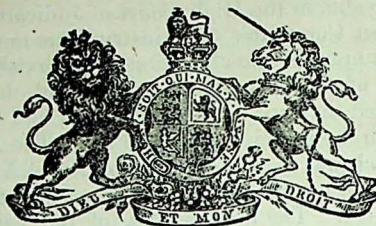


THE



Bombay Government Gazette.

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THURSDAY, 12TH MARCH 1868.

Separate paging is given to this Part in order that it may be filed as a separate compilation. The paging of this Part commenced with the Number for January 1867.

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 21st February 1868.

PRESENT:—

His Excellency the Viceroy and Governor General of India, *presiding*.
 His Honour the Lieutenant Governor of Bengal.
 His Excellency the Commander-in-Chief, G.C.S.I., K.C.B.
 The Honourable G. NOBLE TAYLOR.
 The Right Honourable W. N. MASSEY.
 The Honourable Major General Sir H. M. DURAND, C.B., K.C.S.I.
 The Honourable Sir W. MUIR, K.C.S.I.
 The Honourable H. SUMNER MAINE.
 The Honourable E. L. BRANDRETH.
 The Honourable M. J. SHAW STEWART.
 The Honourable JOHN STRACHEY.
 The Honourable STEUART GLADSTONE.
 The Honourable KHWAJA 'ABD-UL-GHANI.
 The Honourable F. R. COCKERELL.
 The Honourable J. I. MINCHIN.
 The Honourable RAJA SHEORAJ SINGH, C.S.I.

OUDH RENT BILL.

The Honourable Mr. STRACHEY moved that the Select Committee on the Bill to consolidate and amend the law relating to rent in Oudh be re-constituted.

The Motion was put and agreed to.

same and every proceeding relative thereto shall be as valid as if it had been properly stamped in the first instance.

7. Nothing in this Act shall apply to the fees allowed to the sheriff, attorneys, or any clerk or officer of the High Court, who shall be paid by fees instead of by a fixed salary, or to the fees, if any, which such sheriff, attorneys, clerk, or officer shall be allowed to receive in addition to any fixed salary.

8. If any difference arise between the officer whose duty it is to see that any stamp is affixed under this Act and any suitor or attorney, as to the necessity of imposing a stamp or the amount thereof, the question shall be referred to the Taxing Officer, whose decision thereon shall be final, except when the question is in his opinion, one of general importance, in which case he shall refer it to the final decision of the Chief Justice of the High Court.

9. Where a stamped instrument is amended, in order merely to correct a mistake and to make it conform to the original intention of the parties, it shall not be necessary to impose a fresh stamp.

10. The Local Government may by notification in the official *Gazette* extend the provisions of sections three, four, five, six, eight, and nine, *mutatis mutandis*, to the several Courts of Small Causes established in the towns of Calcutta, Madras, and Bombay.

STATEMENT OF OBJECTS AND REASONS.

On the establishment of the High Courts of Judicature, it was enacted by Act XX. of 1862 that Court fees and not stamp-duties should be chargeable in respect of proceedings in, and business coming before, the said Courts in the exercise of their ordinary original jurisdiction, and on appeal from their ordinary original civil jurisdiction. The system of collecting fees in money has been found practically inconvenient, as it involves much uncertainty and delay in their realization, and, further, entails the necessity of keeping complicated accounts and subjecting them to audit and examination.

It is believed that this inconvenience will be obviated by the substitution of stamps for payments of fees in money; and the present Bill, which is modelled on the statute 28 Vic., c. 45, is intended to effect this substitution. The proposed change has of late years been generally adopted in England, and is no less suited to the High Courts of this country.

The stamp system, moreover, commends itself for adoption in those Courts, not merely as following the English practice, but as being in general harmony with that prevailing in all Courts of justice established beyond the precincts of the presidency towns.

Power is given to the Local Governments to extend the principal provisions of the Bill to the Presidency Courts of Small Causes.

(Signed) F. R. COCKERELL.

The 7th February 1868,

WHITLEY STOKES,
Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).