

## THE



# Bombay Government Gazette.

Published by Authority.

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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, as amended in the Council of His Excellency the Governor of Bombay for making Laws and Regulations on the 27th July 1872, is published for general information :—

#### Bill No. 7 of 1870.

*A Bill for the regulation of Burial-grounds and Burning-grounds and places for the exposure of the Dead in the Territories subject to the Government of Bombay, without the limits of the City of Bombay.*

WHEREAS for the sake of the public health and order it is expedient to regulate the use of burial-grounds and burning-grounds and places for the exposure of the dead in the Territories subject to the Government of Bombay ; It is enacted as follows :—

1. The Collector of a District, or other Officer specially appointed by Government for the purposes of this Act, may, if he think fit, cause a survey and measurement to be made of any burial-ground, burning-ground, or place for the exposure of the dead, and any place used for such or similar purpose, and every burial-ground, burning-ground, or other such place existing at the

time this Act shall have come into operation as hereinafter provided, shall, within three months after this Act shall have so come into operation, be registered by the owner or the person having the control thereof, or, if there be no owner or person authorised to control the same, by order of the Collector or other Officer as aforesaid, in a book to be kept for the purpose ; and whoever after the expiration of the said term wilfully buries, burns, or exposes, or causes or procures or suffers to be buried, burned, or exposed, any corpse in or on any ground other than such registered burial or burning ground or place for the exposure of the dead shall be liable to a penalty not exceeding one hundred Rupees for each offence.

Penalty.



2. No vault or grave shall be made nor burial permitted within the walls of, or underneath any, church, chapel, or other place of public worship whatsoever

The making of vaults or burial within the walls of churches, &c., without a license prohibited.

without the special sanction of the Governor in Council, and no burial or burning ground or place for the exposure of the dead, whether public or private, shall, after this Act shall have come into operation, be opened, made, or formed without a license describing the extent and boundaries thereof first obtained from the Collector or other officer as aforesaid, who is hereby em-

Collector to grant license.

powered to grant such licenses subject to the general control of Government; and whoever shall wilfully bury, burn, or expose, or cause, permit, or suffer to be buried, burned, or exposed, any corpse in any vault, grave, burial or burning ground, or place for the exposure of the dead opened, made, or formed without such license, or contrary to the terms thereof, shall be punished with fine which may extend to five hundred Rupees for each offence.

3. If after such inquiry as may be

Prohibition to bury or burn the dead in places which are in such a state as to be dangerous to health.

deemed necessary it shall appear to Government that any burial-ground or place of burial, or any place used for the burning or exposure of the dead, is in such a state as to be dangerous to the public health, or that any church, or other place of public worship whatsoever, is dangerous to the health of persons frequenting the same, by reason of the state of the vaults or graves within the walls of or underneath the same, or in any church-yard or burial-ground adjacent thereto, it shall be lawful for Government by notification published in the *Government Gazette* to prohibit the burial, burning, or exposure of any corpse in, upon, within, or under the place, ground, church, or place of worship to which such notification relates: Provided that when it shall be found neces-

Proviso.

sary to prohibit under this Section the use of any burial-ground or place of burial, or place used for the burning or exposure of the dead, and when there shall be no public place available for the purposes above-mentioned, situated within a convenient distance, the Collector or other officer as aforesaid shall, before the publication of the prohibitory notification under this Section, provide some other place for the

said purposes in a convenient situation, and suitable to the wants and recognised usages of the class or classes of the community who under this Section are to be deprived of the use of the place or places which they had hitherto used for the above purposes.

4. A copy of such notification, with a translation thereof in the vernacular language of the district, shall be affixed conspicuously on some part of the ground, place, or building to which the notification relates. And whoever, after the expiration

Penalty for burying or burning a corpse after notification.

of two months from the date of publication of such notification being so affixed, shall wilfully bury, burn, or expose, or cause, permit, or suffer to be buried, burned, or exposed, any corpse in, upon, within, or under the place, ground, church, or place of worship to which such notification relates, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

5. The Collector or other officer as

Collector may provide fitting places to be used as burial or burning grounds, or for the exposure of the dead.

aforesaid may from time to time, as may be found necessary, with the sanction of the Governor in Council, provide fitting places to be used as burial or burning grounds, or for the exposure of the dead.

