

ACT NO. XVI OF 1895.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

*(Received the assent of the Governor General on the 10th
October, 1895.)*

An Act to repeal certain obsolete Enactments
and to amend certain other Enactments.

WHEREAS it is expedient that certain enactments specified in the first schedule to this Act, which are spent, or have ceased to be in force otherwise than by express, specific repeal, or have by lapse of time or otherwise become unnecessary, should be expressly and specifically repealed ;

And whereas it is also expedient that certain formal amendments should be made in the enactments specified in the second schedule to this Act ;

It is hereby enacted as follows :—

Title, extent
and com-
mencement.

1. (1) This Act may be called the Repealing and Amending Act, 1895.

(2) It extends to the whole of the territories administered by the Governor of Bombay in Council ;
and

(3) It shall come into force at once.

Enactments
in first and
second sched-
ules re-
pealed and
amended
respectively.

2. (1) The enactments specified in the first schedule are hereby repealed to the extent mentioned in the fourth column thereof.

(2) The enactments specified in the second schedule shall be modified to the extent and in the manner mentioned in the fourth column thereof.

Savings.

3. The repeal by this Act of any enactment shall not affect any Statute, Act or Regulation in which such enactment has been applied, incorporated or referred to ;

and

and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred, or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing;

nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed by, recognized in or derived from any enactment hereby repealed;

nor shall the repeal by this Act of any enactment provide or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

THE

THE FIRST SCHEDULE.

ENACTMENTS REPEALED.

A description or citation of a portion of an Act or Regulation includes the words, section or other part mentioned or referred to as forming the beginning or as forming the end of the portion comprised in such description or citation.

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.

Part I.—Acts of the Governor General in Council.

1860	XLVIII	Police, Bombay Town	In section 7, <i>the words from and, if the offender to the end of the section.</i> Section 27.
1876	X	Bombay Revenue Jurisdiction Act, 1876.	Section 1, clause (c).
„	XX	Bhaunagar Act, 1876	Section 3.
1879	XVII	Dekkhan Agriculturists' Relief Act, 1879.	In section 3, clause (a), <i>the words and figures on or after the first day of November, 1879.</i> In clause (b) of the same section, <i>the words and</i> instituted on or after the same date. In section 5, <i>the words and figures from and any such jurisdiction to the end of the section.</i>
1881	XXIII	Dekkhan Agriculturists' Relief Act, 1881.	Sections 6 and 8.
1882	XXII	Dekkhan Agriculturists' Relief Act, 1882.	Sections 3, 7, 11 and 12. In section 14, <i>the word and figures and 52.</i>
1886	XXIII	Dekkhan Agriculturists' Relief Act, 1886.	Section 4.
1889	XIV	Indemnity to certain witnesses.	The whole.

Part II.—Acts of the Governor of Bombay in Council.

1863	II	Exemptions from land-revenue.	In section 11, clause First, <i>the words of the same.</i> Section 12.
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THE FIRST SCHEDULE—continued.

1	2	3	4
Year.	No.	Subject or title,	Extent of repeal.

Part II.—Acts of the Governor of Bombay in Council—continued.

1863	III	Satara, etc.	In the title, <i>the words from</i> certain lands to taluka Kundapur. In the preamble, <i>the words and figures from</i> and whereas lands to it is expedient that the district so transferred should be brought under the Regulations and Acts of the Presidency of Bombay. Section 4, clause <i>Second</i> .
1865	III	Wagers	Section 4.
1866	I	Extending Bombay Act I of 1865 to Sind.	The whole.
"	VIII	Sale of Poisons	In sections 3, 4 and 13, <i>the word the where it occurs before the word Schedule</i> .
"	XII	Sind Courts	Sections 13 and 14.
"	XIV	Edulábád and Warangaon	In section 3, <i>the words and figures from as amended to Bombay</i> .
1871	II	Duties on non-agriculturists.	So much as has not been repealed.
1872	II	Repayment of loan to Bombay Corporation.	So much as has not been repealed.
1873	VI	Bombay District Municipal Act.	In the heading to Part VIII, <i>the word Appeals</i> . Section 21, clause (4).
1874	III	Bombay Hereditary Offices Act.	In section 77, <i>the word Revenue</i> . Section 14, clause (2). Section 15, clause (2).
1875	III	Tolls on Roads and Bridges.	Section 2. In section 3, <i>the words from Until such rates to this Act</i> .
1876	III	Mamlatdars' Courts Act, 1876.	In section 3, clause (1), <i>the words and figures from or who to the end</i> .

