

## ACT No. XVIII OF 1919.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL.]

*(Received the assent of the Governor General on the 17th  
September, 1919.)*

An Act to amend certain enactments and to  
repeal certain other enactments.

**W**HEREAS it is expedient that certain formal amendments should be made in the enactments specified in the First Schedule;

And whereas it is also expedient that certain enactments specified in the Second Schedule 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express specific repeal, or have by lapse of time or otherwise become unnecessary, should be expressly and specifically repealed;

It is hereby enacted as follows:—

Short title.

**1.** This Act may be called the Repealing and Amending Act, 1919.

Amendment of certain enactments.

**2.** The enactments specified in the First Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof.

Repeal of certain enactments.

**3.** The enactments specified in the Second Schedule are hereby repealed to the extent mentioned in the fourth column thereof.

Savings.

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

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

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the same respectively may have been in any manner affirmed, recognised or derived by, in or from any enactment hereby repealed ;

nor shall the repeal by this Act of any enactment revive 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 FIRST SCHEDULE.

AMENDMENTS.

(See section 2.)

1	2	3	4
Year.	No.	Short title.	Amendments.
1865	X	The Indian Succession Act, 1865.	<p>In section 256, after the word "administration" the words and figures "other than a grant under section 212" shall be inserted.</p> <p>After section 264, the following sections shall be inserted, namely :—</p> <p>" 264 A. The High Court may, on application made to it, suspend, remove or discharge any private executor or administrator and provide for the succession of another person to the office of any such executor or administrator who may cease to hold office, and the vesting in such successor of any property belonging to the estate.</p>

264 B. Where

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THE FIRST SCHEDULE—*contd.*

## AMENDMENTS.

(See section 2.)

1	2	3	4
Year.	No.	Short title.	Amendments.
1865	X	The Indian Succession Act, 1865— <i>contd.</i>	<p>264 B. Where probate or letters of administration in respect of any estate have been granted under this Act, the High Court may, on application made to it, give to the executor or administrator any general or special directions in regard to the estate or in regard to the administration thereof."</p> <p>After section 269, the following sections shall be inserted, namely:—</p> <p>"269A. An executor or administrator may in addition to, and not in derogation of, any other powers of expenditure lawfully exercisable by him, incur expenditure—</p> <p>(a) on such acts as may be necessary for the proper care and management of any property belonging to any estate administered by him, and</p> <p>(b) with the sanction of the High Court, on such religious, charitable and other objects, and on such improvements, as may be reasonable and proper in the case of such property.</p> <p>269B. An executor or administrator shall not be entitled to receive or retain any commission or agency charges at a higher rate than that for the time being fixed in respect of the Administrator General by or under the Administrator General's Act, 1913."</p>

THE FIRST SCHEDULE—*contd.*

AMENDMENTS.

(See section 2.)

1	2	3	4
Year.	No.	Short title.	Amendments.
1869	IV	The Indian Divorce Act, 1869.	In clause (1) of section 3, for the words "Chief Court of the Punjab" the words "High Court of Judicature at Lahore" shall be substituted.
1870	VII	The Court-fees Act, 1870.	In Article 13 of Schedule I, for the words "Chief Court in the Punjab" the words "High Court of Judicature at Lahore" shall be substituted.
1872	I	The Indian Evidence Act, 1872.	In section 1, after the words "Courts-martial" the words "other than Courts-martial convened under the Army Act" shall be inserted.
1881	V	The Probate and Administration Act, 1881.	<p>After section 87, the following sections shall be inserted, namely:—</p> <p>"87A. The High Court may, on application made to it, suspend, remove or discharge any private executor or administrator, and provide for the succession of another person to the office of any such executor or administrator who may cease to hold office, and the vesting in such successor of any property belonging to the estate.</p> <p>87B. Where probate or letters of administration in respect of any estate have been granted under this Act, the High Court may, on application made to it, give to the executor or administrator any general or special directions in regard to the estate or in regard to the administration thereof."</p>

THE FIRST SCHEDULE—*contd.*

## AMENDMENTS.

(See section 2.)

