

THE



Bombay Government Gazette.

Published by Authority.

FRIDAY, 13TH SEPTEMBER 1895.

Separate paging is given to this Part, in order that it may be filed as a separate compilation.

PART V.

PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

(To be translated into Maráthi, Gujaráti and Kánarésé, and the translations to be published in the "Bombay Government Gazette." To be translated also into Sindhi, and the translation to be published in the "Sind Official Gazette." The dates of publication to be reported.)

The following Report of the Select Committee of the Council of His Excellency the Governor of Bombay on the Bill to amend the Bombay Civil Courts Act, 1869, and the Bill as amended by the Select Committee are, in accordance with Rule 25 of the Rules for the Conduct of Business at Meetings of the Council, published for general information in anticipation of the sanction of the Government of India :—

Report of the Select Committee appointed to consider Bill No. II of 1895, a Bill to amend the Bombay Civil Courts Act, 1869.

We, the members of the Select Committee appointed to consider Bill No. II of 1895, a Bill to amend the Bombay Civil Courts Act, 1869, have considered the provisions of the Bill.

2. We approve of the principle of the Bill ; but recommend that, in section 2, the word "after" be altered to "for" and the word "inserted" to "substituted," and that the words "subject of Her Majesty" be inserted after the expression "viz :"

3. We further recommend that the provisions of section 3 be extended to cases in which an officer of Government is appointed a curator or manager of an estate under Act XIX of 1841 or Act XXXV of 1858, and for this purpose recommend that, after the word "Court," in section 3 (b) (i), the words "who has been" be inserted, that after the word "Government" in section 3 (b) (ii) the following be inserted :— "to whom the powers of a curator have been delegated under section 5 of Act XIX of 1841 or who has been appointed manager of the estate of a lunatic under section 9 of Act XXXV of 1858 or who has been" and that after the word "appointment" the word "delegation" be inserted. This amendment will, in our opinion, require the sanction of the Government of India under section 5 of the Indian Coun-

cils Act, 1892, as it would have the effect of amending Act XIV of 1869, as modified by subsequent laws passed by the Government of India before the passing of the Councils Act of 1892, in a manner not contemplated when the Government of India sanctioned the introduction of the present Bill. On receipt of the requisite sanction, we recommend that the Bill as now amended be passed.

4. The Bill as introduced has already been translated into Gujaráti, Maráthi and Kánárese, and published on the 1st August 1895 in the *Bombay Government Gazette*. It was similarly translated into Sindhi and published in the *Sind Official Gazette* on the same date. We have directed that the Bill, as now amended, be similarly translated and published, on receipt of the sanction of the Government of India.

(Signed)	H. BIRDWOOD.
(")	JOHN MACPIERSON.
(")	PHEROZESHAH M. MEHTA.
(")	CHIMANLAL H. SETALVAD.
(")	DAJI ABAJI KHARE.

Poona, 4th September 1895.

Bill No. II of 1895.

A Bill to amend the Bombay Civil Courts Act, 1869.

(As amended by the Select Committee on the 7th August 1895.)

WHEREAS it is expedient to amend the XIV of 1869. Bombay Civil Courts Act, 1869, as amended XI of 1876. by the Bombay Revenue Jurisdiction XV of 1880. Acts, 1876 and 1880, and the Repealing and XII of 1891. Amending Act, 1891, and whereas the previous sanction of His Excellency the Governor General required by section 5 of the Indian Councils Act, 1892, has been obtained for the passing of this Act, it is enacted as follows:—

1. This Act may be cited as "The Bombay Civil Courts Act Amendment Act, 1895."

2. In the second paragraph of section 22 of the Bombay Civil Courts Act, 1869, amended as aforesaid, *for after* the words "subject of the Queen" there shall be *substituted* inserted the following, viz.: "subject of Her Majesty or a subject of a Native Prince or State in India under the suzerainty of Her Majesty, and is also a person".

3. For clause (b) of the proviso to section 32 of the said Act amended as aforesaid, there shall be substituted the following, viz.:—

"(b) an officer
(i) of a Court *who has been* appointed under the Code of Civil Procedure, section 456, last paragraph,
(ii) of Government *to whom the powers of a curator have been delegated under section 5 of Act XIX of 1841 or who has been appointed manager of the estate of a lunatic under section 9 of Act XXXV of 1858 or who has been appointed or declared by a Court in virtue of his office to be a guardian of the person or property, or both, of a minor under the Guardian and Wards Act, 1890,*

is in virtue of such appointment, delegation or declaration a party to such suit."

By order of His Excellency the Right Honourable the Governor in Council,

M. H. W. HAYWARD,

Secretary to the Council of the Governor of Bombay
for making Laws and Regulations.

Poona, 12th September 1895.