Judicial (1895) Department.

ORDINARY PRINTED:

G.O., No 2008-9

Dated 26th Sept. 1895

INDEXED.

[Despatch Abstract.]

BILLS----LEGISLATIVE.

Directing that the opinions of the Hon. the Judges of the High Court and of certain selected officers and bodies consulted by this Government on the draft bill to explain the Transfer of Property Act, 1882, so far as relates to Crown grants, be forwarded to the Government of India.

BACK PAPERS.

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

FURTHER PAPERS.

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

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—again the following paper :—

G.O., No. 1617, Judicial, dated 2nd August 1895.

ABSTRACT.—Referring to the Hon'ble the Judges of the High Court, the Government Law Officers, and to certain other authorities, for an early expression of opinion, a Bill to explain the Transfer of Property Act, 1882, so far as relates to grants from the Crown.

READ—also the following papers :—

From the Government Solicitor, Madras, to the Chief Secretary to Government, dated Madras, 15th August 1895, No. 432.

I beg to acknowledge receipt of G.O., No. 1617, Judicial, dated 2nd instant, with copy Bill to explain the Transfer of Property Act, 1882, so far as relates to grants from the Crown, and copy Statement of Objects and Reasons.

2. The Bill seems to me to meet the purposes for which it is required, viz., that conditions restraining alienation, restrictions repugnant to an interest created and conditions making an interest determinable on insolvency or attempted alienation which, under sections 10, 11 and 12 of the Transfer of Property Act, 1882, are void, shall not be so in cases of grants or transfers of land or any interest therein made or to be made by the Crown.

3. It seems to me that the Bill does something more than explain; it amends the Transfer of Property Act as regards Government grants, &c.

(Signed) E. BARCLAY,
Government Solicitor.

From the Administrator-General, to the Chief Secretary to Government, dated Madras, 20th August 1895.

With reference to G.O., No. 1617, Judicial, dated 2nd instant, I have the honour to state that I see no objection to the proposed Bill "Crown Grants Act, 1895."

(Signed) H. G. WEDDERBURN,
Administrator-General.

From the Superintendent, Government Press, dated 21st August 1895, No. 2046.

ABSTRACT.—Reporting the dates on which the India Bill No. 14 of 1895 was published in the *Fort St. George Gazette* in English and the Vernaculars.

From the Advocate-General, to the Chief Secretary to Government, dated Madras, 24th August 1895.

With reference to G.O., No. 1617, Judicial, dated the 2nd instant, I have the honour to state that I have no suggestions to make with regard to the Bill to explain the Transfer of Property Act, 1882, so far as relates to grants from the Crown.

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

From the Chairman, Chamber of Commerce, Madras, to the Chief Secretary to Government, dated 27th August 1895.

I have the honour to acknowledge the receipt of G.O., No. 1617, dated the 2nd instant, forwarding, for an expression of the Chamber's opinion, a Bill to explain the Transfer of Property Act, 1882, so far as relates to grants from the Crown.

In reply I am desired to state that the proposed Bill has the general approval of the Chamber.

(Signed) G. L. CHAMBERS,
Chairman.

From the Acting Registrar of the High Court of Judicature, Appellate Side, Madras, to the Chief Secretary to Government, dated 27th August 1895, No. 2350.

With reference to G.O., No. 1617, Judicial, dated the 2nd instant, communicating, for the opinion of the High Court, a Bill to explain the Transfer of Property Act, 1882, so far as it relates to grants from the Crown, I am directed to state that the Hon'ble the Chief Justice and the Judges have no observations to make. The Hon'ble Mr. Justice Best considers that the proposed legislation is *necessary* to make it clear that the grants in question are not affected by the provisions of the Transfer of Property Act.

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

From the Government Pleader, Madras, to the Chief Secretary to Government, dated 9th September 1895, No. 863.

With reference to G.O., No. 1617, Judicial, dated 2nd August 1895, I have the honour to submit the following:—

OPINION.

