

With reference to G.O., dated 4th May 1895, No. 912, Judicial, communicating for remarks, correspondence on the question whether any validity should be allowed to unregistered bills of sale given as securities except upon condition of their being registered, I am directed to forward a transcript of the minutes recorded by the Hon'ble Justices Parker, Shephard, Best and Subrahmania Aiyar and to state that the Hon'ble the Chief Justice has nothing to add.

(Signed) D. W. G. COWIE,
Ag. Registrar.

ENCLOSURE.

Minutes.

Mr. Justice Parker.—No cases similar to that which caused this reference have come under my notice in Madras, and I am told the practice of giving bills of sale is not usual here. The ordinary way of giving security is by deposit of title-deeds.

I should doubt whether any necessity exists for legislation.

Mr. Justice Shephard.—Judging from my own experience, I should say that bills of sale hypothecating moveable property left in the debtor's possession were not very common. That circumstance, however, is perhaps rather in favour of extending to moveable property the policy of the Registration Act. I do not see any objection to the proposal, provided, of course, that allowance is made for all just exceptions.

Mr. Justice Best.—I think it is very desirable that there should be legislation making unregistered bills of sale inoperative as against such as are registered even if it is not deemed advisable to require that all such contracts should be registered.

Mr. Justice Subrahmania Aiyar.—No real necessity for legislation of the proposed description seems yet to be really felt here, instances of insolvent persons resorting to secret assignments by bills of sale to defraud their general creditors being very rare. I make this statement, however, not without hesitation as my experience in the matter is mostly confined to certain districts only in this Presidency.

If, in the interest of creditors in the Presidency towns and other large centres of commerce, legislation of the description contemplated is resolved upon, power should, I think, be reserved to Government to apply any enactment to be passed to such places only as actually stand in need of such a law. Considering the generally backward condition of the mass of ordinary traders in the districts, a law similar to the English statutes on the subject is one for which members of the trading community in the said parts of the country are not, in my opinion, yet fully prepared.

Add G.O. 4009 with encls.-

Proof read
M/19/8.

Unregistered Bills
of Sale

No. 2262.

High Court of Judicature,
Madras, 20th August 1895.

CURRENT No. 3 4009.

From
D. W. G. Cowie Esquire,
Ag. Registrar of the High Court
of Judicature, Appellate side,
Madras.

To
The Honorable J. F. Price, C.S.I.,
Chief Secretary to Government,
Fort Saint George.

Honorable Sir,

In continuation of my letter dated the 6th instant, No. 2098, I am directed to forward a transcript of the minute recorded by the Honorable the Chief Justice on the question whether any validity should be allowed to unregistered bills of sale given as securities except upon condition of their being registered.

I have the honor to be,
Honorable Sir,
Your most obedient Servant

D W G Cowie
Ag. Registrar.

Ed. W.

Minute.

Minute

The Honorable the Chief Justice:— I think it would be very desirable to enact that all bills of sale should be registered but bearing in mind the flood of litigation that has arisen in England over the different Bills of sale Acts - the Bill should be very carefully drafted.

(True Copy.)

D. W. E. Comie

Ag. Registrar,

Appellate Side.

G. D. N.

20th August

2262.

Forwarding transcript of a minute recorded by the Honorable the Chief Justice on the question whether any validity should be allowed to unregistered bills of sale given or [illegible] [illegible]

Every letter, whether printed or in manuscript, should be docketed and abstracted on the back; * * * * * and the abstract should state clearly the purport of the letter and not merely its title subject. * * * * *

Enclosures and statements also, whether sent with letters, or merely under cover, should be numbered, docketed and abstracted. The headings of statements should be written in full to prevent mistakes. (G. O. 8th April 1893, No. 289, Public.)

500—13-7-95.

5

CURRENT NO. 4009

Judicial {1895} Department.

No.

FROM

The Ag. Registrar of the High Court
of Judicature, Appellate Side,
Madras.

Dated 20th August
Received 22nd do } 1895.
Regd 23rd

CHIEF SECRETARY
22 AUG 1895
GOVERNMENT OF MADRAS

No. 2262.
Enc

Forwarding transcript of a minute recorded by the Honorable the Chief Justice on the question whether any validity should be allowed to unregistered bills of sale given as securities except upon condition of their being registered.