1	2	3	4
Year.	No.	Short title.	Amendments.
1881	V	The Probate and Administration Act, 1881— <i>contd.</i>	<p>After section 90, the following sections shall be inserted, namely:—</p> <p>“90A. An executor or administrator may in addition to, and not in derogation of, any other powers of expenditure lawfully exercisable by him, incur expenditure—</p> <p>(a) on such acts as may be necessary for the proper care and management of any property belonging to any estate administered by him, and</p> <p>(b) with the sanction of the High Court, on such religious, charitable and other objects, and on such improvements, as may be reasonable and proper in the case of such property.</p> <p>90B. An executor or administrator shall not be entitled to receive or retain any commission or agency charges at a higher rate than that for the time being fixed in respect of the Administrator General by or under the Administrator General's Act, 1913.”</p>
1887	XVI	The Punjab Tenancy Act, 1887.	In sections 84, 99, 100 and 105, for the words “Chief Court” wherever those words occur in the said sections the words “High Court” shall be substituted.
“	XVII	The Punjab Land-revenue Act, 1887.	In clauses (d) and (e) of subsection (2) of section 117, for the words “Chief Court” the words “High Court” shall be substituted.

THE FIRST SCHEDULE—contd.

AMENDMENTS.

(See section 3).

1	2	3	4
Year.	No.	Short title.	Amendments.
1890	IX	The Indian Railways Act, 1890.	<p>In sub-section (3) of section 26 for the words "in the case of the Chief Court of the Punjab, the Senior Judge or, in the case of the Court of the Recorder of Rangoon, the Chief Commissioner of Burma" the words "in the case of the Chief Court of Lower Burma, the Chief Judge" shall be substituted.</p> <p>For sub-section (2) of section 31, the following shall be substituted, namely:—</p> <p>"(2) Subject to the provisions of sub-section (1), an appeal shall lie from an order of the Commissioners to the High Court of which the Law Commissioner was a member."</p>
1897	X	The General Clauses Act, 1897.	<p>Section 8 shall be re-numbered section 8 (1), and to the said section the following sub-section shall be added, namely:—</p> <p>"(2) Where any Act of Parliament repeals and re-enacts, with or without modification, any provision of a former enactment, then references in any Act of the Governor General in Council or in any Regulation or instrument to the provision so repealed shall, unless a different intention appears, be construed as references to the provision so re-enacted."</p> <p>After section 13 the following section shall be inserted, namely:—</p> <p>"13A. In all Acts of the Governor General in Council and Regulations, references to the Sovereign or to the Crown shall, unless a different intention appears, be construed as references to the Sovereign for the time being."</p>

THE FIRST SCHEDULE—*contd.*

## AMENDMENTS.

*(See section 2).*

1	2	3	4
Year.	No.	Short title.	Amendments.
1897	X	The General Clauses Act, 1897— <i>contd.</i>	In sub-section (1) of section 14, the words "on the Government" shall be omitted, and after the word "then" the words "unless a different intention appears" shall be inserted.
1898	V	The Code of Criminal Procedure, 1898.	In clause (j) of sub-section (1) of section 4, the word "and" where it occurs between the words "Allahabad" and "Patna" shall be omitted, and for the words "the Chief Court of the Punjab" the words "and Lahore" shall be substituted.
1899	II	The Indian Stamp Act, 1899.	In clause (c) of sub-section (1) of section 57, for the words "Chief Court of the Punjab" the words "High Court of Judicature at Lahore" shall be substituted.
1900	XIII	The Punjab Alienation of Land Act, 1900.	In sub-sections (2) and (3) of section 21A, for the words "Chief Court" the words "High Court" shall be substituted.
1908	V	The Code of Civil Procedure, 1908.	In section 122, for the words "Chief Courts of the Punjab and Lower Burma" the words "Chief Court of Lower Burma" shall be substituted. In sub-section (1) of section 123 for the words "Chief Courts" the words "of the Chief Court" shall be substituted. In clause (a) of sub-section (2) of section 123 for the words and brackets "(in the Punjab or Burma)" the words and brackets "(in Burma)" shall be substituted.
"	IX	The Indian Limitation Act, 1908.	In Article 158 of the First Schedule, for the entry in the third column the following shall be substituted, namely:— "When the award is filed in Court and notice of the filing has been given to the parties."