6. Whenever it may be necessary

Municipal Commissioners of Municipal Towns to assign funds for providing places to be used as burial or burning grounds, or for the exposure of the dead.

under the provisions of Section 3 or Section 5 of this Act to provide in any town or suburb in which Act XXVI. of 1850 has been introduced a new place or places to be used as burial or burning grounds, or for the exposure of the dead, the Municipal Commissioners of the said town or suburb shall, on the requisition of the Collector or other officer as aforesaid, assign for the provision of such place or places as aforesaid, such funds as may be necessary out of the Municipal revenues.

7. Section 4 of Bombay Act III. of 1869 shall be read as

Local Fund Committee under Bombay Act III. of 1869 to assign funds for providing places to be used as burial or burning grounds, or for the exposure of the dead.

if burial and burning grounds, and other places of exposure of the dead, were included among the works and undertakings for which it is the duty of the Local Fund Committee to make provision, and in



any town, suburb, or village in which Act XXVI. of 1850 has not been introduced, the Local Fund Committee shall, on the requisition of the Collector or other officer as aforesaid, assign such funds as may be necessary for the provision under Section 3 or Section 5 of this Act of places to be used as burial or burning grounds, or for the exposure of the dead.

8. The Governor in Council may from time to time make rules not inconsistent with this Act for the registration, inspection, licensing, and use of burial and burning grounds, and places for the exposure of the dead, and for the general regulation of all such places, due regard being had to the religious usages of several classes of the community, and may from time to time alter and add to such rules.

All such rules, alterations, and additions shall be published in the *Government*

*Gazette*, and shall thereupon have the force of law.

9. All Offences under this Act shall be tried by an officer having the jurisdiction of a First Class Magistrate, and no prosecution shall be instituted for any offence under this Act, except with the sanction of the Collector or other officer specially appointed by Government for the purposes of this Act.

10. This Act shall not apply to the City of Bombay, nor shall it come into operation in any district, or part of a district, or any town, unless and until it shall have been previously extended to the same by the Governor in Council by notification in the *Government Gazette*.

*By order of His Excellency the Governor,*

J. NUGENT,

Acting Under-Secretary to Government.

*Pána, 29th July 1872.*

The following Bill, together with the Statement of Objects and Reasons accompanying it, is published in accordance with Rule 14 of the Conduct of Business at Meetings of the Council of His Excellency the Governor of Bombay for making Laws and Regulations :—

### **Bill No. 4 of 1872.**

*A Bill to extend and make compulsory the practice of Vaccination in the City of Bombay.*

WHEREAS it is expedient to extend, and in certain cases to make compulsory, the practice of vaccination within the City of Bombay, and to make further provision for the vaccination of the poor; It is hereby enacted as follows :—

I. This Act shall come into operation on the \_\_\_\_\_ day of \_\_\_\_\_ 1872, and may be cited as "The Bombay Vaccination Act of 1872."

II. The following words and expressions in this Act shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; that is to say, words importing the singular

number shall include the plural number, and words importing the plural number, shall include the singular number.

(1.) The words "Parents or Guardians" shall include all relations or other persons to whom the care, nurture, or custody of any child falls by natural right, or has been assigned by any law or recognised usage, and these words shall also include all who have accepted or assumed directly the care, nurture, or custody of any child.

(2.) The words "Public Vaccinator" shall mean any vaccinator appointed under this Act, and shall also include any Deputy duly authorised to act for such Public Vaccinator.



(3.) The expression "Medical Practitioner" shall mean any person duly qualified by a Diploma, Degree, or License to practise in Medicine or Surgery.

(4.) The expression "Registrar of Births" shall mean any person for the time being appointed or acting as such Registrar in any district of the City of Bombay.

III. The parents or guardians of every child born in the City of Bombay shall, within four months after the birth of such child (except as hereinafter provided), cause such child to be vaccinated by a Public Vaccinator or by a Medical Practitioner.

IV. The parents and guardians of every child brought to, or residing either temporarily or permanently within the City of Bombay shall within four months after the birth of such child, or within fifteen days after arrival, should the child be more than four months old, (except as hereinafter provided,) cause such child to be vaccinated by a Public Vaccinator or by a Medical Practitioner.

