

*Friday,  
3rd January, 1890*

ABSTRACT OF THE PROCEEDINGS  
OF THE  
Council of the Governor General of India,  
  
**LAWS AND REGULATIONS**

**Vol. XXIX**

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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,

1890

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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 Vict., cap. 67.*

The Council met at Government House on Friday, the 3rd January, 1890.

**PRESENT:**

His Excellency the Viceroy and Governor General of India, G.C.M.G.,  
G.M.S.I., G.M.I.E., *presiding*.

His Honour the Lieutenant-Governor of Bengal, K.C.S.I., C.I.E.

His Excellency the Commander-in-Chief, Bart., V.C., G.C.B., G.C.I.E., R.A.

The Hon'ble Lieutenant-General Sir G. T. Chesney, K.C.B., C.S.I., C.I.E.,  
R.E.

The Hon'ble A. R. Scoble, Q.C.; C.S.I.

The Hon'ble Sir C. A. Elliott, K.C.S.I.

The Hon'ble P. P. Hutchins, C.S.I.

The Hon'ble Sir D. M. Barbour, K.C.S.I.

The Hon'ble Sir Pasupati Ananda Gajapati Razu, K.C.I.E., Mahārājā of  
Vizianagram.

The Hon'ble Syud Ameer Hossein, C.I.E.

The Hon'ble Rājā Durga Churn Laha, C.I.E.

The Hon'ble G. H. P. Evans.

The Hon'ble Muhammad Ali Khan.

The Hon'ble R. J. Crosthwaite.

The Hon'ble Sir A. Wilson, Kt.

**ACT XXV OF 1867 AMENDMENT BILL.**

The Hon'ble MR. HUTCHINS moved that the Bill to amend Act XXV of 1867 (*Printing-presses and Books*) be referred to a Select Committee consisting of the Hon'ble Mr. Scoble, the Hon'ble Syud Ameer Hossein, the Hon'ble Mr. Crosthwaite and the mover, with instructions to report within two months.

The Motion was put and agreed to.

**CENTRAL PROVINCES CIVIL COURTS ACT, 1885, AMENDMENT BILL.**

The Hon'ble MR. CROSTHWAITE moved for leave to introduce a Bill to amend the Central Provinces Civil Courts Act, 1885. He said:—

“The measure, my Lord, which I ask leave to introduce is a very simple one

1885.

[Mr. Crosthwaite.]

[3RD JANUARY,

and is intended to facilitate the disposal of business by the Civil Courts in places where there are Courts which have the powers of Courts of Small Causes. Section 13 of the Central Provinces Civil Courts Act, 1885, empowers the Chief Commissioner to confer upon the Court of an Assistant Commissioner of the first or of the second class the jurisdiction of a Judge of a Court of Small Causes in suits of a value not exceeding a specified amount. If, however, this jurisdiction is conferred on the Court of an Assistant Commissioner, it follows that, by reason of the provisions of sections 16 and 32 of the Provincial Small Cause Courts Act, 1887, that Court will have exclusive jurisdiction in suits which are cognizable by a Court of Small Causes. Now, in the Central Provinces, a large amount of petty litigation is disposed of by the Courts of the Tahsildar and Naib-tahsildar. The Courts of the Tahsildar have jurisdiction in suits of which the value does not exceed Rs. 300, and the Naib-tahsildar may be invested with power to try Small Cause Court cases of a value not exceeding Rs. 50. Consequently, if an Assistant Commissioner is invested with Small Cause Court powers within a local area, many of the cases disposed of by the Tahsildar and all the cases cognizable by the Naib-tahsildar within that area will have to be dealt with by the Assistant Commissioner. The result then of investing the Assistant Commissioner with the powers of a Court of Small Causes would be to remove a number of petty cases from the inferior Courts, to deprive the Naib-tahsildar of his jurisdiction, and at the same time to impose more work on the Assistant Commissioner than he could dispose of. It has not, therefore, been found practicable to carry out the intention of the Legislature and to confer upon Assistant Commissioners the powers of a Court of Small Causes. As the law stands, the Local Government must either refrain from investing them with those powers, or it must transfer to the superior and more expensive Courts a mass of petty litigation which is now satisfactorily disposed of by the inferior Courts. To meet this difficulty the Bill proposes to amend section 16 of the Central Provinces Civil Courts Act, so as to enable the Commissioner or Deputy Commissioner to distribute the business of the Civil Courts as he thinks fit notwithstanding the provisions of the Provincial Small Cause Courts Act regarding the exclusive jurisdiction of Courts of Small Causes and Courts invested with the powers of a Court of Small Causes. It will thus be possible to arrange so that all Small Cause Court suits exceeding in value a certain amount shall be disposed of by an Assistant Commissioner as a Small Cause Court, while all such suits of a lower value are left to be dealt with by the Tahsildar and Naib-tahsildar. It is

AMENDMENT OF CENTRAL PROVINCES CIVIL COURTS ACT, 3  
1885.

1890.] [Mr. Crosthwaite.]

considered that a more extensive use of Small Cause Courts will be of advantage to the public. The civil business will be more promptly disposed of, and at the same time relief will be afforded to the Appellate Courts."

The Motion was put and agreed to.

The Hon'ble MR. CROSTHWAITE also introduced the Bill.

The Hon'ble MR. CROSTHWAITE also moved that the Bill and Statement of Objects and Reasons be published in the Gazette of India in English, and in the Central Provinces Gazette in English and in such other languages as the Local Administration thinks fit.

The Motion was put and agreed to.

The Council adjourned to Thursday, the 16th January, 1890.

S. HARVEY JAMES,

Secretary to the Govt. of India,  
Legislative Department.

FORT WILLIAM; }  
The 3rd January, 1890. }