

Friday, September 23, 1870

ABSTRACT OF THE PROCEEDINGS

COUNCIL OF THE GOVERNOR GENERAL OF INDIA

LAWS AND REGULATIONS.

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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 Simla on Friday, the 23rd September 1870.

P R E S E N T :

His Excellency the VICEROY and GOVERNOR GENERAL of India, K.P.,
G.C.S.I., *Presiding.*

His Excellency the COMMANDER-IN-CHIEF.

The Hon'ble JOHN STRACHEY.

The Hon'ble SIR RICHARD TEMPLE, K.C.S.I.

The Hon'ble J. FITZJAMES STEPHEN, Q.C.

The Hon'ble B. H. ELLIS.

Major-General the Hon'ble H. W. NORMAN, C.B.

The Hon'ble F. R. COCKERELL.

MAULMAIN TIMBER DUTIES BILL.

The Hon'ble MR. STEPHEN presented the Report of the Select Committee on the Bill to legalize the levy of certain duties on timber imported into Maulmain.

PAPER CURRENCY BILL.

The Hon'ble SIR R. TEMPLE moved for leave to introduce a Bill to consolidate the laws relating to Paper Currency. This was merely intended to consolidate the four Acts (XIX of 1861, I of 1866, XXX of 1867, and XV of 1870) in which the law on the subject was now contained.

CIVIL COURTS BILL.

The Hon'ble MR. COCKERELL moved for leave to introduce a Bill to consolidate the laws relating to the Civil Courts in Bengal. He said that the consolidation of the law relating to the Civil Courts subordinate to the High Courts in lower Bengal and the North-Western Provinces was only partially effected by Act XVI of 1868.

That Act dealt only with the Courts of Principal Sadr Amins, Sadr Amins and Munsifs, in fact with all the District Civil Courts, except the District Judge's Court which was left untouched.

The law regarding the chief District (or zila) Courts was spread over the unrepealed fragments of about six Bengal Regulations and a single Act (L of 1860).

The Bombay Presidency, the Panjáb, and the various other territorial divisions of the Non-Regulation Provinces subject to a distinct Local Government had each their separate 'Courts Act' embracing the entire law respecting the constitution and jurisdiction of the Civil Courts within such Presidency or Division; and it had been proposed in Committee to extend the provisions of the Madras "District Munsifs Bill" so as to include, and thus effect the consolidation of the law relating to, all the Civil Courts subordinate to the High Court in the Madras Presidency.

Hence for the sake of general uniformity, no less than for the further development of the scheme of consolidation of the Statutes, it had become necessary to gather together in one Act the now scattered fragments of the law regarding the constitution and jurisdiction of the Civil Courts in Bengal.

As it was well known that very considerable alterations in our present judicial system had been proposed and had undergone much discussion, it seemed fit that he should state here that whatever stage the various questions therein raised might have reached in the deliberation of the Government, they were as yet far from ripe for legislative action, and no such changes were included in the amendments contemplated by the Bill. Those amendments were for the most part of an unimportant character, and chiefly confined to the

rectification of omissions in Act XVI of 1868, touching the jurisdiction of subordinate Judges and Munsifs.

In short the aim and object of the Bill, which he asked leave to introduce, were simply to make the law regarding the Civil Courts in Bengal as compact as the law on this subject already was, or very shortly would be, in respect of all other parts of the Empire.

The Council then adjourned to Friday, the 30th September 1870.

WHITLEY STOKES,

SIMLA;
The 23rd Sept. 1870. }

*Secy. to the Council of the Govr. Genl.
for making Laws and Regulations.*