V. Upon the same day in the following week after vaccination Provision for inspection. shall have been performed by a Public Vaccinator or a Medical Practitioner the parents or guardians of the child shall again take the child, or cause it to be taken, to the Public Vaccinator or to the Medical Practitioner by whom the operation was performed, that he may inspect it and ascertain the result of the operation, and, if he shall see fit, take from such child lymph for the performance of other vaccinations; and in the event of the vaccination being unsuccessful such parents or guardians shall, if the Public Vaccinator or Medical Practitioner so direct, cause the child to be forthwith again vaccinated and subsequently inspected as on the previous occasion.

VI. If any Public Vaccinator or Medical Practitioner shall be of opinion that any child is not in a fit state to be successfully vaccinated, he shall forthwith deliver to the parents or guardians of such child a certificate under his hand according to the form of Schedule B, hereto annexed, or to the like effect, that the child is then in a state unfit for successful vaccination, which certificate

shall remain in force for two months, and shall be renewable for successive periods of two months until a Public Vaccinator or Medical Practitioner shall deem the child to be in a fit state for successful vaccination, when the child shall, with all reasonable despatch, be vaccinated, and the certificate of successful vaccination given if warranted by the result.

VII. At or before the end of each successive period, the parents or guardians of such child shall take or cause the child to be taken to some Public Vaccinator or Medical Practitioner, who shall then examine the child and give the certificate according to the said form B, so long as he deems requisite under the circumstances of the case.

VIII. If any such Public Vaccinator or Medical Practitioner shall find that a child whom he has three times unsuccessfully vaccinated is insusceptible of successful vaccination, or that a child brought to him for vaccination has already had the small-pox, he shall deliver to the parent or guardian of such child a certificate under his hand, according to the form of Schedule C, hereunto annexed, or to the like effect, and the parents or guardians as aforesaid shall thenceforth not be required to cause the child to be vaccinated.

IX. Every Public Vaccinator who shall have performed the operation of vaccination upon any child, and shall have ascertained that the same has been successful, shall, within twenty-one days after the performance of the operation, transmit to the Registrar of Births within whose ward or district the birth was registered, or to the Registrar within whose ward or district the vaccination has been performed, a certificate according to the form of Schedule A, hereto annexed, certifying that the said child has been successfully vaccinated, and shall deliver a duplicate thereof to the parents or guardians of the said child, and such certificate or duplicate shall, without further proof, be admissible as evidence of successful vaccination of such child.

X. Clause 1. When the vaccination of any child shall have been performed by a Medical Practitioner, not being a Public Vaccinator, the

Provision for successive certificates of postponement of vaccination.

Provision for certificates of insusceptibility to successful vaccination.

Vaccination certificate to be transmitted by Public Vaccinator to Registrar of Births.

Vaccination certificates to be transmitted by Medical Practitioner to Registrar of Births.



parents or guardians causing the child to be vaccinated shall submit a certificate according to the form of Schedules A, B, or C, hereunto annexed, as the case may be, to such Medical Practitioner, to be filled up and signed by him, and such Medical Practitioner shall, within twenty-one days after the performance of the operation, transmit the same so signed to the Registrar of the ward or district within which the birth of the child is registered, or to the Registrar of the ward or district within which the operation shall have been performed.

*Clause 2.* No fee or remuneration shall be charged by any Public Vaccinator to the parents or guardians of any child for any such certificate or duplicate certificate as hereinbefore mentioned, nor for any vaccination done by him in pursuance of this Act, and any fee or remuneration received by any Public Vaccinator contrary to the provisions of this Act shall be deemed a gratification taken by a public servant under Section of the Indian Penal Code.

XI. On the registration of the birth of any child the Registrar shall deliver to the person registering such birth a printed notice in the form or as nearly as may be in the form, of the Schedule D, hereunto annexed, and such notice shall have attached thereto the several certificates prescribed by this Act.