If at the time of the grant of such jaghires as are mentioned in the Statement of Objects and Reasons it was thought desirable that they should be inalienable, it certainly seems inexpedient that the Transfer of Property Act should affect the nature of such grants.

2. As the law stands at present, there is nothing to prevent the application of that Act to such grants. I am of opinion that the provisions of the Bill are sufficient to prevent the application of the Act.

3. I would, however, suggest that in section (2), clause (1), the words "East India Company" be inserted. I have not before me any such grants, but I presume that all grants made before 1858 were made in the name of the East India Company or on their behalf. It is open to question whether such grants could be said to be grants "by or on behalf of Her Majesty the Queen-Empress, her heirs or successors or by or on behalf of the Secretary of State for India." Inasmuch as the object of the Bill is to remove doubts and there is a possibility of the question arising as to whether the Act was intended to include grants by the East India Company, the insertion of the words suggested by me seems advisable *pro majori cautela.*

(Signed) E. B. POWELL,
Government Pleader.

From Chairman, Trades Association, to the Chief Secretary to Government, dated Madras, 17th September 1895.

In reply to your memorandum, G.O., No. 1617, dated 2nd August 1895, referring to the proposed Bill to explain the Transfer of Property Act, 1882, so far as relates to grants from the Crown, I have the honour to state that this Association sees no objections to such Bill.

(Signed) J. F. DAVIES,
Chairman.

ORDER—dated 26th September 1895, No. 2008, Judicial.

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

[Here enter No. 2009, dated 26th September 1895.]

(True Extract.)

Chief Secretary.

Exd. S. J. Pereira.

Govt. of {1895} Madras.

JUDICIAL.

Issued

Recd. *Encl.*

G.O., 26th Sept. 1895, No. 2008.

SEPTEMBER.

Transfer of Property Act, 1882.

Directing that the opinions of the Honourable the Judges of the High Court and of certain selected officers and bodies consulted by this Government on the draft Bill to explain the Transfer of Property Act, 1882, so far as relates to Crown grants be forwarded to the Government of India.

JUDICIAL DEPARTMENT.

LETTER—from

THE CHIEF SECRETARY TO THE GOVERNMENT OF FORT ST. GEORGE,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA, LEGISLATIVE DEPARTMENT.

SIR,

I am directed to acknowledge the receipt of Mr. Macpherson's letter, No. 1386, dated 26th July 1895, forwarding for opinion a draft Bill to explain the Transfer of Property Act, 1882, so far as relates to Crown grants.

2. In reply I am to communicate the opinions of the Honourable the Judges of the High Court and of certain selected officers and bodies consulted by this Government, and to state that His Excellency the Governor in Council fully approves of the proposed legislation, but considers that the words "East India Company" should, as suggested by the Government Pleader, be inserted in section 2, clause (1).

3. The Bill, together with the statement of Objects and Reasons, was published in the *Fort St. George Gazette* in English on the 6th August 1895 in Telugu, Malayalam and Hindustani on the 13th and in Tamil and Canarese on the 20th idem.

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

OOTACAMUND,
26*th September* 1895.

J. F. PRICE,
Chief Secretary.

Exd. S. J. Pereira.

1895.

JUDICIAL DEPARTMENT.

From the Government of
Fort St. George.

Issued

Recd. *Encl.*

Letter, 26th Sept. 1895, No. 2009.

SEPTEMBER.

Transfer of Property Act, 1882.

Forwarding the opinions of the Honourable the Judges of the High Court and of certain selected officers and bodies consulted by this Government on the draft Bill to explain the — so far as relates to Crown grants, and stating that this Government fully approves of the proposed legislation.

CURRENT No. 2047

No. 2046

Statement showing the dates on which the undermentioned Bill was published in the "Fort St. George Gazette."

(Vide para. 2 of G.O. dated 2nd June 1891, No. 1042, Judicial.)

