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PART X.—Marathi Acts, &c.

ACT No. IV. of 1868.

इंडियाचे गवरनर जनरल इन् कौन्सिलाचा खाली लिहिलेला आक्ट सन १८६८ चे फेब्रुवारी महिन्याचे १४ वे तारिखेस गवरनर जनरल साहेबांनी मंजूर केला तो सर्व लोकांस जाहीर होण्यासाठीं प्रसिद्ध केला असे.

सन १८६८ चा आक्ट ४ था.

मुंबई इलाक्यांतील कित्येक गांव त्या इलाक्यांत चालू असणारे कायद्यांचे व आक्टांचे अमलांतून काढण्याविषयीं आक्ट.

या आक्टाचे परिशिष्टांत लिहिलेले गांवांस मुंबई इलाक्यांत चालू असणारे कायदे व आक्ट पुढें लिहिलेले कायद्यावरून व आक्टावरून लागू केले आहेत; आणि सदहू गांव व मुंबईचे गवरनर इन् कौन्सिल याचे सन १८४२ चे ६ वे आक्टाचा जितका भाग व मुंबईचे गवरनर इन् कौन्सिल याचे सन १८६३ चे ३ रे आक्टाचा जितका भाग सदहू गांवांस लागू आहे तितका या आक्टावरून रद्द केला असे.

उद्देश.

१. मुंबईचे कायदे पुस्तकांतील सन १८२७ चे २९ वे कायद्याचा जितका भाग व इंडियाचे गवरनर जनरल इन् कौन्सिल यांचे सन १८४२ चे ६ वे आक्टाचा जितका भाग व मुंबईचे गवरनर इन् कौन्सिल यांचे सन १८६३ चे ३ रे आक्टाचा जितका भाग सदहू गांवांस लागू आहे तितका या आक्टावरून रद्द केला असे.

कायदे व आक्ट रद्द केले ते.

information could be given. But the measure to which the question of his Honourable friend was addressed was not under consideration, and therefore Mr. MAINE submitted that the question could not be put.

HIS EXCELLENCY THE PRESIDENT thought that the point raised by the Honourable Mr. Shaw Stewart should not be brought under discussion: it was not relevant to the business before the Council. The present question was simply whether payment of fees by money should not in the case of the High Courts be converted into payment by stamps. Under these circumstances the PRESIDENT thought that it would not be proper that any discussion on questions connected with the general Stamp Law should take place. If any information were desired, the Financial Member of Government would no doubt be happy to give it to Mr. Stewart after the adjournment of the Council, but the question proposed could not be discussed at present.

The Motion was put and agreed to.

The following Select Committees were named:—

On the Bill to consolidate and amend the law relating to rent in Oudh—His Honour the Lieutenant Governor, the Honourable Mr. Taylor, the Honourable Major General Sir H. M. Durand, and Sir W. Muir, and the Honourable Messrs. Maine and Brandreth, and the Mover.

On the Bill to provide for the collection, by means of stamps, of fees payable in the High Court of Judicature at Fort William—The Honourable Messrs. Maine, Shaw Stewart, and Minchin, and the Mover.

The Council adjourned till the 28th February 1868.

WHITLEY STOKES,

*Asst. Secy. to the Govt. of India,
Home Department (Legislative).*

CALCUTTA, }
The 21st February 1868. }

HIGH COURT FEES' BILL.

The Honourable Mr. COCKERELL introduced the Bill to provide for the collection, by means of stamps, of fees payable in the High Court of Judicature at Fort William, and moved that it be referred to a Select Committee with instructions to report in a month. He said, it would be seen that the Bill proposed no alteration in the existing rates of duties levied in the High Courts. The power of fixing those rates, as he had mentioned when asking leave to introduce the Bill, was vested by statute in Government; and the present Bill did not propose in any way to interfere with the exercise of that power. The Bill simply effected the reversal of the prescribed usage which was legally affirmed by Act XX. of 1862, and in effect, by the substitution of stamp-duties, it introduced the system of prepayment of Court dues in lieu of the credit system now in force. The third section of the Bill provided for the operation of the Act from such time as the Government should appoint. The object of that clause was to give sufficient time for making such arrangements as might be necessary to ensure a proper supply of stamps for the purposes of the Act. The seventh section was section 4 of Act XX. of 1862 transferred to this Bill. The object of its provisions in the Act from which it was transferred was to exempt the sheriff and attorneys and other officers of the Court—for the whole body of attorneys were technically known as officers of the Court—from rendering an account to Government of the fees received by them, which rendering of account was compelled by section 3, and which section was now proposed to be repealed. In the present Bill, the object of the section was to save the fees allowed to the sheriff, and possibly to attorneys generally, and to such officers of the Court as received fees in addition to fixed salaries. There were certain clerks and officers of Court who, for swearing people to evidence who were not able to attend, or taking depositions, were allowed certain fees for special services. The object of this provision was to save the officers who were entitled to those fees being deprived of them by the introduction of the stamp system. The last clause of the Bill provided for the extension of its provisions to the Small Cause Courts in the presidency towns.

The Honourable Mr. SHAW STEWART thought the object of the Bill was a very desirable one, but it seemed to him that there were one or two provisions in the Bill which would be better otherwise provided for than in the Bill itself. For instance, by the fifth section power was given to the Local Government to make certain rules, amongst other things, for the cancellation of stamps. He did not understand whether that would include rules as to the manner in which spoiled stamps might be returned and fresh ones obtained in lieu. Again, in the sixth section there was a provision empowering a Judge of the High Court to order documents improperly stamped to be properly stamped. For those two things, *viz.*, the returning of spoilt stamps, and declaring the proper stamp for any document, there were good and sufficient rules laid down in the general Stamp Act. He thought, therefore, that it would be very desirable that the present Bill should have a reference to the Stamp Law. He thought, also, that considering there was only one High Court in each presidency town, and that the distinction between the Supreme and Sadr Courts was done away with, it was proper that the Council should consider whether any difference in the manner in which the Stamp Law was to be applied should exist. It would, he believed, be very advisable to consider both enactments together, but that could not be unless the revision of the Stamp Act was introduced at the same time as this Bill was under consideration. It would be in the recollection of the Council that, at the close of the last session, the Right Honourable Mr. Massey promised that the consideration of the revision of the Stamp Law would be taken up during the present session. It appeared to him (Mr. SHAW STEWART) that the consideration of the Bill before the Council would come on very well in connection with the revision of the Stamp Law. He would therefore ask the Right Honourable gentleman to be so good as to inform the Council whether he had applied, or intended to apply, for the permission of His Excellency the Governor General to take into consideration the revision of the Stamp Law, and thus to fulfil the promise made to the Council.

The Honourable Mr. MAINE asked His Excellency the President to read to the Council the first words of the nineteenth section of the Indian Councils' Act.

THE PRESIDENT having read the commencement of the section—

The Honourable Mr. MAINE said, it seemed quite clear that, both under the Statute and under its 8th Rule, the Council could only discuss measures that were at the time before it. The Rules of the Council laid down the process to be followed if any information should be required on a measure under consideration. The Member requiring the information was to apply to His Excellency the President, and the President would determine whether the