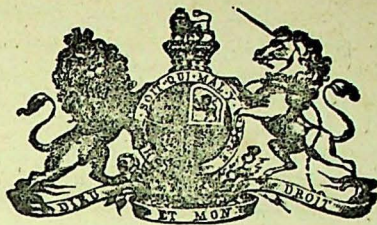


THE



Bombay Government Gazette.

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Separate paging is given to this Part, in order that it may be filed as a separate compilation.

PART V.

PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

The following Bill, together with the Statement of Objects and Reasons accompanying it, is published in accordance with Rule 15 of the Rules for the conduct of Business at Meetings of the Council of His Excellency the Governor of Bombay for making Laws and Regulations:—

Bill No. 3 of 1885.

A Bill to amend the Bombay General Clauses Act, 1866, and to shorten the language of the enactments of the Governor of Bombay in Council.

Whereas it is expedient to amend the Bombay General Clauses Act, 1866, and to make other provisions for shortening the language of the enactments of the Governor of Bombay in Council and for explaining their meaning; It is enacted as follows:—

1. This Act may be cited as "The **Bombay General Clauses Act, 1885.**"
Short Title.
2. The Acts of the Governor of Bombay in Council mentioned in Schedule A are repealed to the extent specified in the third column of the said schedule.

The words quoted in the fourth column of Schedule B from the enactments made by the Governor of Bombay in Council respectively mentioned in the previous

columns of the said schedule are repealed, and, where such intention is expressed in the said schedule, the words contained in the fifth column thereof shall be deemed to be substituted respectively for the words so repealed.

3. In this Act and in all Regulations and Acts made by the Governor of Bombay in Council, unless a different intention is expressed in such Regulation or Act or appears from the subject or context:—

(1) words importing the masculine gender include females; Act I. of 1866 s. 2 (1).

(2) words in the singular include the plural and vice versa; Act I. of 1866 s. 2 (2).

- Act I. of 1868, s. 2 (3). (3) "person" includes a company or association or body of individuals, whether incorporated or not;
"Person."
- Act I. of 1868, s. 2 (4). (4) "year" and "month" mean, respectively, a year and a month reckoned according to the British calendar;
"Year" and "Month."
- Act I. of 1868, s. 2 (3). (5) "British India" means the territories for the time being vested in Her Majesty by the Statute 21 and 22 Victoria, Chapter 106 (*an Act for the better Government of India*), other than the settlement of Prince of Wales' Island, Singapore and Malacca;
"British India."
- Bo. Act X. of 1866, s. 1 (12). (6) "presidency of Bombay" means the territories for the time being under the administration of the Governor of Bombay in Council;
"Presidency of Bombay."
- Bo. Act X. of 1866, s. 1 (10). (7) "city of Bombay" means the local limits for the time being of the ordinary original civil jurisdiction of the Bombay High Court of Judicature;
"City of Bombay."
- Act I. of 1868, s. 2 (7). (8) "Her Majesty" includes Her heirs and successors to the Crown;
"Her Majesty."
- Act I. of 1868, s. 2 (9). (9) "Government of India" means, in respect of the powers which may be lawfully exercised by them or him respectively, the Governor General of India in Council or, during the absence of the Governor General of India from his Council, the President in Council, or the Governor General of India alone;
Government of India.
- Bo. Act X. of 1866, s. 1 (6). (10) "Government" means the Governor of Bombay in Council;
"Government."
- Bo. Act I. of 1884, s. 3 (2). (11) "Commissioner" means, in Sind, the Commissioner in Sind and elsewhere the Commissioner of a division appointed under the Bombay Land Revenue Code, 1879, or any other law for the time being in force in this behalf.
"Commissioner."
- Bo. Act III of 1873, s. 2, &c., &c. (12) "Collector" means, in the city of Bombay, the Collector of Bombay and elsewhere, the chief local officer in charge of the revenue administration of a district;