XII. The Registrar of Births in every ward or district shall enter in a duplicate Register of Births kept and retained by him, in the column in which the name of each child is written, the word "vaccinated" under the name of every child whose vaccination has been certified to him as herein provided, and the word "insusceptible" under the name of every child who has been certified, as herein provided, to be insusceptible, of successful vaccination, and shall sign each such entry, and shall add thereto the date of the certificate of vaccination or insusceptibility, as the case may be; and he shall also keep a book, in which he shall, in the form, or as nearly as may be in the form, of the Schedule E. hereto annexed, from time to time, enter the name of every child whose vaccination has been duly certified to him as necessarily postponed, and each entry in the Register of postponed vaccinations shall refer to the corresponding entry in the register of the birth of each such child.

XIII. The Registrar of Births in each ward or district shall keep a book in which he shall enter minutes of the notices of vaccination given by him as herein required, and shall also register the certificates transmitted to him as herein provided.

XIV. For the purpose of this Act the Superintendent General of Vaccination shall divide the City of Bombay into certain vaccination districts, and for every such district he shall appoint a duly qualified Public Vaccinator.

XV. Every Public Vaccinator shall reside within the district for which he is appointed vaccinator, and shall cause his name, with the addition of the words "Public Vaccinator" for the district for which he shall be so appointed, to be placed in some conspicuous place on or near the outer door of his dwelling-house or vaccine station.

XVI. No person shall be appointed a Public Vaccinator, or act as deputy for a Public Vaccinator, who shall not possess a certificate of qualification signed by the Superintendent General of Vaccination.

XVII. The Superintendent General of Vaccination shall frame and provide appropriate books and forms for the use of the Public Vaccinators, and also such forms as shall be required for the signature of Medical Practitioners under the provisions of this Act, and he shall also transmit to the Registrar of Births for the City of Bombay such books and forms as are required by them under the provisions of this Act.

XVIII. Every person who shall neglect to transmit any certificate required of him by the provisions of this Act, completely filled up and duly signed, to the Registrar within the time hereinbefore specified, and every Public Vaccinator who shall refuse upon request to deliver the duplicate certificate to the parents or guardians of any child, and every Medical Practitioner who shall refuse to fill up, sign, and return to the parents or guardians of any child whom he has vaccinated one or other of the certificates A, B, and C, when submitted to him as aforesaid, shall be liable upon summary conviction before a Magistrate of Police to pay a penalty not exceeding ten Rupees.



XIX. Every parent or guardian of a child who shall neglect

to take such child or to cause it to be taken

to be vaccinated, or after vaccination to be inspected according to the provisions of this Act, and shall not render a reasonable excuse for the neglect, shall be guilty of an offence, and shall be liable to be proceeded against summarily before a Magistrate of Police, and, upon conviction, to pay a penalty not exceeding ten Rupees.

XX. Any person who shall after the passing of this Act

produce or attempt to produce in any person by inoculation with variolous matter,

or by wilful exposure to variolous matter, or to any matter, article, or thing impregnated with variolous matter, or wilfully by any other means whatsoever, produce the disease of small-pox in any person within the City of Bombay, shall be liable to be proceeded against summarily before a Magistrate of Police, and upon conviction to suffer simple imprisonment for any term not exceeding one calendar month.

XXI. In any prosecution for neglect to

procure the vaccination of a child it shall

not be necessary in support thereof to prove that the defendant had received notice from the Registrar, or any other officer, of the requirements of the law in this respect; but if the defendant produce any such certificate as hereinbefore described, or the Register of Vaccinations kept by the Registrar as hereinbefore provided, in which the certificate of successful vaccination or of insusceptibility to successful vaccination shall be duly entered, the same shall be a sufficient defence for him, except in regard to the certificate marked B, when the time specified therein for the postponement of the vaccination shall have expired before the time when the information shall have been laid.

XXII. If any Officer appointed under this Act shall give

information in writing to a Magistrate

of Police that he has reason to believe that any child within the City of Bombay, under the age of fourteen years has not been successfully vaccinated, and has not received a certificate of insusceptibility to successful vaccination, and that he has given notice to the parents or guardians of such child to procure its being vaccinated, and that the said notice has been disregard-

ed, such Magistrate may summon such parents or guardians to appear with the child before him; and if the Magistrate shall find, after such examination as he shall deem necessary, that the child has not been vaccinated and has not already had the small-pox, he may make an order under his hand and seal directing such child to be vaccinated within a certain time; and if at the expiration of such time the child shall not have been vaccinated, or shall not be shown to be then unfit to be vaccinated, or to be insusceptible of vaccination, the person upon whom such order shall have been made shall, unless he can show some reasonable ground for his omission to carry the order into effect, be liable to a penalty not exceeding ten

Proviso. Rupees: Provided

that if the Magistrate shall be of opinion that the person is improperly brought before him and shall refuse to make an order for the vaccination of the child, he may order the informant to pay to such person such sum of money as he shall consider a fair compensation for his expenses and loss of time in attending before the Magistrate.