THE FIRST SCHEDULE—continued.

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.

Part II.—Acts of the Governor of Bombay in Council—continued.

1877	.	I	Bombay Vaccination Act, 1877.	In section 7, <i>the word and at the end of the second paragraph, and the whole of the third paragraph.</i>
1878	.	V	Bombay Abkari Act, 1878	Section 2 and the schedule. In section 3, clause (9), <i>the word Indian.</i> Sections 64, 65 and 66.
1879	.	IV	Karachi Vaccination Act, 1879.	In section 7, <i>the word and at the end of the second paragraph, and the whole of the third paragraph.</i>
"	.	V	Bombay Land-revenue Code, 1879.	In section 1, the last two sentences. The fourth paragraph of section 4, and the third paragraph of section 7. In sections 8 and 11, <i>the words of the district, and in section 10 the words of a district.</i> In section 12, the last sentence. In section 14, the last sentence. In section 17, <i>the words from and, pending to required to keep.</i> In section 22, the last sentence. In section 132, the last sentence. Schedule A, so far as it relates to Bombay Act I of 1866.
"	.	VII	Bombay Irrigation Act, 1879.	Section 33.
1880	.	III	Repealing certain sections of Bombay Act VII of 1879.	The whole.
1882	.	I	Repealing Bombay Act VII of 1878.	The whole.
"	.	VII	Bombay Landing and Wharfage Fees Act, 1882.	In section 4, <i>the words the Commissioner in Sind, the Political Resident at Aden and.</i> Section 11.
1883	.	V	Bombay Public Authorities' Seals Act, 1883.	In the preamble, <i>the words and figures from to extend to so as, and the words other and besides Magistrates.</i> In section 3, <i>the words Courts and other.</i>

THE FIRST SCHEDULE—continued.

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.

Part II.—Acts of the Governor of Bombay in Council—continued.

1884	I	Bombay Local Boards Act, 1884.	In section 44, clause (d), the words and figures or by order of the Governor in Council under section 42.
	II	Bombay District Municipal Act Amendment Act, 1884.	The second proviso to section 3.
1885		Legalizing the payment by the Trustees of the Port of Bombay of certain arrears of interest due to the Government.	The whole.
"	IV	Amendment of Bombay Acts I (Local Boards) and II (District Municipalities) of 1884.	Sections 2 and 4.
1886		Bombay General Clauses Act, 1886.	Section 2, first paragraph. In section 3, clause (5), the words other than the Settlement of Prince of Wales' Island, Singapore and Malacca. So much of Schedule A as has not been repealed. So much of Schedule B as relates to Bombay Acts I of 1862, V of 1862, VI of 1862, I of 1863, III of 1863, V of 1863, VI of 1863, VII of 1866, VIII of 1866, XII of 1866, XIII of 1866, VI of 1867, II of 1868, III of 1869, II of 1871, I of 1872, VI of 1873, I of 1874, II of 1874, III of 1874, III of 1875, II of 1876, III of 1876, I of 1877, IV of 1879, V of 1879, VI of 1879, VII of 1879, I of 1880, I of 1883, II of 1883, I of 1884 and II of 1884.
1886	V	Hereditary Offices (amending Bombay Act III of 1874).	Section 4.
1887	IV	Bombay Prevention of Gambling Act, 1887.	Section 2 and the schedule.

THE FIRST SCHEDULE—*continued.*

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.

Part II.—Acts of the Governor of Bombay in Council—continued.