Title of the Bill.	English.	Tamil.	Telugu.	Canarese.	Malayalam.	Hindustani.	Remarks.
Indian Bill No. 14 of 1895 A Bill to explain the Transfer of Property Act, 1882, so far as relates to Grants from the Crown.	1895. 6th August	1895. 20th August	1895. 13th August	1895. 20th August	1895. 13th August	1895. 13th August	

Government Press,
Madras, 21st August 1895.

To

The Chief Secretary to Government,
Madras.

Adopted
Superintendent.

CURRENT No. ~~2008~~ 4047

~~Judl. Dept.~~

abstract

From

THE SUPERINTENDENT,

GOVERNMENT PRESS,

Madras,

To

THE CHIEF SECRETARY TO GOVERNMENT,

Madras.

№ 2046

Dated 21st
Received 22nd } August 1895.

Regd 23rd

Regd in Jud 24th.

Encl: 1

CHIEF SECRETARY
22 AUG. 1895
GOVERNMENT OF MADRAS

Subject.

REPORTS the dates on which the ~~within~~-mentioned Bill under No 1471895 was published in the "Fort St. George Gazette." in English & Vernacular

GA. 1/10
26/8

CURRENT NO 4072

Judicial (1895) Dept

From

The Advocate General

Madras

To

The Chief Secretary to Govt.

Ootacamund

Dated 24th. August

Despatched 24th. do

Recd 26th. } do

Regd 27th. }

Encl: nil

CHIEF SECRETARY
26 AUG. 1895
GOVERNMENT OF MADRAS

Subject

Bill to explain the Transfer of Property Act, 1882, so far as relates to grants from the Crown. No suggestions to make with regard to the....

GA. 1/10
26/8

CURRENT NO. 4072.

Madras 24th. August 1895.

58

From

The Honorable J. H. Spring Branson

The Advocate General

To

The Honorable J. F. Price

Chief Secretary to Government

with the Governor

Stonehouse Hill

Sir,

With reference to the order of Government dated the 2nd instant, No. 1617, Judicial, I have the honor to state that I have no suggestions to make with regard to the Bill to explain the Transfer of Property Act, 1882, so far as relates to grants from the Crown.

I have the honor to be

Sir

Your most obedient Servant

J. H. Spring Branson.

Advocate General

CURRENT No. 4106

The Madras Chamber of Commerce,

Madras, 27th August 1895.

68

From

The Honble W. G. L. Chambers
Chairman, Chamber of Commerce,
Madras.

To

The Chief Secretary to Government
Judicial Department
Ootacamund.

CHIEF SECRETARY'S DEPARTMENT OF MADRAS
28 AUG 1895

Sir,

I have the honour to acknowledge the receipt of the Order of the Madras Government, No. 1617, dated the 2nd instant, forwarding for an expression of the Chambers opinion a Bill to explain the Transfer of Property Act, 1882, so far as relates to grants from the Crown.

In reply I am desired to state that the proposed Bill has the general approval of the Chamber.

I have the honour to be, Sir,
Your most obedt servant
W. L. Chambers
Chairman.

CURRENT No. 4136

Judl. Dept.

From

The Chairman,
Chamber of Commerce.
Madras.

Dated 27th }
Recd. 28 } Aug. 1895.
Reg. 29

Subject.

Stating that the proposed bill to explain the Transfer of Property act, 1882, has the general approval of the Chamber.

CURRENT No. 4136

Judicial {1895} Department.

No.

FROM

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

Dated 27th August }
Received 29 } 1895.
Reg 30

CHIEF SECRETARY
29 AUG 1895
GOVERNMENT OF MADRAS

No. 2350.
Enc

Stating that the High Court has no observations to make on the Bill to explain the Transfer of Property Act, 1882, so far as it relates to grants from the Crown.

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.

No. 2350.

High Court of Judicature,
Madras, 27th August 1895.