XXIII. Every fine or penalty imposed

under or by virtue of this Act shall be recoverable by summary

proceeding before a Magistrate of Police on information laid by a Public Vaccinator or his duly appointed Deputy or Registrar, and in default of payment of such fine or penalty the same may be levied under the Warrant of such Magistrate by distress and sale of goods of such offender.

XXIV. In the General Abstract of Births and Deaths registered

Abstract Return to be made of the number of children vaccinated, postponed, or insusceptible to vaccination.

during the year the Executive Officer of Health for the City of Bombay shall show the number of children successfully vaccinated, the number of children whose vaccination has been postponed, and the number of children certified to be insusceptible to successful vaccination.

XXV. The Superintendent General of Vaccination, with the

sanction of the Governor in Council, may from time to time make rules or issue

orders consistent with this Act for the guidance of Public Vaccinators and others in matters connected with the working of it, and all such rules or orders shall be published in the *Government Gazette*.



## SCHEDULE A.

I, the undersigned, hereby certify that \_\_\_\_\_, the child of \_\_\_\_\_, age \_\_\_\_\_, residing at \_\_\_\_\_ in Bombay, has been successfully vaccinated by me.—Dated this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_.

(Signature of Medical Practitioner or Public Vaccinator.)

## SCHEDULE B.

I, the undersigned, hereby certify that, in my opinion, \_\_\_\_\_ the child of \_\_\_\_\_, residing at \_\_\_\_\_ in Bombay, is not now in a fit and proper state to be successfully vaccinated, and I do hereby postpone the vaccination until the \_\_\_\_\_ day of \_\_\_\_\_ Dated this \_\_\_\_\_ day of 18 \_\_\_\_\_.

(Signature of Medical Practitioner or Public Vaccinator.)

## SCHEDULE C.

I, the undersigned, hereby certify that I have \_\_\_\_\_ times unsuccessfully vaccinated \_\_\_\_\_ the child of \_\_\_\_\_, residing at \_\_\_\_\_ in Bombay, (or the child has already had small-pox, as the case may be), and I am of opinion that such child is insusceptible of successful vaccination.—Dated this \_\_\_\_\_ day of \_\_\_\_\_ 18 \_\_\_\_\_.

(Signature of Medical Practitioner or Public Vaccinator.)

## SCHEDULE D.

(To insert name and specify whether parent or guardian). Take notice that this child, whose birth is now registered, must be vaccinated under the provisions of Section \_\_\_\_\_ of Act \_\_\_\_\_ of 18 \_\_\_\_\_, within \_\_\_\_\_ months from the date of \_\_\_\_\_ birth under a penalty of Rupees \_\_\_\_\_.

The vaccination station to which this child is to be taken is at \_\_\_\_\_ No. \_\_\_\_\_.

The days for vaccination are \_\_\_\_\_.

The hours for vaccination are from \_\_\_\_\_

A.M. to \_\_\_\_\_

P.M.

Registrar of Births.

## SCHEDULE E.

*Register of postponed Vaccinations for the District of \_\_\_\_\_ in Bombay.*

Number	Name.	Birth.	Register in which recorded.	Period to which Vaccination postponed.	Date of Certificate.		Signature of Registrar.
		Year.	No. of Entry.				
					1868.		
1	Venayek Pandurang...	1868.	12	Postponed to 10th February 1868.	May	12	H. O.
2							
3							

## STATEMENT OF OBJECTS AND REASONS.

Very soon after the discovery of Vaccination most of the Governments of Europe made provision for affording its benefits to their respective populations. As early as 1803 an ordinance on the subject was promulgated in Sweden; and when Jenner died, in 1823, there were few European States, except Great Britain, in which there were not in force Laws and Regulations relative to Vaccination. By the Laws of many of these States, the practice was, directly or indirectly, rendered compulsory.