MR 323/8
US 3

For orders

G.
25.
500—21-3-95.

Judl. DEPARTMENT.

Read again G.O. of 4 May 95, No. 912 Judl & ~~C. No.~~ file of replies thereto.

FOR ORDERS.

In its letter of 24 April 95 No. 5-611 Jud
printed in G.O. of 4 May 95, No. 912, Judl, the Govt
of India invites opinions on the question raised by
the Secy. of State, whether any validity should
be allowed to unregistered bills of sale given
securities except upon condition of their being reg
tered. The opinions of the officers & local bodies
consulted are as follows:-

(1) The Advocate General: thinks that an Actan
-logous to the English Bills of Sale Acts is great
needed in this country.

(2) The Chairman, Madras Trades Assn. ~~Chamber of Commerce~~: states tha
no validity should be given to "secret" assign-
ments of property & that bills of sale should be
no effect unless registered. He adds that the
practice, which has only been just now brought
the notice of Govt., would facilitate the favoring
certain creditors at the expense of others & that legisl
-tion to put an end to the present system should not in
fere with the principle of "equitable mortgages by dep

Query as to what the principle is?
D

which has worked satisfactorily + been of convenience to traders in Presy. towns.

(3) The Chamber of Commerce:- is of opinion that it is most desirable that legislation should be ~~taken~~ undertaken to prevent secret assignments by means of bills of sale from acquiring an undue priority over the general creditors of bankrupt or insolvent assignors, + that no validity should be allowed to bills of sale except upon condition of their being registered. The Chamber takes it for granted that a "Bill of Sale" will be properly defined if + when legislation is undertaken.

(4) The Registrar of the High Court states that the Hon'ble the Chief Justice has nothing to add to the minutes recorded by the other Judges.

Mr. Justice Parker: records thus: "No cases similar to that which caused this reference have come under my notice in Madras + I am told the practice of giving bills of sale is not usual here. The ordinary way of giving security is by deposit of title-deeds". He doubts whether any necessity exists for legislation.

Mr. J. Shephard says that bills of sale hypothecating moveable property left in the debtor's possession ~~were~~ are not very common, & that that circumstance, however, is perhaps rather in favor of extending to moveable property the policy of the Registration Act. He does not see any objection to the proposal, provided, of course, that allowance is made for all just exceptions.

Mr. J. Best. thinks that legislation is very desirable making unregistered bills of sale inoperative as against such as are registered, even if it is not deemed advisable to require that all such contracts should be registered.

Mr. J. Subramania Aiyar: sees no real necessity

FOR ORDERS.

HON'BLE MEMBER.

here for the proposed legislation, instances of insolvent persons resorting to secret assignments by bills of sale to defraud their general creditors being very rare. If legislation is resolved upon, he thinks that power should be reserved to Govt. to apply any enactment to be passed to such places only as actually stand in need of such a law. Considering the generally backward condition of the mass of ordinary traders in this Presy., a law similar to the English Statutes on the subject is one for which members of the trading community are not, in his opinion, yet fully prepared.

Ar. 4009 since received, contains the minute recorded by the Hon'ble the Chief Justice that it would be very desirable to enact that all bills of sale should be registered but that bearing in mind the flood of litigation that has arisen in England over the different Bills of Sale Acts the Bill should be very carefully drafted.

Orders are solicited as to what reply should be given to the Govt. of India and as to whether any or all of these caveats should be communicated with it.

D
24.8.95

29/8/95.

I should send on the opinions & should say that we agree with those authorities who advise that bills of sale shd. be required to be regd.

31/8/95

22.8.95

Opinions re Registration of Bills of Sale.

(For orders)

H.M.

K.R.

Today's letter contains further letter from the High Court about this

D/22/8

It has now been added to these.

K.R./23/8

In Eco of 3/9/95

No. 1836–7

C 23/8
31/8

[G./24.]
500—23-7-95.

Judl. DEPARTMENT.

Papers to be read in proceedings:—

Again G.O., dated 4th May 1895, No. 912, Judl,

Again G.O., dated 189 , No. + file of replies thereto. A.