- Act I. of 1868, s. 2 (13). (13) "Magistrate" means any person exercising magisterial powers under the Code of Criminal Procedure;
"Magistrate."
- Act I. of 1868, s. 2 (18). (14) "imprisonment" means imprisonment of either description as defined in the Indian Penal Code;
"Imprisonment."
- Act I. of 1868, s. 2 (15). (15) "immoveable property" includes land, benefits to arise out of land and things attached to the earth or permanently fastened to anything attached to the earth;
"Immoveable property."
- Act I. of 1868, s. 2 (6). 16. "moveable property means property of every description, except immoveable property";
"Moveable property."
- Bo. Act VI. of 1867, s. 15. Bo. Act VII. of 1873, s. 1. Bo. Act VI. of 1884, s. 3 (3). Act VI. of 1884, s. 5 (1). (17) "vessel" means anything made for the conveyance by water of human beings or of property;
"Vessel."
- Act I. of 1868, s. 2 (17). (18) in every case in which a person is by law allowed to affirm or to declare instead of swearing, "oath" includes an affirmation and "affidavit" includes a declaration and to "swear" includes to affirm or declare;
"Oath," "affidavit," "swear."
- Act I. of 1868, s. 2 (15). (19) "chapter", "part", "section" and "schedule" mean, respectively, a chapter, part or section of, and a schedule annexed to the enactment in which the word occurs;
"Chapter", "Part", "Section" and "Schedule".
- Act I. of 1868, s. 3 (2) and (3). (20) "from" and "to", when used with reference to a series of days or other periods of time, include, respectively, the first and the last of the days or other periods in such series.
"From" and "To".
- Act I. of 1868, s. 3 (1). Bo. Act X. of 1866, s. 2. 4. No provision of any Regulation or Act which has been repealed shall be deemed to be revived by any enactment of the Governor of Bombay in Council unless such intention is expressly stated in the enactment.
Revival of repealed enactments.
- Act I. of 1868, s. 6. 5. The repeal of any Regulation or Act by any enactment of the Governor of Bombay in Council shall not be deemed to affect anything done or any offence committed or any fine or penalty incurred or any pro-
Matters done under an enactment before its repeal to be unaffected by the repeal.

ceeding commenced before the repealing enactment came or comes into force.

Bo. Act X. of 1866, s. 4.

6. Whenever in any enactment of the Governor of Bombay in Council or in any rule passed under any such enactment it is directed that any order, notification or other matter shall be notified or published, such notification or publication shall, unless the enactment otherwise provides, be deemed to be duly made if it is published in the *Bombay Government Gazette*.

Bo. Act X. of 1866, s. 7.

7. Whenever in any Act of the Governor of Bombay in Council no time is mentioned at which the same shall come into force, such Act shall be deemed to have come into force or shall come into force, as the case may be, upon the first publication by the Governor of Bombay of the assent of the Governor General of India thereto.

In every such Act the date of the said publication shall be printed either above or below the title of the Act and shall form part of such Act.

Bo. Act X. of 1866, s. 6.

8. Whenever by any enactment of the Governor of Bombay in Council, Government is empowered to extend or apply an Act or any provision of an Act to any place in, or to any portion of the presidency of Bombay, the Government may, in any order extending or apply-

ing such Act or provision, or in a subsequent order, notify the time at which the same shall come into force in the place or portion of the presidency to which it is so extended or applied;

and, unless it is otherwise provided in the Act, Government may, by notification in the *Bombay Government Gazette*, from time to time postpone the time at which the Act or provision shall come into force in such place or portion of the presidency or cancel the order for extending or applying the same to such place or portion of the presidency :

Provided that no order postponing the time at which an Act or provision shall come into force, or cancelling an order for extending or applying the same shall be made after the Act or provision has actually come into force in the place or portion of the presidency to which such order relates.

9. The provisions of sections sixty-three and sixty-seven to seventy, both inclusive, of the Indian Penal Code shall be deemed to apply to every fine imposed under any enactment of the Governor of Bombay in Council, unless a contrary intention is expressed in the enactment or appears from the subject or context.

10. Sections three to nine, both inclusive, apply to all enactments of the Governor of Bombay in Council now in force or which shall hereafter at any time be in force.

SCHEDULE A.

Acts of the Governor of Bombay in Council repealed.

