

PREFATORY NOTE.

THE present Edition of the Regulations and Acts in force under the Presidency of Bombay has been prepared in uniformity with the volume lately published, containing the legislative enactments of the Presidency of Fort St. George.

The following remarks will explain the principles on which the work has been executed.

Rules that have been repealed or superseded are generally omitted, but the subject of the sections or clauses so removed is given in a short abstract, in which the later rule that rendered the previous one inoperative is noted. Where, in a few instances, this principle has been departed from, the section or clause is printed in Italics, and is retained either because not having been actually repealed (see pp. 20, 155, 275), a doubt might arise as to its having been entirely superseded (a doubt which must be resolved by competent authority); or because the retention of the inoperative portion seems to be required in order to the clear understanding of the context or of some subsequent enactment; in such case the reasons for the retention are stated in the notes, as in pp. 302 and 303.

Important changes having taken place, since the enactment of the code of 1827, in the authority and duties as well as in the designations of officers in the judicial department, the titles of the officers on whom the prescribed duties originally devolved, but to whom they no longer appertain, are printed in Italics, to intimate that some other officer, as the Session Judge instead of the *Criminal Judge* or *Judge of Circuit*, or the same authority under a different name, as the Principal Sudder Ameen for the *Native Commissioner* or *Native Judge*, is now charged with their execution.

The original jurisdiction assigned to Zillah Judges, in Regulation II., 1827, is now possessed by Principal Sudder Ameens, without limitation,—by Sudder Ameens to the extent of Rs. 10,000, and by Moonsifs to Rs. 5,000. The Zillah Judge has appellate jurisdiction from all inferior Courts, and the Assistant Judges have cognizance of appeals within certain limits from the Native Courts.

As presiding in the Criminal Court of the zillah, the *Criminal Judge* of 1827 has the appellation of Session Judge, and his powers are generally those of the *Court of Circuit* constituted by Regulation XIII., 1827. The title *Criminal Judge* will often include the

Session Judge and the Assistant Session Judge, the latter being in many cases vested with the authority of the former *Criminal Judge*.

The powers of Native Commissioners, first appointed under Regulation II., 1827, have been successively enlarged and their designations altered. By Regulation XVIII., 1831, they were constituted of three grades—*Native Judges, Principal Native Commissioners, and Junior Native Commissioners*—and by Act XXIV., 1836, those classes were respectively styled Principal Sudder Ameens, Sudder Ameens, and Moonsifs.

The Commercial Branch of the East-India Company's service having, by virtue of the Act 3 & 4 William IV., cap. 85, ceased to exist, the designations of the officers of that department when they occur are printed in Italics.

The intention of the foregoing notices is only to explain the principle on which the titles of certain officers are printed in Italics; for the powers of the several officers, and the duties they have now to perform, the laws themselves with the notes appended and the Index will be consulted. It is only necessary to add, on the subject of the use of Italics, that, in respect of judicial *oaths*, the substitution of affirmations applies only to Hindoos and Mahomedans—the law, as regards persons of other persuasions, remaining unaltered. Italics are not used in the Preambles, as that portion of any Regulation is not operative or enacting, but only expository or historical.

Special provisions are enacted by Act XV., 1845, in favour of native officers and soldiers in respect of proceedings in which they are immediately concerned before the Judicial and Revenue authorities. It did not seem necessary to make a marginal reference to the Act in all the numerous places where such proceedings are treated of. When a case comes before a public officer, in which such military persons are concerned, he will of course modify his proceedings in reference to the provisions of the Act referred to.

A few Regulations on the subjects of Customs and Shipping, passed before 1827, were retained in force by Regulation XX., 1827, and Act I., 1838; these will be found appended to Regulation XX., 1827.

The objects chiefly kept in view in the present Edition were, *first*, to divest the volume of all repealed and extinct provisions, and of matters that do not concern the administration of the officers of Government in their several departments; and, *secondly*, to facilitate reference. In carrying out the first of these objects, the Acts of the Government of India which relate solely to her Majesty's Courts, as well as the Bank Charter, and such Municipal Rules as are founded on the former "Rules, Ordinances, and Regulations," and belong only to the jurisdiction of the Court of Petty Sessions at Bombay, have been generally omitted,—where any such rule is retained, the reason is assigned. See Act XXXVIII., 1839. In respect of the second object, it is hoped that the marginal references will be found sufficient; those references will often require to be followed up in order to complete the investigation, after the Index has pointed to the first or principal rule on the subject required; for every reference

could not be marked in the Index without overcrowding it and producing confusion. The classified table will enable the public officer to trace the progress of legislation on each topic from 1827 to 1850.

While the code was passing through the press, enactments were being promulgated by the Government of India, and have been included in this volume, which affect some of the provisions before printed. Such alterations could not be marked in the rules already struck off; but the rules affected by them are stated in the Table of Addenda.

