



Government of Bombay
Legal Department

The Bombay Code

Volume I

containing

The Unrepealed Acts of the Governor of Bombay in Council
in force in Bombay from 1862 to 1887, inclusive; And
a Chronological Table of Enactments reproduced
in the Volume with an Index

FIFTH EDITION

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BOMBAY
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PREFACE.

The present fifth edition of the Bombay Code is based partly on the last edition edited and published by the Legislative Department of the Government of India and partly on the last edition of the supplementary volumes (containing Bombay Acts from 1923-1934), edited and published by the Legal Department of the Government of Bombay. It contains, with some exceptions, the unrepealed Bombay Regulations, the Local Acts of the Governor General in Council in force in the Province of Bombay, the Acts passed by the Governor of Bombay in Council, the Bombay Legislative Council and the Bombay Legislature.

2. The exceptions referred to above are—

(a) certain enactments which are now only in force within narrow limits and which were excluded from the last edition of the Code ;

(b) the following Acts, which are of a purely personal character :—

Act XVIII of 1848 (Nawab of Surat).

Act VI of 1893 (Sir Dinshah Manockjee Petit).

Act XIX of 1911 (Sir Cowasjee Jehangir Baronetcy).

Act IV of 1913 (Sir Currimbhoy Ebrahim Baronetcy).

Act II of 1915 (Sir Sassoon Jacob David Baronetcy).

Act X of 1915 (Sir Jamsetjee Jeejeebhoy Baronetcy).

Act XXV of 1917 (Sir Currimbhoy Ebrahim Baronetcy Amendment).

Bom. Act VIII of 1924 (Sir Chinubhai Madhavlal Ranchhodlal Baronetcy).

Bom. Act XVI of 1936 (Sir Chinubhai Madhavlal Ranchhodlal Baronetcy Amendment).

3. This edition of the Code consists of six volumes, and like the earlier edition is divided into parts according to the class of enactments in each part. Volume I contains Part I, which reproduces unrepealed Bombay Regulations published in the last edition ; and Part II which consists of unrepealed Local Acts of the Governor General in Council, now in force in the Province of Bombay. The other five volumes contain Parts III and IV, which reproduce the Acts passed by the

local Council and the Bombay Legislature, respectively, from 1862 onwards. Volume II consists of the Acts passed during the years 1862 to 1887, Volume III those passed from 1888 to 1897, Volume IV those passed from 1898 to 1922, Volume V those passed from 1923 to 1930 and Volume VI those passed from 1931 to 1937.

4. Since its last publication in 1922 a large number of amending acts and new enactments have been passed by the Bombay Legislative Council. The Government of India (Adaptation of Indian Laws) Order, 1937, passed under section 293 of the Government of India Act, 1935, has made considerable changes in almost all the Acts and Regulations enacted prior to 1st April 1937. In publishing this edition, all Acts purely of an amending nature modifying the main Bombay Acts have been omitted except those which have modified the Acts of the Central Government.

5. In order to facilitate ready reference to all the changes carried out in any Act, a table has been inserted at the commencement of each Act setting out the number and years of all amending and repealing Acts. A chronological table of Acts and a short index are also appended to each of the volumes. The changes made by the Government of India (Adaptation of Indian Laws) Order, 1937, are referred to in the foot-notes as being made by the Adaptation of Indian Laws Order in Council.

All Acts are printed as modified up to 31st December 1937.

LEGAL DEPARTMENT.

28th January 1938.

CHRONOLOGICAL TABLES.

PART I.—BOMBAY REGULATIONS IN FORCE IN BOMBAY.

Year.	No.	Short title or subject.	How repealed or otherwise affected by legislation.	Page.
1	2	3	4	5
1827	II	Caste-questions; Pleadings ..	Rep. in part, by Act 1 of 1846. Rep. in part, by Act 10 of 1861. Rep. in part, by Act 10 of 1873. Rep. in part, by Act 12 of 1873. Rep. in part, by Act 12 of 1876. Rep. in part, by Act 18 of 1879 (as amended by Act 1 of 1903): Rep., Bom. Act 6 of 1866; (locally), by Act 14 of 1869; and amended by Act 16 of 1895. Rep. excepting part of section 21, by Bom. Act 17 of 1920. Adapted and modified by the Adaptation of Indian Laws Order in Council.	1
..	IV	Civil Courts (Law to be observed).	Rep. in part, by Act 10 of 1861. Rep. in part, by Act 17 of 1862. Rep. in part, by Act 6 of 1874. Rep. (locally), by Act 14 of 1869. Rep. (locally), by Bom. Act 5 of 1879. Adapted and modified by the Adaptation of Indian Laws Order in Council.	7