Number and year.	Subject or Short Title.	Extent of repeal.
IV. of 1862	Markets and Fairs	Section 11.
VI. of 1862	Relief of Ahmedabad Talukdars.	Section 21, cls. (2) and (3).
I. of 1863	Registry of Vessels on Indus.	Section 18.
II. of 1863	Summary Settlement of claims to exemption from land-revenue.	Section 16, cl. (a).
V. of 1863	Gas Company	So much of section 28 as relates to words importing the singular or the plural number or the masculine gender; and the definition, in the same section, of the word "person."

Number and year.	Subject or Short Title.	Extent of Repeal.
VII. of 1863 ...	Summary Settlement of claims to exemption from land-revenue.	Section 32, cl. (a).
III. of 1865 ...	Avoiding of Wagers ...	Section 5.
VII. of 1866 ...	Hindu Heirs' Relief Act.	The latter part of section 7, commencing with and inclusive of the words "and unless."
VIII. of 1866 ...	Sale of Poisons ...	In section 2, the definitions of the words "month" and "person."
X. of 1866 ...	General Clauses Act ...	The whole Act.
VI. of 1867 ...	Sanitary regulation of city of Bombay.	Section 15.
VII. of 1867 ...	Bombay District Police Act.	In section 1 the definitions of "Magistrate of the district" and "Magistrate."
II. of 1871 ...	Duties on Non-agricultural classes.	In section 1 the definition of "Collector."
VI. of 1873 ...	Bombay District Municipal Act.	In section 3 the definitions of "Collector," "Magistrate of the district" and "Magistrate."
VII. of 1873 ...	Salt revenue ...	In section 1 the definition of "vessel."
II. of 1876 ...	Bombay City Land-revenue.	In section 3 the definition of "Collector."
III. of 1878 ...	Bombay License Act ...	Section 2.
V. of 1878 ...	Bombay Ābkāri Act ...	Section 57.
IV. of 1879 ...	Karāchi Vaccination Act.	Section 28.
V. of 1879 ...	Bombay Land Revenue Code.	Section 3, cls. (22) and (23).
VI. of 1879 ...	Bombay Port Trust Act.	Section 3, cl. (3).
I. of 1880 ...	Khoti Settlement Act ...	Section 3, cl. (11).
I. of 1884 ...	Bombay Local Boards Act.	Section 3, cl. (2).

SCHEDULE B.

Verbal amendments made in the Regulations and Acts of the Governor of Bombay in Council.

Enactment.			Words repealed.	Words, if any, substituted for the words repealed.
No. and year.	Section.	Clause.		
REGULATIONS.				
XII. of 1827 ...	19	1	"Magistrate" ...	"District Magistrate."
	"	6	"the Magistrate" (the first time the words occur).	"the District Magistrate."
	"	"	"the Magistrate" (the second time the words occur).	"any Magistrate."
	"	"	"ordinary" ...	"simple."
	"	"	"without labour" ...	.....
	"	7	"Magistrate" (the first time the word occurs).	"District Magistrate."
	"	"	"Magistrate" (the second time the word occurs).	"Magistrate before whom proceedings against such individual are being held."