THE FIRST SCHEDULE—*conold.*

AMENDMENTS.

(See section 2).

1	2	3	4
Year.	No.	Short title.	Amendments.
1910	XV	The Cantonments Act, 1910.	For section 6, the following section shall be substituted, namely:— “6. The Local Government shall appoint as the Cantonment Magistrate a person who has been appointed to be a Magistrate in the district under section 12 of the Code of Criminal Procedure, 1898. Such Cantonment Magistrate shall be subordinate to the District Magistrate or to the District Magistrate and the Sub-divisional Magistrate, as the case may be, under section 17 of that Code.”
1911	VIII	The Indian Army Act, 1911.	For section 67, the following section shall be substituted, namely:— “67. No trial by a court-martial of any person subject to this Act for any offence shall be commenced after the expiration of three years from the date of such offence unless the trial of such offender could not, by reason of absence or some other manifest impediment, be commenced within that period; in which case the trial may be commenced at any time not exceeding two years after such impediment has ceased.”
1913	II	The Official Trustees Act, 1913.	In section 9, for the words “such testator” the words “the testator” shall be substituted.
1915	VII	The Delhi Laws Act, 1915.	In the proviso to section 3, for the words “Chief Court of the Punjab” the words “High Court of Judicature at Lahore” shall be substituted.
1918	VII	The Indian Income-tax Act, 1918.	In sub-sections (2) and (3) of section 51, for the words “Revenue-authority” wherever they occur, the words “Chief Revenue-authority” shall be substituted.

THE SECOND SCHEDULE



## THE SECOND SCHEDULE.

## REPEALS.

(See section 3.)

1	2	3	4
Year.	No.	Short title.	Extent of repeal.
		<i>Acts of the Governor</i>	<i>General of India in Council.</i>
1866	XXVII	The Indian Trustees Act, 1866.	In section 2, in the definition of "High Court" the words "the Chief Court of the Punjab and."
"	XXVIII	The Trustees' and Mortgagees' Powers Act, 1866.	In section 1, in the definition of "High Court", the words "the Chief Court of the Punjab and."
1871	XXII	The Bengal Chaukidari (Amendment) Act, 1871.	The whole Act, so far as it applies to the United Provinces of Agra and Oudh.
1876	XVIII	The Oudh Laws Act, 1876.	In Part II of the Second Schedule, the entries relating to Acts XX of 1856 and XXII of 1871.
1879	XVIII	The Legal Practitioners Act, 1879.	In sub-section (4) of section 41 the words "the Chief Court of the Punjab and."
1897	X	The General Clauses Act, 1897.	Clause (23) of section 3.  In sub-section (1) of section 4 the words "Her Majesty or the Queen."
1898	V	The Code of Criminal Procedure, 1898.	In clause (d) of sub-section (1) of section 4 the words "the Chief Judge of the Chief Court of the Punjab and".  In sections 266 and 365 the words "the Chief Court of the Punjab".  In sub-section (1) of section 364 the words "or the Chief Court of the Punjab".
1902	V	The Administrators General and Official Trustees Act, 1902.	So much as is unrepealed.
1908	I	The Legal Practitioners (Amendment) Act, 1908.	Section 2.

THE SECOND SCHEDULE—*conold.*

## REPEALS.

*(See section 3.)*

1	2	3	4
Year.	No.	Short title or subject.	Extent of repeal.
1912	IV	The Indian Lunacy Act, 1912.	In section 85, the word "any" where it first occurs.
	<i>Acts of</i>	<i>the Lieutenant-Governor of the United Provinces of Agra and Oudh</i>	<i>in Council.</i>
1906	IV	Repealing the North-Western Provinces and Oudh, Kanungos and Patwaris Act, 1889.	The whole Act.
1910	I	The United Provinces Water-works (Amendment) Act, 1910.	The whole Act.