Chronological Tables

Year.	No.	Short title or subject.	How repealed or otherwise affected by legislation.	Page.
1	2	3	4	5
1827	V	Acknowledgment of debts; Interest; Mortgages.	Rep. in part, by Act 28 of 1855. Rep. in part, by Act 9 of 1871. Rep. in part, by Act 12 of 1873. Rep. in part, by Act 12 of 1876. Rep. in part, by Act 4 of 1894. Rep. (locally), by Act 17 of 1879, s. 12. Rep. (locally), by Act 4 of 1882.	7
"	VIII	Administration of Estates	Rep. in part, by Act 12 of 1873. Application of section 10 restricted (locally), by Bom. Act 4 of 1890, section 58 (3). Adapted and modified by the Adaptation of Indian Laws Order in Council.	10
"	XII	Police (Duties and Powers of Magistrates).	Rep. in part, by Act 3 of 1857. Rep. in part, by Act 17 of 1862. Rep. in part, by Act 10 of 1872. Rep. in part, by Act 10 of 1873. Rep. in part, by Act 12 of 1873. Rep. in part, by Act 12 of 1876. Rep. in part, by Act 4 of 1894. Rep., Bom. Act 6 of 1866. Rep., Bom. Act 7 of 1867. Rep., Bom. Act 8 of 1867. Rep. in part, Bom. Act 2 of 1870. Rep. in part (locally), by Bom. Act 4 of 1870.	15

Year.	No.	Short title or subject.	How repealed or otherwise affected by legislation.	Page.
1	2	3	4	5
1827	XII	Police (Duties and Powers of Magistrates)—(contd.)	Rep. in part and amended, by Bom. Act 3 of 1886. Supplemented, by Act 2 of 1889. Rep. in part, by Bom. Act 15 of 1932.	
"	XIII	Criminal Courts (Substitution of letter for summons).	Rep. in part, by Act 17 of 1862. Rep. in part, by Act 10 of 1872. Rep. in part, by Act 24 of 1872. Rep. in part, by Act 10 of 1873. Rep. in part, by Act 12 of 1873. Rep. in part, by Act 12 of 1876. Rep. in part, by Act 4 of 1894. Rep., Bom. Act 4 of 1865. Rep., Bom. Act 6 of 1866.	18
"	XXII	Military Authority (Assistance to marching troops).	Rep. (except sections 40 to 43), by Act 13 of 1889. Rep. in part, by Act 12 of 1873. Amended by Bom. Act 3 of 1886. Adapted and modified by the Adaptation of Indian Laws Order in Council.	19
"	XXV	State Prisoners	Rep. in part, by Act 3 of 1858. Rep. in part, by Act 12 of 1873. Rep. in part, by Act 12 of 1876. Amended, by Bom. Act 3 of 1886. Supplemented, by Act 34 of 1850. Supplemented, by Act 3 of 1858. Adapted and modified by the Adaptation of Indian Laws Order in Council.	22

Year.	No.	Short title or subject.	How repealed or otherwise affected by legislation.	Page.
1	2	3	4	5
1827	XXIX	Dekkhan and Khandesh (Puna, Ahmednagar and Khandesh Districts).	Rep. in part, by Bom. Reg. 4 of 1828. Rep. in part, by Act 6 of 1842. Rep. in part, by Act 11 of 1846. Rep. in part, by Act 4 of 1868. Rep. in part, by Act 14 of 1869. Rep. in part, by Act 10 of 1876. Rep. in part, by Act 12 of 1876. Rep. in part, by Act 4 of 1894. Supplemented, by Bom. Reg. I of 1831, as amended, by Bom. Reg. 16 of 1831, s. (2). Supplemented, by Bom. Reg. 19 of 1835. Adapted and modified by the Adaptation of Indian Laws Order in Council.	26
1830	VII	Southern Maratha Country (Dharwar District).	Rep. in part, by Act 6 of 1842. Rep. in part, by Act 12 of 1873. Rep. in part, by Act 10 of 1876. Rep. in part, by Act 12 of 1876. Amended by Act 16 of 1895. Supplemented by Bom. Reg. 16 of 1831. Adapted and modified by the Adaptation of Indian Laws Order in Council.	34
"	XIII	Jurisdiction of Jagirdars, etc.	Rep. in part, by Act 12 of 1873. Rep. in part, by Act 12 of 1876. Amended, by Act 4 of 1894.	43