The first law regarding Vaccination in England was enacted in 1840; and seldom has the Legislature passed a measure of more obvious public benefit. Although Vaccination was not made compulsory by that Act, large numbers of persons availed themselves every year of the opportunities put within their reach of protecting their children against Small-pox; and the impression consequently produced on the mortality from that disease was so great that the average deaths were soon reduced from 770 to 300 per million of population per annum.

In 1853 compulsory Vaccination was made the law of England, and the result of the working of that Act during fourteen years has shown a further annual saving of 100 lives out of every million of the population.

In 1867 an Act was passed "to consolidate and amend the Statutes relating to Vaccination in England;" and that Act, the fruit of large experience and mature consideration, forms the basis of the present Bill.

Vaccination was introduced in the Island of Bombay in 1802, and has been attended with very satisfactory results. But the victims of Small-pox are still too numerous. In the year 1870, 556 persons died of this disease, of whom 491 were children under nine years of age. In 1871 the deaths from Small-pox numbered 919, and 813 of the victims were under nine years of age.

There can be no doubt that a great deal of this mortality is preventible, and, as there is reason to believe that Native prejudice against Vaccination has to a great extent been overcome, no further time should be lost in applying the obvious remedy. The Bombay Association some time ago communicated to Government their opinion that it is desirable to make Vaccination compulsory in the Town and Island of Bombay; but they recommend that, "in framing a Bill for carrying out this object, due care should be taken to protect the people against annoyance or extortion, and against the infliction of hardship or oppression." Their recommendation has been borne in mind in drawing the Bill now submitted.

(Signed) H. P. ST. G. TUCKER.

*Puna, 27th July 1872.*

*By order of His Excellency the Governor,*

J. NUGENT,

Acting Under-Secretary to Government.

*Puna, 29th July 1872.*



## PROCEEDINGS OF THE COUNCIL OF THE GOVERNOR GENERAL OF INDIA.

*Abstract of the Proceedings of the Council of the Governor General of India, assembled for the purpose of making Laws and Regulations under the provisions of the Act of Parliament 24 and 25 Vic., Cap. 67.*

The Council met at Simla on Thursday, the 18th July 1872.

### *Present :*

His Excellency the VICEROY AND GOVERNOR-GENERAL OF INDIA, G.M.S.I., *presiding.*  
 His Honour the LIEUTENANT-GOVERNOR OF THE PĀNĀJAB.  
 His Excellency the COMMANDER-IN-CHIEF, G.C.B., G.C.S.I.  
 The Honourable Sir JOHN STRACHEY, K.C.S.I.  
 The Honourable Sir RICHARD TEMPLE, K.C.S.I.  
 Major-General the Honourable H. W. NORMAN, C.B.  
 The Honourable ARTHUR HOBHOUSE, Q.C.  
 The Honourable E. C. BAYLEY, C.S.I.  
 The Honourable R. E. EGERTON.

### CHRISTIAN MARRIAGE BILL.

The Honourable Mr. HOBHOUSE moved that the Bill to consolidate and amend the law relating to the solemnization in India of marriages of persons professing the Christian religion, as amended, be passed.

The PRESIDENT observed that under section two the Bill, if passed, would come into force at once and repeal all prior legislation on the subject, and asked how would it be with a marriage solemnized to-morrow in some remote part of India by a clergyman who knew nothing of the passage of this Bill? It might be desirable to alter section two so as to postpone the commencement of the measure (say) for three months.

The Honourable Mr. HOBHOUSE said that the Bill would make no method of marriage illegal which was legal before, and therefore that it was unnecessary to make the change suggested by the President.

The Motion was put and agreed to.

### BURMA SPIRIT DUTY BILL.

The Honourable Sir RICHARD TEMPLE moved that the Report of the *Select Committee on the Bill* for imposing a duty on certain spirits manufactured in British Burma, be taken into consideration. He said that the Committee had fixed the maximum duty leviable under the proposed Act at the highest rate at which a duty on like spirits would for the time being be leviable in any part of British India.

They had also provided that the duty to be from time to time fixed under the Act should be notified in the local Gazette.