CURRENT No. 4136

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 the 2nd instant, No. 1617, Judicial, communicating, for the opinion of the High Court, a Bill to explain the Transfer of Property Act, 1882, so far as it relates to grants from the Crown, I am directed to state that the Honorable the Chief Justice and the Judges have no observations to make. The Honorable Mr. Justice Best considers that the proposed legislation is <u>necessary</u> to make it clear that the grants in question

are

are not affected by the provisions of the Transfer of Property Act.

I have the honor to be,
Honorable Sir,
Your most obedient servant,
D. W. Comil
Ag. Registrar.

CURRENT No. 4321

pdl depts.

From

THE GOVERNMENT PLEADER,

Madras.

CHIEF SECRETARY TO GOVERNMENT OF MADRAS
10 SEP 1895

Dated 9th September 1895

Recd. 10 " "

No.

ENCLOSURE.

Submitting his opinion on the draft Bill to explain the Transfer of Property Act, 1882, so far as relates to lands from the Crown.

CURRENT No. 4321.

Government Pleader's Office,

HIGH COURT,

Madras, 9th September 1895.

No. 863.

From

E. B. POWELL, Esq.,

The Government Pleader,

Madras,

To

The Chief Secretary to Govt.,

Fort St. George.

Sir,

With reference to the Order of Government dated 2nd August 1895, Ms. (1614), Judicial, I have the honor to submit the following:—

Opinion.

1. If at the time of the grant of such Jaghires as are mentioned in the Statement of Objects and Reasons it was thought desirable that they should be inalienable it certainly seems inexpedient that the Transfer of Property Act should affect the nature of such grants.

2. As the Law stands at present, there is nothing to prevent the application of that Act to such grants. I am of opinion that the provisions of the Bill are sufficient to prevent the application of the Act.

I would, however, suggest that in Section (2) clause (1) the words East India Company be inserted. I have not before me any such grants, but I presume that all grants made before 1858 were made in the name of the East-India Company or on their behalf. It is open to question whether such grants could be said to be grants "by or on behalf of Her Majesty the Queen-Empress, her heirs or successors or by or on behalf of the Secretary of State for India". Inasmuch as the object of the Bill is to remove doubts and there is a possibility of the question arising as to whether the Act was intended to include grants by the East-India Company the insertion of the words suggested by me seems advisable pro majori cautelâ.

I have the honor to be,

Sir,

Your most obedient Servant,

E W Barclay

Government Pleader.

CURRENT NO. 3919.

No. 432

Madras 15th August 1895

2 P

From

Ernest Barclay

The Government Solicitor

Madras

To

The Chief Secretary to Government

Ootacamund

Sir

1 I beg to acknowledge receipt of G. O. dated 2nd inst: No 1617 Judicial with copy Bill to explain the Transfer of Property Act 1882 so far as relates to grants from the Crown, and copy statement of objects and Reasons

2. The Bill seems to me to meet the purposes for which it is required viz: that conditions restraining alienation, restrictions repugnant to an interest created and conditions making an interest determinable on insolvency or attempted alienation which, under Sections 10, 11, and 12 of the Transfer of Property Act, 1882 are void, shall not be so in cases of grants or transfers of land or any interest therein made or to be made by the Crown.

3. It seems to me that the Bill does something more than explain, it amends the Transfer of Property Act as regards Government Grants &c.

I have the honor to be
Sir
Your obedient Servant
Ernest Barclay

Govt: Solr.

Judicial Deptt

CURRENT NO. 3919.

~~Jud~~ 1617/95. S.C.

From. The Govt Solicitor
Madras.

CHIEF SECRETARY
16. AUG. 1895
GOVERNMENT OF MADRAS

No. 432

Dated 15th
Recd 16th } August 1895
Repd 17th
Encl: —

Subject

Giving his views on the Bill to explain the Transfer of Property Act 1882 so far as relates to Grants from the Crown.

Judicial Deptt

1617 D 2-8-95 S.C.

CURRENT NO 4013.

From

The Administrator General of Madras

To

The Chief Secretary to the Government of Madras.