SCHEDULE B—*continued.*

Enactment.			Words repealed.	Words, if any, substituted for the words repealed.
No. and year.	Section.	Clause.		
REGULATIONS— <i>continued.</i>				
XII. of 1827— <i>continued.</i>	19	8	"The Magistrate shall also."	"Any Magistrate may."
	20	..	"Magistrate"	"District Magistrate."
	27	2	"Magistrate" (each time the word occurs).	"District Magistrate."
	"	"	"ordinary"	"simple."
	"	"	"without hard labour"	.. ..
	37	1	"Magistrate"	"District or Sub-divisional Magistrate."
XXII. of 1827 ...	19	...	"the Magistrate"	"a Magistrate."
	21	1	"local"	"District."
	"	2	"Magistrate"	"District Magistrate."
	40	...	"Magistrate"	"District Magistrate."
	41	1	"local"	"District."
	42	1	"local"	"District."
	42	4	"Magistrate" (each time the word occurs).	"District Magistrate."
XXV. of 1827 ...	4	2	"the Magistrate"	"a Magistrate."
	7	...	"Magistrate"	"District Magistrate."
Acts.				
I. of 1862 ...	1	...	"annexed to this Act."	.....
IV. of 1862 ...	1	...	"the Magistrate" (the second time the words occur).	"a Magistrate of the first class."
	"	...	"calendar"	.....
	6	...	"Magistrate"	"District Magistrate."
	"	...	"this Act"	"section four."
	"	...	"of Police"	.....
	7	...	"of either kind"	.....
	"	...	"calendar"	.....
IV. of 1862 ...	10	...	"Magistrate"	"District Magistrate."
	"	...	"of Police"	.....
V. of 1862 ...	3	...	"calendar"	.....
VI. of 1862 ...	8 and 9	...	"calendar" (each time the word occurs).	.....
	21	...	"The following words and expressions."	.....
	"	...	"shall have the meanings hereby assigned to them."	.....
	"	...	"(that is to say)"	.....
I. of 1863 ...	6	...	"Justice of the Peace or person exercising the powers of a Magistrate within the province of Sind."	"of the first class."
	12	...	Do.	Do.
	11	...	"of this Act"	.....
II. of 1863 ...	2	...	"of this Act" (the first time the words occur).	.....
	3, 4, 5, 7, 8, 10, 11 and 13.	...	"of this Act" (each time the words occur).	.....
	4, 5 and 11.	...	"calendar" (each time the word occurs).	.....
	5, and 11.	...	"collectorate or" (each time the words occur).	.. ..
	11	4	"collectorate"	"district."
	"	6	"collectorate" (each time the word occurs).	"district"
III. of 1863 ...	1 and 2	...	"to this Act" (each time the words occur).	.....
V. of 1863 ...	20	...	"of this Act"	.....
VI. of 1863 ...	6, 9 and 11	...	"of this Act" (each time the words occur).	.....
	36	...	The last thirteen words of the section.	.....

SCHEDULE B—continued.

Enactment.			Words repealed.	Words, if any, substituted for the words repealed.	
No. and year.	Section.	Clause.			
Acts—continued. VII. of 1863 ...	6	..	"of this Act" (the first time the words occur).	.....
	7, 8, 9, 11, 12, 13 and 2	...	"of this Act" (each time the words occur).	.....
	9	1 and 2	"collectorate or" (each time the words occur).	.....
	"	3, 4, 6 and 7	"collectorate" (each time the word occurs).	"district."	
	"	8	"calendar."	.....
	"	9	"Revenue"	.....
	"	"	"of the division"	.....
	"	12	"or Sub-Collector"	.....
	"	20	2	"annexed"
	III. of 1866 ...	2	...	"of this Act" (the first time the words occur).
	3, 4 and 11	...	"either simple or rigorous" (each time the words occur).	.....
	"	...	"calendar" (each time the word occurs).	.....
VII. of 1866 ...	8	...	"of this Act"	.....
VIII. of 1866 ...	6	...	"of this Act"	.....
	2	...	"to this Act annexed"	.....
	3, 4 and 18.	...	"annexed to this Act" (each time the words occur).	.....
	18 and 19.	...	"of this Act" (each time the words occur).	.....
XII. of 1866 ...	13	...	"or solemn affirmation"	.....
	14	...	"or solemn affirmations"	.....
	"	...	"or affirmed"	.....
	15	...	"annexed to this Act"	.....
XIII. of 1866 ...	2, 3	...	"or affirmation" (each time the words occur in either section).	.....
III. of 1867 ...	4	...	"the provisions of section 37;"	.....
	"	...	"Magistrate" (the first time the word occurs);	"Magistrate of the first class."	
	"	...	"and within the limits" and all the following words to the end of the section.	.....
	5	...	"exercise the powers of a Magistrate within the meaning and for the purpose of the Code of Criminal Procedure and when it shall have been so notified by the Government, he shall."	.....
	6	...	"the provisions of section 23 of;"	.....
	"	...	"Subordinate;"	.....
	"	...	the last sixteen words of the section;	.....
	11	...	"with or without labour."	.....
	11, 12, 13, 18, 19, 20, 24 and 25.	...	"of this Act" (each time the words occur).	.....
	14	...	"be imprisoned without labour."	"simple imprison-ment."	
	"	...	"calendar"	.....
	17	...	"of this Act" (the second time the words occur).	.....
	21	...	"with or without hard labour."	.....
	23	...	"with or without hard labour."	.....
	"	...	"calendar"	.....