1888	I	Amendment of Bombay Acts I (Local Boards) and II (District Municipalities) of 1884.	Section 2.
"	III	City of Bombay Municipal Act, 1888.	In section 5, <i>the words and figures</i> On and after the first day of April, 1889. Section 6, sub-section (1). In section 19, sub-section (1), <i>the words and figures</i> On or before the first day of October, 1888, and <i>also the word</i> thereafter. Section 22, sub-section (2). In section 34, in sub-section (1), <i>the words</i> not being one of the first general elections held in accordance with this Act, and, in sub-section (2) <i>the words</i> of a first general election held in accordance with this Act, or. In section 35, the whole of sub-section (1) and the first word of sub-section (2). In section 39, in sub-section (2), the first sentence, <i>and the words</i> then or thereafter; and, in sub-section (3), the first sentence <i>and the word</i> thereafter. In section 79, sub-section (1), <i>the words</i> as soon as may be after this Act comes into force, and afterwards. The whole of Schedule R except section 7 thereof.
"	IV	City of Bombay Municipal Act Amendment Act, 1888.	Section 7.
"	V	Aden Port Trust Act, 1888	Section 9. In section 19, <i>the words from</i> Until a schedule to directed under this Act. In section 25, sub-section (1), <i>the words and figure</i> upon and after the date notified by the Governor in Council under section 9. In sections 37 and 39, <i>the words</i> after the date on which this Act comes into force.

THE FIRST SCHEDULE—continued.

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.

Part II.—Acts of the Governor of Bombay in Council—concluded.

1888	V —contd.		In section 40, sub-section (3), <i>the figures</i> 1881. Section 40, sub-section (4). Section 81.
"	VI	Gujarát Taluqdars Act, 1888.	Section 3.
1890	II	Bombay Salt Act, 1890	In section 1, sub-section (2), <i>the words from but to</i> in this behalf. Section 9.
"	IV	Bombay District Police Act, 1890.	In section 2, first paragraph, the last fifteen words. Section 82.
1891	I	Amendment of the Bombay General Clauses Act, 1886.	Section 1.
"	II	Bombay Boiler Inspection Act, 1891.	In section 28, clause (c), <i>the words to the</i> inspector.
1892	I	Bombay District Vaccination Act, 1892.	Section 33, sub-section (2).

Part III.—Regulations of the Bombay Code.

1827	II	Pleaders	In section 50, clause Third, <i>the words and figures from</i> under the rules to Regulation. In section 51, clause Second, <i>the words</i> rules contained in the <i>and the words and figures</i> according to section 56 of this Regulation. In section 56, <i>the words and figures from</i> under the rules to Regulation.
1834	I	Abolition of office of Deputy Agent for Sardars in Dekkhan.	So much as has not been repealed.

THE FIRST SCHEDULE—concluded.

1	2	3	4
Year.	No.	Subject or title.	Extent of repeal.

Part IV.—Regulations made under 33 Vict., c. 3.

1887	XI	Aden Pilgrims and Paupers Regulation, 1887.	Section 2, clause (1).
1892	III	Sind Frontier Regulation, 1892.	Section 2, sub-section (1).

THE SECOND SCHEDULE.

ENACTMENTS AMENDED.

1	2	3	4
Year.	No.	Subject or title.	Amendment.

Part I.—Acts of the Governor of Bombay in Council.

1863	II	Exemptions from land-revenue.	In section 5, clause <i>First</i> , first proviso, <i>for or after nazrāna read on</i> . In section 11, clause <i>Third</i> , <i>for collect- orate read district</i> .
"	V	Bombay Gas Company	In section 7, <i>for the words and figures under Act XIV of 1856 read in Muni- cipalities under the law for the time being in force</i> .
"	VI	Public Conveyances (Bom- bay Town, Suburbs and Harbour).	In section 18, <i>for laws read law</i> .
"	VII	Exemptions from land- revenue.	In section 18, clause <i>Second</i> , and section 19, clause <i>Fifth</i> , <i>for the Stamp Act read the Court-fees Act, 1870</i> .
1867	VI	Sanitary Regulation, Bom- bay City.	In section 4, <i>for the appended schedule read Schedule A</i> . In section 8, <i>between the words may and require insert by an order in writing in the form given in Schedule B</i> .
1869	III	Bombay Local Funds Act, 1869.	In section 7, <i>after defined in insert the</i> . In section 7, clause 1, <i>after laid down in insert the</i> . In section 8, <i>after occupants of land under insert the</i> .
1873	VI	Bombay District Muni- cipal Act.	In section 53, clause 1, <i>for quarry read quay</i> .
1874	III	Bombay Hereditary Offices Act.	In the definition of "officiator" in sec- tion 4, <i>after provisions insert of this Act</i> . In section 10, <i>after the date insert of this Act</i> . In section 73, clause 2, <i>after provisions insert of this Act</i> .
1876	II	Bombay City Land-rev- enue Act, 1876.	In section 6, <i>for in India read of India</i> .

