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PART VI.

BILLS OF THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 12th October 1872, and was referred to a Select Committee with instructions to report thereon in three months:

Bill No. 27 of 1872.

A Bill for the repeal of certain obsolete enactments.

Whereas it is expedient that the enactments mentioned in the Schedule to this Act, which have ceased to be in force otherwise than by express and specific repeal, or have by lapse of time and change of circumstances become unnecessary, should be expressly and specifically repealed; It is hereby enacted as follows:

Preamble.

1. The enactments described in the Schedule to this Act are hereby repealed to the extent mentioned in the third column of the same Schedule:

Enactments in Schedule repealed.

Provided that 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 this Act shall not affect the validity or invalidity of anything already done or suffered, or any indemnity already granted, or any right or title already acquired or accrued, or any remedy or proceeding in respect thereof, or the proof of any past act or thing.

2. This Act may be cited as "The Repealing Act, 1872;" and it shall come into force on the passing hereof.

Short title.

Commencement.

SCHEDULE.

PART I.—STATUTES.

Year and Chapter.	Subject or Title.	Extent of Repeal.
7 Jac. I., cap. 5 ...	Suits against Justices of the Peace and other Officers.	The whole.
21 Jac. I., cap. 12 ...	Making perpetual 7 Jac. I., cap. 5 ...	The whole.
8 & 9 Wm. III., cap. 11.	An Act for the better preventing frivolous and vexatious suits.	The whole.
24 Geo. II., cap. 44 ...	An Act for the rendering Justices of the Peace more safe in the execution of their office and for indemnifying constables and others acting in obedience to their warrants.	The whole.
33 Geo. III., cap. 52 ...	<i>An Act whose title begins with the words—An Act for continuing in the East India Company, and ends with the words</i> and Bombay.	Section twenty-eight.
42 Geo. III., cap. 85 ...	<i>An Act whose title begins with the words.—An Act for the trying, and ends with the words</i> safe custody.	Section six, so far as it relates to suits in British India.
49 Geo. III., cap. 126...	An Act for the further prevention of the sale and brokerage of offices.	Section fifteen, so far as it relates to British India.
53 Geo. III., cap. 155...	<i>An Act whose title begins with the words.—An Act for continuing, and ends with the words</i> Company's charter.	Sections ninety-seven and one hundred and twenty-one, and section one hundred and twenty-three, so far as it relates to suits in British India.
2 & 3 Vic., cap. 34 ...	An Act to confirm certain Rules and Orders of the Supreme Courts of Judicature at Fort William and Madras, and to empower the same Courts and the Supreme Court of Judicature of Bombay to make rules and orders concerning pleadings.	The whole.
3 & 4 Vic., cap. 37 ...	<i>An Act whose title begins with the words—An Act to consolidate, and ends with the words in</i> service.	Sections forty-three to forty-seven (both inclusive).

PART II. —ACTS.

Number and Year.	Subject.	Extent of Repeal.
X. of 1836 ...	Indigo Contracts ...	In section four the words "to examine both the plaintiff and the defendant, whenever the Court shall deem such examination necessary to the ends of justice; and"
XXII. of 1836 ...	Eastern Canal Tolls ...	The whole.
XXV. of 1836 ...	Warehousing ports ...	So much as has not been repealed.
XVI. of 1837 ...	Custom house ...	So much as has not been repealed.
XXV. of 1837 ...	Judiciary system ...	So much as has not been repealed.
I. of 1841 ...	Pattidári estates ...	The whole Act, so far as it applies, or is applicable, to the territories subject to the Lieutenant-Governor of the Panjáb.
XVII. of 1841 ...	Appeals in Sadr Courts (Bengal) ...	So much as has not been repealed.
XV. of 1843. ...	Uncovenanted Deputy Magistrates ...	So much as has not been repealed.
I. of 1845 ...	Sales of land for arrears of revenue ...	The whole Act, so far as it applies to the territories subject to the Lieutenant-Governor of the Panjáb.
XIV. of 1845 ...	Munsifs (Bengal Presidency) ...	The whole.
XIX. of 1845 ...	Assam Tea Company ...	The whole.
VII. of 1848 ...	Customs duties ...	So much as has not been repealed.
X. of 1850 ...	Aden ...	The whole.
XXXI. of 1850 ...	Bombay Salt Revenue ...	Sections one and two.
XXIX. of 1852 ...	Circuits of Judicial Commissioners (Bombay) ...	So much as has not been repealed.
VI. of 1853 ...	Summary suits (Bengal) ...	Section nine.
X. of 1853 ...	Ameading Act XXII. of 1836 ...	The whole.
X. of 1855 ...	Evidence ...	Section nine.
XXIX. of 1855 ...	Customs ...	So much as has not been repealed.
VII. of 1857 ...	Uncovenanted Agency ...	The whole Act, so far as it relates to Deputy Magistrates.
VI. of 1859 ...	Ahmadabad Magistracy ...	The whole.
XV. of 1860 ...	Calcutta Canal ...	The whole.
XXIII. of 1865 ...	Panjáb Chief Court ...	The whole.
X. of 1869 ...	Police Superannuation Funds ...	The whole.
IX. of 1870 ...	Elphinstone Land Company ...	The whole.
XI. of 1870 ...	Weights and measures ...	The whole.
XII. of 1870 ...	Native Passenger ships ...	Section three down to and including the words "repealed; and"
XIV. of 1870 ...	The Repealing Act, 1870 ...	The whole.
XXIII. of 1870 ...	Coinage ...	Section two and the schedule.
XXV. of 1870 ...	Timber Duties, Burma ...	The whole.
XXVI. of 1870 ...	Prisons ...	Section two and the schedule.
XXVIII. of 1870 ...	Commitments from Andamans ...	Section two.
I. of 1871 ...	Cattle trespass ...	Section two (except as to the pounds and pound-keepers therein mentioned) and the schedule.
III. of 1871 ...	Paper Currency ...	Section two (except as to the appointments, rules, circles, notifications and notes therein referred to) and the schedule.
IV. of 1871 ...	Coroners ...	Section two and the first schedule.