SCHEDULE B—continued.

Enactment.			Words repealed.	Words, if any, substituted for the words repealed.
No. and year.	Section.	Clause.		
<i>Acts—continued.</i>				
VI. of 1867	5, 9 and 10.	...	"of this Act" (each time the words occur).	.....
VII. of 1867	6	...	"full;"	.....
	"	...	"Magistrate"	"Magistrate of the first class."
	7	...	"all or any of the powers of a Magistrate."	"magisterial powers."
	8, 29 and 34.	...	"of this Act" (each time the words occur).	.....
	25, 26 and 29.	...	"of either kind" (each time the words occur).	.....
	34	...	"full-power Magistrate"	"Magistrate of the first class."
	39	...	"calendar" (each time the word occurs).	.....
	44	...	"of Police"	.....
VIII. of 1867	3, 4, 5, 15 and 18.	...	"of Police" (wherever in the said sections those words follow the word "Commissioner").	.....
	5 and 9	..	"Police" (in each place in which the word precedes the word "Commissioner").	.....
	18	...	"of this Act"	.....
II. of 1868	17	...	"Revenue or Police"	.....
III. of 1869	8	...	"of this Act"	.....
II. of 1871	6	...	"hereto annexed"	.....
I. of 1872	6 and 7	...	"the Local" (each time these words occur).	.....
III. of 1872	2	Definition of "Magistrate."	"all persons exercising all or any of the powers of a Magistrate under the Code of Criminal Procedure in force for the time being, as well as any."	"a."
V. of 1873	5	...	The last three words	.....
	8	...	"hereunto annexed"	.....
	"	...	"to this Act annexed"	.....
	9, 10, 23 and 24.	...	"of this Act" (each time the words occur).	.....
	22	...	"of this Act" (the first time the words occur).	.....
	"	...	"of either description"	.....
VI. of 1873	61, " 74 and 75.	...	"of this Act" (each time the words occur).	.....
VII. of 1873	30, 34, 37, 38, 56 and 60.	...	"of this Act" (each time the words occur).	.....
	33	2	The last three words	.....
	49, 51, 52, 54, 55.	...	"of either description, as defined in the Indian Penal Code" (in each place in which those words occur).	.....
	53	...	"of either description"	.....
	60	...	"or affirmation"	.....
I. of 1874	In the preamble.	...	"to this Act"	.....
	4	...	The last three words	.....
	13	...	"of this Act" (the first time the words occur).	.....
	14	...	"of this Act"	.....
	29	...	"calendar"	.....
II. of 1874	15, 33, 35 and 38.	...	"of this Act" (each time the words occur).	.....

SCHEDULE B—continued.

Enactment,			Words repealed.	Words, if any, substituted for the words repealed.
No. and year.	Section.	Clause.		
Acts—continued.				
III. of 1874	3, 4, 6, 7, 10, 11, 12, 13, 21, 29, 37, 38, 39, 44, 47, 50, 53, 55, 59, 67, 73, 75, 76 and 83.	...	"of this Act" (each time the words occur).	.....
	6	1	"Revenue" (each time the word occurs).	.....
	20	...	"of this Act" (the first time the words occur).	.....
	40	1	The last three words ...	.....
	73	2	"thereof" ... ..	.....
	74	...	"revenue" ... ..	.....
	"	...	"appointed under Regulation V. of 1830, or other law in force for the time being."	.....
	77	...	"empowered under the provisions of Bombay Act I. of 1868."	.....
	"	...	"so empowered" ... ..	.....
	84	...	"Revenue" ... ..	.....
III. of 1875	7	...	"of either description" ...	.....
	"	...	"calendar" ... ..	.....
II. of 1876	14, 16, 18, and 33.	...	"of this Act" (each time these words occur).	.....
	16	...	"hereunto annexed" ...	.....
	31	...	"annexed to this Act" ...	.....
III. of 1876	15	...	"of this Act" ... ..	.....
I. of 1877	3	...	The last three words ...	.....
	9, 16, 17, and 25.	...	"of this Act" (each time the words occur).	.....
	9, 10, 11, 14, 15, 17 and 18.	...	"hereto annexed" (each time the words occur).	.....
	12	(b)	"of this Act." ... ..	.....
	19	...	"of this Act" (the first time the words occur).	.....
	23	(b)	"of this Act" ... ..	.....
	20 and 24	...	"of either description within the meaning of the Indian Penal Code" (in each place in which these words occur).	.....
	28	...	"The provisions of sections 64 to 70, both inclusive, of the Indian Penal Code shall apply to;"	.....
	"	...	"and all such fines" ... ..	.....
V. of 1878	3	3	"means, in Sind, the Commissioner in Sind, and elsewhere a Commissioner of land-revenue, or if Government appoint any other officer to be a Commissioner for the purposes of this Act, such other officer."	"includes an officer appointed by Government to be a Commissioner for the purposes of this Act."
	3	4	"means a collector of land-revenue or."	"includes."
	45 and 50	...	"of this Act" (each time the words occur).	.....
V. of 1879	3	...	The last three words ...	.....