Chronological Tables

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Year.	No.	Short title or subject.	How repealed or otherwise affected by legislation.	Page.
1	2	3	4	5
1830	XIII	Jurisdiction of Jagirdars, etc.—(contd.)	Adapted and modified by the Adaptation of Indian Laws Order in Council.	
1831	I	Land-suits	Rep. in part, by Act 12 of 1873. Amended, by Bom. Reg. 16 of 1831. Amended, by Act 13 of 1842. Adapted and modified by the Adaptation of Indian Laws Order in Council.	46
1831	XVI	Land-suits	Rep. in part, by Act 12 of 1873. Adapted and modified by the Adaptation of Indian Laws Order in Council.	47

CHRONOLOGICAL TABLES.

PART II.—LOCAL ACTS OF THE GOVERNOR GENERAL IN COUNCIL
IN FORCE IN BOMBAY.

Year.	No.	Short title or subject.	How repealed or otherwise affected in Bombay.	Page.
1	2	3	4	5
1835	XIX	The Dekkhan Assistant Agent's Appointment Act, 1835.	Rep. in part and amended by Act 12 of 1891. Adapted and modified by the Adaptation of Indian Laws Order in Council.	49
1838	XVI	The Bombay Courts of Adalat Act, 1838.	Rep. in part, by Act 14 of 1870. Rep. in part, by Act 16 of 1874. Rep. in part, by Act 10 of 1876. Rep. in part, by Bom. Act 2 of 1866. Rep. in part, by Bom. Act 3 of 1876.	50
„	XIX	The Bombay Coasting Vessels Act, 1838.	Rep. in part, by Act 14 of 1870. Rep. in part, by Act 16 of 1874. Rep. in part, by Act 12 of 1876, Adapted and modified by the Adaptation of Indian Laws Order in Council.	52
1839	XX	The Bombay Haqqa Prohibition Act, 1839. (56 1839 1839)	Rep. in part, by Act 16 of 1874. Amended by Act 4 of 1894. Adapted and modified by the Adaptation of Indian Laws Order in Council.	57
1840	XV	The Bombay Regulation XIII of 1830 (Application) Act, 1840.	Rep. in part, by Act 16 of 1874. Adapted and modified by the Adaptation of Indian Laws Order in Council.	58
1844	XIX	The Bombay Town-Duties Abolition Act, 1844.	59

Chronological Tables.

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Year.	No.	Short title or subject.	How repealed or otherwise affected in Bombay.	Page.
1	2	3	4	5
1852	XI	The Bombay Rent-free Estates Act, 1852.	Rep. in part, by Act 16 of 1875. Rep. in part, by Act 10 of 1876. Rep. in part, by Act 4 of 1894. Adapted and modified by the Adaptation of Indian Laws Order in Council.	61
1853	XI	The Shore-nuisances (Bombay and Kolaba) Act, 1853.	Rep. in part, by Act 22 of 1855. Rep. in part, by Act 14 of 1870. Adapted and modified by the Adaptation of Indian Laws Order in Council.	71
1857	IV	The Tobacco Duty (Town of Bombay) Act, 1857.	Rep. in part, by Act 14 of 1870. Rep. in part, by Act 16 of 1874. Rep. in part, by Act 12 of 1876. Rep. in part, by Act 12 of 1891. Amended by Bom. Act 1 of 1932. Amended by Bom. Act 14 of 1933. Adapted and modified by the Adaptation of Indian Laws Order in Council.	75
1866	XXIII	The Bombay High Court (Letters Patent) Act, 1866.	83
1869	XIV	The Bombay Civil Courts Act, 1869.	Rep. in part, by Act 14 of 1870. Rep. in part, by Act 12 of 1876. Rep. in part, by Act 7 of 1889. Rep. in part, by Act 8 of 1890. Rep. in part, by Act 12 of 1891. Rep. in part, by Bom. Act 1 of 1910.	85