1895 August 20th

CHIEF SECRETARY
22 AUG. 1895
GOVERNMENT OF MADRAS

Recd —
Repd 1895 augt 23d
Encl: nil

Subject

Stating that the Administrator General sees no objection to the proposed bill "Crown Grants Act 1895"

To await other replies

In Ind Govt 2008-9

D 26-8-95

CURRENT NO. 4013.

Administrator-General's Office,

Madras, 20 August 1895

3 B

From

H. G. Wedderburn
The Administrator General

To

The Chief Secretary
to the Government of Madras

Sir,

With reference to the order of Government No. 1617, Judicial, dated 2nd Instant, I have the honor to state that I see no objection to the proposed Bill "Crown Grants Act 1895"

I have the honor to be
Sir
your obedient Servant

H G Wedderburn
Administrator General

8A

26TH SEPTEMBER 1895, No. , JUDICIAL.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—again the following paper :—

G.O., dated 2nd August 1895, No. 1617, Judicial.

ABSTRACT.—Referring to the Hon'ble the Judges of the High Court, the Government Law Officers, and to certain other authorities, for an early expression of opinion, a Bill to explain the Transfer of Property Act, 1882, so far as relates to grants from the Crown.

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3. It seems to me that the Bill does something more than explain; it amends the Transfer of Property Act as regards Government grants, &c.

(Signed) E. BARCLAY,
Government Solicitor.

From the Administrator-General, to the Chief Secretary to Government, dated Madras, 20th August 1895.

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(Signed) H. G. WEDDERBURN,
Administrator-General.

From the Superintendent, Government Press, dated 21st August 1895, No. 2046.

ABSTRACT.—Reporting the dates on which the India Bill No. 14 of 1895 was published in the *Fort St. George Gazette* in English and the Vernaculars.

From the Advocate-General, to the Chief Secretary to Government, dated Madras, 24th August 1895.

With reference to G.O., dated the 2nd instant, No. 1617, Judicial, I have the honour to state that I have no suggestions to make with regard to the Bill to explain the Transfer of Property Act, 1882, so far as relates to grants from the Crown.

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

N. Vathagiri

From the Chairman, Chamber of Commerce, Madras, to the Chief Secretary to Government, dated 27th August 1895.

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In reply I am desired to state that the proposed Bill has the general approval of the Chamber.

(Signed) G. L. CHAMBERS,
Chairman.

From the Acting Registrar of the High Court of Judicature, Appellate Side, Madras, to the Chief Secretary to Government, dated 27th August 1895, No 2350.

With reference to G.O., dated the 2nd instant, No. 1617, Judicial, communicating, for the opinion of the High Court, a Bill to explain the Transfer of Property Act, 1882, so far as it relates to grants from the Crown, I am directed to state that the Hon'ble the Chief Justice and the Judges have no observations to make. The Hon'ble Mr. Justice Best considers that the proposed legislation is *necessary* to make it clear that the grants in question are not affected by the provisions of the Transfer of Property Act.

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

From the Government Pleader, Madras, to the Chief Secretary to Government, dated 9th September 1895, No. 863.

With reference to G.O., dated 2nd August 1895, No. 1617, Judicial, I have the honour to submit the following—

OPINION.

If at the time of the grant of such jaghires as are mentioned in the Statement of Objects and Reasons it was thought desirable that they should be inalienable, it certainly seems inexpedient that the Transfer of Property Act should affect the nature of such grants.

2. As the law stands at present, there is nothing to prevent the application of that Act to such grants. I am of opinion that the provisions of the Bill are sufficient to prevent the application of the Act.

3. I would, however, suggest that in section (2), clause (1), the words "East India Company" be inserted. I have not before me any such grants, but I presume that all grants made before 1858 were made in the name of the East India Company or on their behalf. It is open to question whether such grants could be said to be grants "by or on behalf of Her Majesty the Queen-Empress, her heirs or successors or by or on behalf of the Secretary of State for India." Inasmuch as the object of the Bill is to remove doubts and there is a possibility of the question arising as to whether the Act was intended to include grants by the East India Company, the insertion of the words suggested by me seems advisable *pro majori cautela*.