Enactment.			Words repealed.	Words, if any, substituted for the words repealed.
No. and year.	Section.	Clause.		
ACTS—continued.				
IV. of 1879	9, 10, 11, 14, 15, 17 and 18.	...	"hereto annexed" (each time the words occur).	.....
	9, 16, 17, and 25.	...	"of this Act" (each time the words occur).	.....
	12	(b)	"of this Act" ... ..	.....
	19	...	"of this Act" (the first time the words occur).	.....
	20 and 24	...	"of either description within the meaning of the Indian Penal Code" (in each place in which the words occur).	.....
	23	(b)	"of this Act" ... ..	.....
V. of 1879	2	...	"hereto annexed" ... ..	.....
	3	2	"of this Act" ... ..	.....
	10, 13, 18, 38, 86, 87, 161 and 216.	...	"of this Act" (each time the words occur).	.....
	23	...	"to this Act" ... ..	.....
	214	(h)	"of this Act" ... ..	.....
	215	...	"of either description within the meaning of the Indian Penal Code."	.....
VI. of 1879	21	...	The last three words ... ..	.....
	34	...	"of this Act" ... ..	.....
VII. of 1879	3	5	"means the head revenue officer of a district and."	.....
	57	...	"of this Act" ... ..	.....
	61 and 62	...	"of either description within the meaning of the said Code" (in each place in which these words occur).	.....
	67	...	"of the division" ... ..	.....
I. of 1880	3	7	"hereto annexed" ... ..	.....
	17 and 18	...	"of this Act" (each time the words occur).	.....
	33	(b)	"hereto annexed" ... ..	.....
I. of 1883	3, 5 and 8	...	"of this Act" (each time the words occur).	.....
	3	...	"annexed to this Act" ... ..	.....
II. of 1883	In the preamble	...	"to this Act" ... ..	.....
	4	...	The last three words ... ..	.....
	17	...	"of this Act" (the first time the words occur).	.....
I. of 1884	2	...	"hereto annexed" ... ..	.....
II. of 1884	3	...	"hereto annexed" ... ..	.....
	3, 4 and 5	...	"of this Act" (each time the words occur).	.....

STATEMENT OF OBJECTS AND REASONS.

Bo. X of 1866. In section 1, clause (7) of the Bombay General Clauses Act, 1866, the word "Magistrate" is defined to mean "any person exercising the full powers of a Magistrate under the Code of Criminal Procedure", *i. e.*, according to section 3 of the present Criminal Procedure Code, a Magistrate of the first class, and this definition applies to all Acts of the Governor of Bombay in Council passed since the Bombay General Clauses Act, 1866. The existence of this definition has, however, at times been

Act X of 1882.