Current No. of 189 , dated , from

" " " 189 , " , "

" " " 189 , " , "

ORDER. 8 3d Septr 1895. No 1836.

P.S.

The following letter will be despatched to the Govt of India.

(From orders)
D/2/9/95

Letter No 1837. Dd 19/9/95

To

The Secretary to the Govt of India,
Home Dept (Judl)

Letter 30 copies
Procs 31 copies
Desptd 18/9/95

Sir,

I am directed to acknowledge the receipt of Mr Hewett's letter dated ~~Simla, the~~ 24th April 1895, No. 5 Judl/611, inviting opinions on the question whether any validity should be allowed to unregistered bills of sale given as securities except upon condition of their being registered.

2. In reply I am to communicate the opinions of the Hon'ble the Chief Justice and Judges of the High Court and of the other ~~authorities~~ Judges and persons consulted on the subject and to state that H.E. the Govr in Council agrees with those authorities

who advise that ~~the~~ bills of sale ~~in~~ question should be required to be registered.

(For orders)

D
2-9.95.

2/9/95.

MR
1.12.95

Unregistered Bills of Sale

E

(For orders)

CS
PS

3rd September 1895, No. 1836, Judicial.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

Read—again the following paper :—

G.O., dated 4th May 1895, No. 912, Judicial.

Abstract.—Communicating to the Hon'ble the Chief Justice and Judges of the High Court, the Hon'ble the Advocate-General, the Chamber of Commerce, Madras, and the Madras Trades Association, for remarks, correspondence from the Government of India requesting the opinion of this Government on the question whether any validity should be allowed to unregistered bills of sale given as securities except upon condition of their being registered.

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From the Government Solicitor, Madras, dated 5th June 1895, No. 326.

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Opinion.

[*Re* Registration of Bills of Sale.]

I think that an Act analogous to the English Bills of Sale Acts is greatly needed in this country.

(Signed) J. H. SPRING BRANSON,
Advocate-General.

From the Chairman, Madras Trades Association, to the Chief Secretary to Government, dated 7th June 1895.

[Unregistered Bills of Sale.]

With reference to G.O., dated 4th May 1895, No. 912, Judicial, I have the honour to state that the members of this Association are of opinion that no validity should be given to "secret" assignments of property and bills of sale should be of no effect unless registered.

The practice, which appears now only to be brought to the notice of Government, is calculated to facilitate the favouring of certain creditors at the expense of others. It is, however, the opinion of this Association that legislation to put an end to the present system should not interfere with the principle of "equitable mortgages by deposit" which has worked satisfactorily and been of convenience to traders in Presidency towns.

(Signed) J. F. DAVIES,
Chairman.

From the Vice-Chairman, Chamber of Commerce, Madras, to the Chief Secretary to Government, dated Madras, 15th June 1895.

With reference to the Order of the Madras Government, dated the 4th ultimo, No. 912, Judicial, I have the honour to inform you that the Chamber is of opinion that it is most desirable that legislation shall be undertaken with the object of preventing secret assignments by means of bills of sale from acquiring an undue priority over the general creditors of bankrupt or insolvent assignors, and that no validity should be allowed to bills of sale except upon condition of their being registered.

The Chamber takes it for granted that a "Bill of sale" will be properly defined if and when legislation is undertaken.

(Signed) H. SCOTT,
Vice-Chairman.

From the Acting Registrar of the High Court of Judicature, Appellate Side, to the Chief Secretary to Government, dated Madras, 6th August 1895, No. 2098.

With reference to G.O., dated 4th May 1895, No. 912, Judicial, communicating, for remarks, correspondence on the question whether any validity should be allowed to unregistered bills of sale given as securities except upon condition of their being registered, I am directed to forward a transcript of the minutes recorded by the Hon'ble Justices Parker, Shephard, Best and Subrahmania Aiyar and to state that the Hon'ble the Chief Justice has nothing to add.

(Signed) D. W. G. COWIE,
Ag. Registrar.

ENCLOSURE.

Minutes.