As it appeared that the Local Government had, since 1st April 1872, been levying duties in anticipation of the passing of this Act, the Committee had legalized such levy and barred suits in respect thereof.

Lastly, they had provided that the Act should come into force on passing, and not retrospectively.

The Motion was put and agreed to.

The Honourable Sir RICHARD TEMPLE then moved that the Bill as amended be passed.

The PRESIDENT asked the Secretary whether, in accordance with the seventeenth Rule for the Conduct of Business, the Bill and Statement of Objects and Reasons had been published in the Vernacular language in the official Gazette of British Burma?

The Secretary said that he did not know. The *British Burma Gazette* was not received at Simla by the Legislative Department.

The PRESIDENT suggested that the passage of the Bill should be postponed in order that enquiries on the subject might be made.

The Honourable Sir RICHARD TEMPLE then asked leave to postpone his motion that the Bill as amended be passed.

Leave was granted.

### SEPOY LUNATICS BILL.

Major-General the Honourable H. W. NORMAN introduced the Bill to provide for the admission of Native military lunatics into Asylums, and moved that it be referred to a *Select Committee* with instructions to report in a month. He had fully described the primary object of the Bill on his motion for leave to introduce it. He would now only add that the Bill contained a clause declaring that all Native soldiers heretofore received into Lunatic Asylums should be deemed to have been received in accordance with law; and, as the cost of Lunatic Asylums was now defrayed from Provincial Funds, the Bill further provided that the expenses of military lunatics in any Asylum should be defrayed by the Paymaster of the Military Circle within which it was situated.

The Motion was put and agreed to.



## PENAL CODE AMENDMENT BILL.

The Honourable Mr. HOBHOUSE introduced the Bill to amend the definition of 'Coin' contained in the Indian Penal Code, and moved that it be referred to a Select Committee with instructions to report in a month. At their last meeting he had sufficiently explained the necessity for the Bill.

The Motion was put and agreed to.

## SINDH JURISDICTION BILL.

The Honourable Mr. HOBHOUSE also introduced the Bill to amend Act No. V. of 1872 (*to remove doubts as to the Jurisdiction of the High Court of Bombay over the Province of Sindh*), and moved that it be referred to a Select Committee with instructions to report in a month. He had already explained the object of this measure.

The Motion was put and agreed to.

## BURMA COURTS' ACT AMENDMENT BILL.

The Honourable Mr. HOBHOUSE also moved for leave to introduce a Bill to amend Act No. VII. of 1872 (*to consolidate and amend the law relating to the Courts in British Burma*). He said that this Bill was necessitated by a mistake in the schedule to the Burma Courts' Act. Section eight of that Act gave the Court of the Deputy Commissioner, the Commissioner, and the Judicial Commissioner power to hear certain appeals "where such appeal is allowed by law." But section twenty-three of Act XXIII. of 1861 was the only law which allowed such appeals, and this section was repealed by the schedule and section five. Hence the need for the present Bill.

The Motion was put and agreed to.

## RE-IMPORTATION OF GOODS (BURMA) BILL.

The Honourable Sir RICHARD TEMPLE moved for leave to introduce a Bill for regulating the re-importation into British territory of goods cleared at Rangoon for the territory of the King of Ava. He said that Act IV. of 1863, section one, authorised goods imported into Rangoon to be cleared at that port for the territory of the King of Ava on payment of a duty of one per cent. *ad valorem*. The present Bill was intended to authorise the re-importation into British territory of goods so cleared on payment of the difference between that duty and the duty to which they would have been liable on first importation by sea, if cleared for home consumption.

The Motion was put and agreed to.

The following Select Committees were named :

On the Bill to provide for the admission of Native military lunatics into Asylums,—His Excellency the Commander-in-Chief, the Honourable Messrs. Hobhouse and Egerton, and the Mover.

On the Bill to amend the definition of 'Coin' contained in the Indian Penal Code,—the Honourable Mr. Bayley and the Mover.

On the Bill to amend Act No. V. of 1872 (*to remove doubts as to the Jurisdiction of the High Court of Bombay over the Province of Sindh*),—the Honourable Mr. Bayley and the Mover.

The Council then adjourned till the 1st August 1872.

WHITLEY STOKES,

Secretary to the Government of India.

*Simla, The 18th July 1872.*