Year.	No.	Short title or subject.	How repealed or otherwise affected in Bombay.	Page.
1	2	3	4	5
1869	XIV	The Bombay Civil Courts Act, 1869—(contd.)	Amended by Act 10 of 1876. Amended by Act 9 of 1880. Amended by Bom. Act 15 of 1880. Amended by Bom. Act 28 of 1930. Amended by Bom. Act 3 of 1895. Amended by Bom. Act 1 of 1900. Amended by Bom. Act 5 of 1912. Amended by Bom. Act 5 of 1914. Amended by Bom. Act 6 of 1926. Amended by Bom. Act 9 of 1927. Amended by Bom. Act 7 of 1930. Adapted and modified by the Adaptation of Indian Laws Order in Council.	
1871	IV	The Coroners Act, 1871	Rep. in part, by Act 9 of 1871. Rep. in part, by Act 10 of 1873. Rep. in part, by Act 12 of 1873. Rep. in part, by Act 16 of 1874. Rep. in part, by Act 12 of 1891. Rep. in part and amended by Act 10 of 1881. Rep. in part and amended by Act 4 of 1908. Amended by Act 5 of 1889. Amended by Act 38 of 1920. Amended by Bom. Act 13 of 1930. Adapted and modified by the Adaptation of Indian Laws Order in Council.	103

Chronological Tables.

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Year.	No.	Short title or subject.	How repealed or otherwise affected in Bombay.	Page.
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1876	X	The Bombay Revenue Jurisdiction Act, 1876.	Rep. in part, by Act 4 of 1894. Rep. in part, by Act 16 of 1895. Rep. in part and amended by Act 15 of 1880. Rep. in part and amended by Act 12 of 1891. Amended by Act 16 of 1877. Amended by Bom. Act 21 of 1929. Adapted and modified by the Adaptation of Indian Laws Order in Council.	119
..	XV	The Bombay Municipal Debentures Act, 1876.	Rep. in part, by Act 1 of 1879.	129
..	XX	The Bhaunagar Act, 1876	Rep. in part, by Act 16 of 1895.	133
1877	XIV	The Broach and Kaira Incumbered Estates Act, 1877.	Rep. in part, by Act 4 of 1894. Rep. in part and amended by Act 21 of 1881. Adapted and modified by the Adaptation of Indian Laws Order in Council.	139
1879	XVI	The Transport of Salt Act, 1879.	Rep. in part, by Act 11 of 1901. Amended by Act 12 of 1891. Amended by Act 4 of 1914. Amended by Act 22 of 1925. Adapted and modified by the Adaptation of Indian Laws Order in Council.	143
..	XVII	The Dekkhan Agriculturists' Relief Act, 1879.	Rep. in part, by Act 12 of 1891. Rep. in part, by Act 16 of 1895. Rep. in part and amended by Act 23 of 1881.	149

Year.	No.	Short title or subject.	How repealed or otherwise affected in Bombay.	Page.
1	2	3	4	5
1879	XVII	The Dekkhan Agriculturists' Relief Act, 1879—(contd.)	Rep. in part and amended by Act 22 of 1882. Rep. in part and amended by Act 23 of 1886. Rep. in part and amended by Act 6 of 1895. Rep. in part and amended by Act 38 of 1920. Rep. in part and amended by Bom. Act 1 of 1912. Amended by Bom. Act 1 of 1902. Amended by Bom. Act 2 of 1907. Amended by Bom. Act 1 of 1910. Amended by Bom. Act 7 of 1927. Amended by Bom. Act 14 of 1932. Amended by Bom. Act 5 of 1935. Adapted and modified by the Adaptation of Indian Laws Order in Council.	
1881	XXI	The Broach and Kaira Incumbered Estates Act, 1881.	Amended by Bom. Act 2 of 1919. Rep. in part, by Act 38 of 1920. Declared not to be in force in the Panch Mahals, by Act 7 of 1885. Adapted and modified by the Adaptation of Indian Laws Order in Council.	185
1885	VII	The Panch Mahals Laws Act, 1885.	Repealed in part by Act 12 of 1891. Amended by Bom. Act I of 1910. Adapted and modified by the Adaptation of Indian Laws Order in Council.	199

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Year.	No.	Short title or subject.	How repealed or otherwise affected in Bombay.	Page.
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