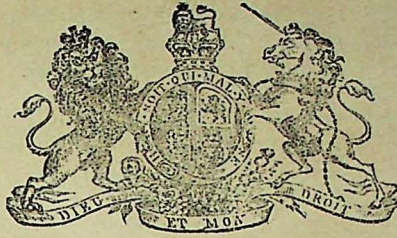


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 Separate paging is given to this Part, in order that it may be filed as a separate compilation.

PART V.

PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA.

Abstract of the Proceedings of the Council of the Governor General of India, assembled for the purpose of making Laws and Regulations under the Provisions of the Act of Parliament 24 & 25 Vic., Cap. 67.

The Council met at Government House on Friday, the 17th December 1869.

PRESENT:

His Excellency THE VICEROY and GOVERNOR GENERAL of INDIA, K.P., G.C.S.I., *presiding*.
 His Excellency The COMMANDER-IN-CHIEF, K.C.B., G.C.S.I.
 The Honourable G. NOBLE TAYLOR.
 Major General the Honourable Sir H. M. DURAND, C.B., K.C.S.I.
 The Honourable JOHN STRACHEY.
 The Honourable Sir RICHARD TEMPLE, K.C.S.I.
 The Honourable J. FITZJAMES STEPHEN.
 The Honourable F. R. COCKERELL.
 The Honourable GORDON S. FORBES.
 The Honourable D. COWIE.
 Colonel the Honourable R. STRACHEY, C.S.I.
 The Honourable FRANCIS STUART CHAPMAN.
 The Honourable J. R. BULLEN SMITH.
 His Highness Sarámade Rájábáe Hindústán Ráj Rájendra Srí Mahárájá Dhiráj Sivái Rám Singh Bahádúr, of Jaypúr, G.C.S.I.

SUBORDINATE JUDGES AND MUNSIFS' BILL.

The Honourable Mr. COCKERELL, in moving for leave to introduce a Bill to provide for the appointment of additional Subordinate Judges and Munsifs in the Presidency of Fort v.—132

William, said that the present constitution of the offices of Subordinate Judge and Munsif within the territories under the government of the Lieutenant Governors of Bengal and the North-Western Provinces was derived from Act XVI. of 1868. By the fifth section of that enactment the Local Government was empowered to appoint a fit person to either of those offices *whenever such office became vacant*. The power of appointment was thus, by implication, limited to the filling up of a vacancy in an existing office.

Recently, an Act had been passed by the Council of the Lieutenant Governor of Bengal, by which the adjudication of suits instituted in the Lower Provinces of Bengal between landlord and tenant, and heretofore cognizable under Act X. of 1859, by the Revenue Courts only, was transferred to the Civil Courts. The increase of work which would, by the operation of the new law, be thrown on these Courts, necessitated some addition to their present strength in those districts in which the institution of rent-suits was excessive; and it was accordingly proposed to appoint a few additional Munsifs. As the cost of this increase of Munsifs would be met by a corresponding reduction in the number of Deputy Collectors now employed in the trial of rent-suits, no extra expenditure would be incurred by the State on account of this measure.

The immediate object of the proposed legislation was the removal of the present legal disability of the Lieutenant Governor of Bengal to increase the number of Munsifs' Courts at present established in the territories under his Government; but, as the necessity might arise for making some addition to the existing number of Munsifs or Subordinate Judges in the North-Western Provinces, or for the appointment of additional Subordinate Judges in Lower Bengal, it was thought advisable to make adequate provision for such a contingency in the present Bill.

The Motion was put and agreed to.

HIGH COURTS' (COSTS OF PETITIONS) BILL.

The Honourable Mr. CHAPMAN, in moving for leave to introduce a Bill to enable the High Courts at the Presidency Towns to deal with costs of petitions for certain moneys transferred to Government, said that this Bill was intended to supply an obvious defect in the existing law. It appeared that, under Act XXV. of 1866, section 4, and Act XXIV. of 1867, 60, any one could now, without fear of consequences, advance claims, however frivolous, unfounded, for moneys transferred to Government by the High Courts or the Administration General. One case in particular had lately occurred in which much valuable time was wasted and by a claim of this description. The Bill would empower the Courts to make such claimant pay the costs of the proceedings.

The Motion was put and agreed to.

ACT VIII. OF 1863 AMENDMENT BILL.

The Honourable Mr. CHAPMAN, in moving for leave to introduce a Bill to correct a clerical error in Act No. VIII. of 1863, said that section 2 of that Act contained the following provision:—

“Officers in charge of Jails within the British Territories in India shall be competent to give effect to any sentence which shall be passed by any Court or Tribunal under the authority of Her Majesty, or of the Government of India, or of the Government, although such Court be *not* situate in a place not subject to the acting Regulations.”

The last clause should of course be “although such Court be situate in a place not subject to the general Regulations.”

It was unnecessary to refer such a Bill to a Select Committee. Mr. CHAPMAN, therefore proposed, at the next Meeting of the Council, to apply for the suspension of the Rules of Conduct of Business, in order that the Bill might be passed at once. The Bill would be circulated to Honourable Members.

The Motion was put and agreed to.

INDIAN CONTRACT BILL.

The Honourable Mr. STEPHEN, moved that the Honourable Messrs. Gordon Forbes and Chapman be added to the Select Committee on the Bill to define and amend the law relating to Contracts, Sale of Moveables, Indemnity and Guarantee, Bailment, Agency and Partnership.

The Motion was put and agreed to.

The Council then adjourned to Friday, the 31st December 1869.

WHITLEY STOKES,

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

CALCUTTA,

The 17th December 1869.