MR. JUSTICE PARKER.—No cases similar to that which caused this reference have come under my notice in Madras, and I am told the practice of giving bills of sale is not usual here. The ordinary way of giving security is by deposit of title-deeds.

I should doubt whether any necessity exists for legislation.

MR. JUSTICE SHEPHARD.—Judging from my own experience, I should say that bills of sale hypothecating moveable property left in the debtor's possession were not very common. That circumstance, however, is perhaps rather in favour of extending to moveable property the policy of the Registration Act. I do not see any objection to the proposal, provided, of course, that allowance is made for all just exceptions.

MR. JUSTICE BEST.—I think it is very desirable that there should be legislation making unregistered bills of sale inoperative as against such as are registered even if it is not deemed advisable to require that all such contracts should be registered.

MR. JUSTICE SUBRAHMANIA AIYAR.—No real necessity for legislation of the proposed description seems yet to be really felt here, instances of insolvent persons resorting to secret assignments by bills of sale to defraud their general creditors being very rare. I make this statement, however, not without hesitation as my experience in the matter is mostly confined to certain districts only in this Presidency.

If, in the interest of creditors in the Presidency towns and other large centres of commerce, legislation of the description contemplated is resolved upon, power should, I think, be reserved to Government to apply any enactment to be passed to such places only as actually stand in need of such a law. Considering the generally backward condition of the mass of ordinary traders in the districts, a law similar to the English statutes on the subject is one for which members of the trading community in the said parts of the country are not, in my opinion, yet fully prepared.

From the Acting Registrar of the High Court of Judicature, Appellate Side, to the Chief Secretary to Government, dated Madras, 20th August 1895, No. 2262.

In continuation of my letter, dated the 6th instant, No. 2098, I am directed to forward a transcript of the minute recorded by the Hon'ble the Chief Justice on the question whether any validity should be allowed to unregistered bills of sale given as securities except upon condition of their being registered.

(Signed) D. W. G. COWIE,
Ag. Registrar.

ENCLOSURE.

Minute.

The Hon'ble the Chief Justice.—I think it would be very desirable to enact that all bills of sale should be registered, but bearing in mind the flood of litigation that has arisen in England over the different bills of sale Acts, the Bill should be very carefully drafted.

ORDER—dated 3rd September 1895, No. 1836, Judicial.

The following letter will be despatched to the Government of India:—

[Here enter No. 1837, dated 3rd September 1895.]

(True Extract.)

J. F. PRICE,
Chief Secretary.

Exd. S. J. Pereira.

Govt. of {1895} Madras.

JUDICIAL.

Issued

Recd. Encl.

G.O., 3rd Sept. 1895, No. 1836.

SEPTEMBER.

Unregistered Bills of Sale.

Communicating to the Government of India the opinions of the Hon'ble the Chief Justice and Judges of the High Court and of the other bodies and persons consulted on the question whether any validity should be allowed to — given as securities except upon condition of their being registered, and stating that this Government agrees with those authorities who advise that bills of sale should be required to be registered.

3rd September 1895, No. 1837, Judicial.

JUDICIAL DEPARTMENT.

Letter—from

The CHIEF SECRETARY to the GOVERNMENT of
FORT ST. GEORGE,

To

The SECRETARY to the GOVERNMENT of INDIA,
Home Department (Judicial).

Sir,

I am directed to acknowledge the receipt of Mr. Hewett's letter, dated 24th April 1895, No. 5, Judicial—611, inviting opinions on the question whether any validity should be allowed to unregistered bills of sale given as securities except upon condition of their being registered.

2. In reply I am to communicate the opinions of the Honourable the Chief Justice and Judges of the High Court and of the other bodies and persons consulted on the subject and to state that His Excellency the Governor in Council agrees with those authorities who advise that bills of sale should be required to be registered.

I have the honour to be,
Sir,
Your most obedient servant,

Ootacamund,
3rd September 1895.

J. F. PRICE,
Chief Secretary.

Exd. S. J. Pereira.

Regr. No.

HOME 1895 DEPT.

[ ]

From the Government of
Fort St. George.

Issued

Recd. *Encl.*

Letter, 3rd Sept. 1895, No. 1837.

SEPTEMBER.

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