(Signed) E. B. POWELL,
Government Pleader.

{ H. & C. No. 4455 }

[G / 9]
2,000—2-4-95.

Current No. 4455

Department.

From

The Chairman,
Madras Trades Assocn.

No.

Dated 17th
Received 19th } Sept 1/95
*Reg*d 20th
Enclosures

SUBJECT.

Stating that the Assocn sees no objections to the proposed Bill to explain the Transfer of property Act, 1882.

Submitted.

CURRENT No. 4455

The Trades Association
Madras

CHIEF SECRETARY
19 SEP. 1895
GOVERNMENT OF MADRAS

September 1895

To

The Chief Secretary
to the Government of Madras
(Judicial Dept.) Octacamund

Sir,

Post card reminder

In reply to your Memorandum
No. 1614 dated 13th September 1895 referring
to the proposed Bill to explain the Transfer
of property Act, 1882, so far as relates to
grants from the Crown, I have the honor
to state that this Association sees no
objections to such Bill

I have the honor to be
Sir
Your most obedient Servant
F. Vincent Davies
Chairman

Judicial Dept.

Read again Gº of 2 aug. '95, Nº 1617 Judl
+ file of Replies thereto.

Order of 26th September 1895, Nº 2008
PJ.

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

Letter Nº 2009.
To

The Secretary to the Govt of India
Legve dept.

Sir,

I am directed to acknowledge the
receipt of Mr Macpherson's letter of 26 July
1895, Nº 1386, forwarding for opinion a draft
Bill to explain the Transfer of Property Act,
1882, so far as relates to Crown grants.

2. In reply I am to communicate the
opinions of the Hible the Judges of the High
Court + of the certain selected officers + bodies consulted
by this Govt, ~~excepting the Crown Prosecutor~~
~~who has not yet replied~~; and to state that
H.E. the Govr in Council fully approves
of the proposed legislation, but considers
that the words "East Indian Company" should
as suggested by the local Govt. Please

be inserted in sec. 2. clause (1).

3. The Bill together with the statement of objects and Reasons was published in the Fort St George Gazette in English on the 6th Aug. 95, in Telugu, Malayalam & Hindustani on the 13th & in Tamil and Canarese on the 20 idem.

Opinions on the Draft Bill to explain the Transfer of Property Act.

VE

B.P.

24/8/95.

Reply due with Govt on 1st Octr.

DESPATCH

For orders.

As to whether the portion marked in brackets in para. 2 of the draft letter may stand? I think it may stand — Harris Defect ✗

The Crown Prosecutor has not yet replied. But it is considered unnecessary to wait any longer as the Govt of India want the reply by the 1st Prox.

✗ It seems desirable

Proof. Please see query on page 3

120

26TH SEPTEMBER 1895, No. 2008, JUDICIAL.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—again the following paper :—

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(Signed) E. BARCLAY,
Government Solicitor.

From the Administrator-General, to the Chief Secretary to Government, dated Madras, 20th August 1895.

With reference to G.O., No. 1617, Judicial, dated 2nd instant, I have the honour to state that I see no objection to the proposed Bill "Crown Grants Act, 1895."

(Signed) H. G. WEDDERBURN,
Administrator-General.

From the Superintendent, Government Press, dated 21st August 1895, No. 2046.

ABSTRACT.—Reporting the dates on which the India Bill No. 14 of 1895 was published in the *Fort St. George Gazette* in English and the Vernaculars.

From the Advocate-General, to the Chief Secretary to Government, dated Madras, 24th August 1895.

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Ag. Registrar.

From the Government Pleader, Madras, to the Chief Secretary to Government, dated 9th September 1895, No. 863.

With reference to G.O., No. 1617, Judicial, dated 2nd August 1895, I have the honour to submit the following:—

OPINION.