THE SECOND SCHEDULE—*continued.*

1	2	3	4
Year.	No.	Subject or title.	Amendment.

Part I.—Acts of the Governor of Bombay in Council—continued.

1877	I	Bombay Vaccination Act, 1877.	In section 3, <i>after</i> purposes insert of this Act. In section 28, for in the manner prescribed by Act XIII of 1856 (<i>for regulating the Police of the towns of Calcutta, Madras and Bombay</i>) and Act XLVIII of 1860 (<i>to amend Act XIII of 1856</i>) or any other Act for the time being in force regulating the Police of the City of Bombay, read in the manner provided by the law for the time being in force for the recovery of fines imposed by Criminal Courts. In Schedule D, for ten rupees read fifty rupees.
1879	IV	Karachi Vaccination Act, 1879.	In section 20, for to where the word occurs before fine read with. In Schedule D, for ten rupees read fifty rupees.
"	V	Bombay Land-revenue Code, 1879.	In section 61, for an incomplete portion read a portion. In section 99, clause (b), for their, the first time that word occurs, read the. In the second paragraph of section 104, before revised insert original or. In section 211, for the word and where it precedes the words Assistant Superintendent of Survey read an.
1882	IV	Bombay Town Police (amending Act XLVIII of 1860).	In section 1, for the words and figures sections are substituted for sections 17 and 18 of Act XLVIII of 1860, which are, read section is substituted for section 18 of Act XLVIII of 1860, which is.
"	VII	Landing and Wharfage Fees.	In section 2, for the words It shall extend—(a) to the Ports of Karachi and Aden; (b) to any other ports read it shall extend to any ports.
1883	I	Bombay Highway Act, 1883.	In section 5, for municipalities read municipality.

THE SECOND SCHEDULE—concluded.

1	2	3	4
Year.	No.	Subject or title.	Amendment.

Part I.—Acts of the Governor of Bombay in Council—concluded.

1884	II	Bombay District Municipal Act Amendment Act, 1884.	In section 4, clause (3), <i>before coming and before and the like insert of this Act.</i>
1886	III	Bombay General Clauses Act, 1886.	In column 4 of Schedule B, <i>opposite Act VII of 1867, section 44, after of Police insert (where the words first occur).</i>
1888	III	City of Bombay Municipal Act, 1888.	In section 35, sub-section (2), <i>for appointment read appointments.</i> In section 471, <i>for 418 read 428.</i>
„	V	Aden Port Trust Act, 1888	In section 19, in clause (c) of the proviso, <i>for the words day aforesaid read 31st March, 1889, and for the words and figure date notified by the Governor in Council under section 9 read 1st April, 1889.</i> In section 20, in clause (b) of the proviso, <i>for the words and figure date notified by the Governor in Council under section 9 read 1st April, 1889.</i>

Part II.—Regulations of the Bombay Code.

1827	II	Pleaders	In section 51, <i>for dismissal read dismissal.</i>
1830	VII	Southern Maratha Country	In the preamble, <i>for the words and figures Regulations XXIX and XXX read Regulation XXIX.</i> In section 2, <i>for the words and figures Regulations XXIX of 1827 and XXX of 1827 read Regulation XXIX of 1827, and for the words the following sections read section 5.</i>