Bo. X. of 1866.

overlooked by the Legislature. In the enactments noted in the margin, for instance, it seems to have been intended

Bombay Act III. of 1867, s. 19.
 " " VIII. of 1867, s. 11 (2).
 " " II. of 1868, ss. 12 & 15.
 " " VII. of 1873, ss. 9, 12, and 56.
 " " II. of 1874, s. 37.
 " " III. of 1875, s. 7.
 " " V. of 1879, s. 215.
 " " VII. of 1879, s. 61.

that the word "Magistrate" should have its ordinary signification, viz., a person exercising any magisterial powers. The mistake was one which it was difficult always to avoid and as it is inconvenient that a generic term like "Magistrate" should have

a specific meaning attached to it in the Acts of the Legislature, it is proposed to amend the definition and to provide that in all the enactments of the Governor of Bombay in Council, past and future, this word shall have its ordinary meaning.

2. This is the primary object of the present Bill. But there are other portions of the Bombay General Clauses Act, 1866, which are suitable for repeal. The definition of "Magistrate of Police" in clause (8) of section 1, for example, is superseded by section 3 of the Criminal Procedure Code; and the definition of "Regulation districts" in clause (11) of the same section is no longer requisite because that term has become obsolete since the passing of the Scheduled Districts Act, and even before that time the term does not appear to have been employed in any Act of the Governor of Bombay in Council.

3. On the other hand many terms which are very frequently used in the Acts of the Governor of Bombay in Council, such as "Commissioner," "Collector," "imprisonment," "immoveable property", &c., are omitted from the Bombay General Clauses Act, 1866.

4. It has appeared therefore desirable to repeal the Bombay General Clauses Act, 1866, entirely and to substitute for it a new Act which shall be both more complete and more adapted to the requirements of legislation at the present time.

5. The twenty general definitions which are given in section 3 of the Bill comprise all the terms commonly used in the Bombay enactments and their adoption will tend greatly to shorten the Acts of the future. But this has appeared to be also a favorable opportunity for repealing the superfluous definitions and expressions to be found in many of the Bombay enactments at present in force. By declaring the new definitions applicable to existing as well as to future enactments, as it is proposed to do by section 10 of the Bill, not only is this shortening and simplification of existing enactments rendered feasible, but there will be the additional advantage that the one set of general definitions will be applicable to all the Bombay enactments.

6. The various portions of the Bombay enactments now in force which may be repealed or amended if the new definitions and the other sections of the Bill become law, are set forth in the two schedules annexed to the Bill and the repeal or amend-

ment of these will be effected by section 2 of the Bill. The amendments include some alterations in the few fragments of the old Bombay Regulations which still remain unrepealed. "The Magistrate" referred to in those Regulations was the "Zilla Magistrate," whose place is now occupied by the District Magistrate. But in the improved administration of the present day there are several other Magistrates in a district besides the District Magistrate and it is expedient to vest in them some of the powers which the regulations vest in the Zilla Magistrate alone. This will be accomplished by the alterations in the Regulations specified in Schedule B.

7. Sections 4 and 5 of the Bill prescribe some general provisions regarding the effect of repeals. These provisions are not new and the necessity for them is self-evident. It is not, however, proposed to reproduce section 3 of the Bombay General Clauses Act, 1866, which also relates to the effect of repeals, because the principle laid down in that section is one of general law which does not need to be specifically prescribed by the Legislature.

8. Sections 6 and 7 of the Bill are based upon the corresponding sections of the present Bombay General Clauses Act and do not need explanation. Section 8 will re-enact so much of section 6 of the present Act as empowers Government to fix and from time to time to postpone the date on which any enactment shall apply or be extended to any portion of the presidency; but the other provisions of the latter section which enable Government to direct by whom any powers or duties incident to the enactment shall be exercised, &c., have not hitherto been of any practical use and it is not proposed to reproduce them. The enactments which have to be extended provide sufficiently for such matters.

9. Section 9 of the Bill is based on section 5 of the Government of India's General Clauses Act. But so much of that section as refers to sections 64, 65 and 66 of the Penal Code has been rendered unnecessary by the amendments made in the Code by sections 1 and 2 of Act VIII. of 1882.

10. The provisions of sections 4—9 of the Bill are equally necessary for past as for future enactments of the Governor of Bombay in Council and section 10 of the Bill therefore includes them as well as the section of general definitions.

(Signed) M. MELVILL.

Bombay, 25th February 1885.

By order of His Excellency the Right Honourable the Governor in Council,

Bombay Castle, 25th February 1885.

C. G. W. MACPHERSON,
Under Secretary to Government.