Number and Year.	Subject.	Extent of Repeal.
V. of 1871	Prisoners	Section two and the schedule.
VI. of 1871	Bengal Civil Courts	Section two and the schedule.
VII. of 1871	Emigration	Section two (but not so as to affect the contracts, appointments and licenses therein mentioned) and Schedule I.
IX. of 1871	Limitation	Section two and the first schedule.
X. of 1871	Excise	Section two and the schedule.
XII. of 1871	Income Tax	The whole.
XIII. of 1871	Tariff	Section nine and Schedule C.
XX. of 1871	Panjáb Local Rates	Section one, from and including "inclusive" down to and including "Acts."
XXIII. of 1871	Pensions	Section two (but not so as to affect the rules therein mentioned) and the schedule.
XXVI. of 1871	Land Improvement Act	Section two and the schedule.
XXIX. of 1871	Bengal Regulations Repeal	The whole.
XXXII. of 1871	The Oudh Civil Courts Act	Section three and the schedule.
XXXIII. of 1871	Panjáb Land Revenue	Section sixty-three and the second clause of section sixty-seven.
I. of 1872	Evidence	Section two, clause (3) and the schedule.
IV. of 1872	Panjáb Laws	Section four and the second schedule.
VII. of 1872	Burma Courts	Section five and the schedule.
IX. of 1872	Contract Law	In section one the words "the enactments mentioned in the schedule hereto are repealed to the extent specified in the third column thereof," and the schedule.
XI. of 1872	Foreign Jurisdiction and Extradition	Section two and the first schedule.
XVII. of 1872	Postponement of Act X. of 1872	The whole.
XXIV. of 1872	Repealing Bombay Regulation XIII. of 1827, section 34, clause 9.	The whole.
Madras Act II. of 1869	Repealing Act	The whole.
Bombay Act X. of 1863.	Bank of Bombay	The whole.
Bombay Act IV. of 1864.	Repeal of enactments relating to law officers	The whole.
Bombay Act III. of 1865.	Amending Wager Act	The whole.
Bombay Act V. of 1866.	Repealing Bombay Regulation XVI. of 1827, section 10.	The whole.
Bombay Act XV. of 1866.	Amending Bombay Act X. of 1863	The whole.
Bombay Act I. of 1867.	Reducing Capital of Bombay Bank	The whole.
Bombay Act I. of 1869.	Bhore Ghaut Accident	The whole.
Bombay Act I. of 1870.	Repealing Certificate Tax	The whole.
PART III.—REGULATIONS.		
Bengal Regulation XVIII. of 1806.	Eastern Canal Tolls	The whole.
Bengal Regulation VIII. of 1824.	Tolls on certain rivers	The whole.
Madras Regulation II. of 1820.	Publication of certain sections of 53 Geo. III., c. 155.	The whole.
Madras Regulation VII. of 1832.	Cantonments	The whole.
Bombay Regulation I. of 1827.	A Regulation for forming into a regular Code all Rules that may be enacted for the internal Government of the Territories subordinate to the Presidency of Bombay.	So much as has not been repealed.
Bombay Regulation XIII. of 1827.	Criminal Courts	Section thirty-two and the first and second clauses of section thirty-three.

Number and Year.	Subject.	Extent of Repeal.
Bombay Regulation XXXIV. of 1827.	Nawáb of Súrat	The whole.
Bombay Regulation IV. of 1828.	Stamps... ..	The whole.
Bombay Regulation IX. of 1828.	Repealing Regulation I. of 1828 and part of Regulation XXVII. of 1827.	The whole.
Bombay Regulation X. of 1828.	Repealing Regulation II. of 1828 and part of Regulation XXVII. of 1827.	The whole.
Bombay Regulation XI. of 1828.	Assistant Judges	The whole.
Bombay Regulation I. of 1834.	Repealing Regulation V. of 1828	Section one, and the second clause of section two.