If at the time of the grant of such jaghires as are mentioned in the Statement of Objects and Reasons it was thought desirable that they should be inalienable, it certainly seems inexpedient that the Transfer of Property Act should affect the nature of such grants.

2. As the law stands at present, there is nothing to prevent the application of that Act to such grants. I am of opinion that the provisions of the Bill are sufficient to prevent the application of the Act.

3. I would, however, suggest that in section (2), clause (1), the words "East India Company" be inserted. I have not before me any such grants, but I presume that all grants made before 1858 were made in the name of the East India Company or on their behalf. It is open to question whether such grants could be said to be grants "by or on behalf of Her Majesty the Queen-Empress, her heirs or successors or by or on behalf of the Secretary of State for India." Inasmuch as the object of the Bill is to remove doubts and there is a possibility of the question arising as to whether the Act was intended to include grants by the East India Company, the insertion of the words suggested by me seems advisable *pro majori cautela.*

(Signed) E. B. POWELL,
Government Pleader.

From Chairman, Trades Association, to the Chief Secretary to Government, dated Madras, 17th September 1895.

In reply to your memorandum, G.O. No. 1617, dated 13th September 1895, referring to the proposed Bill to explain the Transfer of Property Act, 1882, so far as relates to grants from the Crown, I have the honour to state that this Association sees no objections to such Bill.

(Signed) J. F. DAVIES,
Chairman.

ORDER—dated 26th September 1895, No. 2008, Judicial.

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

[Here enter No. 2009, dated 26th September 1895.]

(True Extract.)

Chief Secretary.

Exd. S. J. Pereira.

Govt. of {1895} Madras.

JUDICIAL.

Issued

Recd. *Encl.*

G.O., 26th Sept. 1895, No. 2008.

SEPTEMBER.

Transfer of Property Act, 1882.

Directing that the opinions of the Honourable the Judges of the High Court and of certain selected officers and bodies consulted by this Government on the draft Bill to explain the Transfer of Property Act, 1882, so far as relates to Crown grants be forwarded to the Government of India.

JUDICIAL DEPARTMENT.

LETTER—from

THE CHIEF SECRETARY TO THE GOVERNMENT OF FORT ST. GEORGE,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA, LEGISLATIVE DEPARTMENT.

SIR,

I am directed to acknowledge the receipt of Mr. Macpherson's letter, No. 1386, dated 26th July 1895, forwarding for opinion a draft Bill to explain the Transfer of Property Act, 1882, so far as relates to Crown grants.

2. In reply I am to communicate the opinions of the Honourable the Judges of the High Court and of certain selected officers and bodies consulted by this Government, and to state that His Excellency the Governor in Council fully approves of the proposed legislation, but considers that the words "East India Company" should, as suggested by the Government Pleader, be inserted in section 2, clause (1).

3. The Bill, together with the statement of Objects and Reasons, was published in the *Fort St. George Gazette* in English on the 6th August 1895 in Telugu, Malayalam and Hindustani on the 13th and in Tamil and Canarese on the 20th idem.

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

OOTACAMUND,
26th September 1895.

Chief Secretary.

Exd. S. J. Pereira.

1895.

JUDICIAL DEPARTMENT.

From the Government of
Fort St. George.

Issued

Recd. *Encl.*

Letter, 26th Sept. 1895, No. 2009.

SEPTEMBER.

Transfer of Property Act, 1882.

Forwarding the opinions of the Honourable the Judges of the High Court and of certain selected officers and bodies consulted by this Government on the draft Bill to explain the — so far as relates to Crown grants, and stating that this Government fully approves of the proposed legislation.

First copy sent to Press.

Returned for signature.

Despatched in print.

Number of copies required: Order complete. / Letter only. / Order complete with Letter.

Read again G. O., No. dated 189 .

Current No.

Enclosures to C. No.

Order of Government .. .. ..

Letter of Government.

Statement with ditto.

Papers not filed up, being meant for despatch in original.

N.B. —
A = Print in full.
B = Not to be printed.
P = Print abstract only.
Q = Print heading only.