STATEMENT OF OBJECTS AND REASONS.

The primary object of this Bill is to facilitate the preparation of a revised edition of the Indian Statute Book, by expressly repealing, in whole or in part, some eighty-eight enactments, which have ceased to be in force otherwise than by express repeal.

The Statutes 7 Jac. I. cap. 5, and 21 Jac. I, cap. 12, were extended to India by 42 Geo. III, c. 85, s. 6, and, though quite obsolete, have never been repealed.

A like remark applies to 8 & 9 Wm. III, c. 11, which was held by the late Supreme Court at Fort William, to extend to India.

24 Geo. II, c. 44 was held in *Griffin v. Deutker*, to be in force in India. It is rendered unnecessary by Act XVIII. of 1850.

Stat. 2 & 3 Vic., c. 34, is rendered useless by the extension to the High Courts of the Code of Civil Procedure.

Stat. 3 & 4 Vic., c. 37, secs. 43—47 relate to the extinct Indian Navy.

The other fragments of Statutes which the Bill proposes to repeal require no special notice.

With regard to the Acts proposed to be repealed:—

Acts XXII. of 1836, X. of 1853 and XV. of 1860 were repealed by Bengal Act V. of 1864 as to the navigable channels to which the latter Act has been extended. It is believed that they may now be wholly repealed.

Acts XXV. of 1836, XVI. of 1837, VII. of 1848, X. of 1850, and XXIX. of 1855, are still nominally in force as to salt and opium.

Act XXV. of 1837, though repealed by Act XVI. of 1868 as to the Lower and North-Western Provinces, may still be supposed to be in force elsewhere.

Acts I. of 1841 and I. of 1845 have been thought to be in force throughout the Panjáb. The latter Act is certainly in force in the Hissár Division. They are superseded by the Panjáb Land Revenue Act XXXIII. of 1871, and should be expressly repealed.

Act XVII. of 1841, section one (the rest is repealed), is rendered useless by the Charter of 1865.

Act XV. of 1843, sections one and two (the rest is repealed by Act X. of 1872), are useless, as there are now no Deputy Magistrates in Bengal.

Act XIV. of 1845 has already been repealed as to the Lower and North-Western Provinces, but may be supposed to be in force elsewhere.

Act XIX. of 1845 (as to the Assam Company) has expired, but has never been expressly repealed.

Act XXXI. of 1850, sections one and two, have been superseded by later legislation, and should be expressly repealed. See a note by Mr. Raymond West in his edition of the Acts and Regulations in force in the Presidency of Bombay.

Act XXIX. of 1852, is superseded by Act XIII. of 1865, section twenty-four.

Act X. of 1855, section nine, is superseded by the Evidence Act I. of 1872, and should have been expressly repealed thereby.

Act VI. of 1859 is useless, as the villages to which it applies are now under the Káthiáwád Agency.

Act XXIII. of 1865 never came into force, as the Secretary of State for India in Council did not give the previous sanction required by 3 & 4 Wm. IV., c. 85, s. 46. It is, however, still on the Statute Book and should be expressly repealed.

Acts X. of 1869 and IX. of 1870 and Bombay Act I. of 1869 are spent.

Act XI. of 1870 was disallowed by the Secretary of State, and should be expressly repealed.

Bombay Act III. of 1865 forms part of Act XXI. of 1848, which is repealed and replaced by Act IX. of 1872.

As to the Regulations proposed for repeal, Madras Regulation II. of 1820 provides for the translation and publication of certain sections of the Stat. 53 Geo. III, c. 155, all of which (save one) have been repealed. The Regulation is quite useless.

The unrepealed sections (8—1) of Bombay Regulation XIII. of 1827 purport to empower the Governor of Bombay in Council to suspend, by proclamation, civil and criminal law, and to deal with the trial and punishment of offences as he thinks fit. They cannot now be in force, at any rate as to the laws passed by the Supreme Council under 3 & 4 Wm. IV., c. 85, and 24 & 25 Vic., c. 67.

Of Bombay Regulation XIII. of 1827, section thirty-two relates to the old Sadr Faujdari Adalat, and cannot be binding on the present High Court. The first two clauses of section thirty-three are superseded by the Letters Patent.

The other proposed repeals do not seem to require any special notice. Most of them merely repeal previous enactments, the revival of which (if the Bill becomes law) will be prevented by Act I. of 1868, section three, clause (1).

(Signed) A. HOBHOUSE.

SIMLA;
The 30th September 1872.

WHITLEY STOKES,
Secretary to the Government of India.