


THE



# Bombay Government Gazette.

Published by Authority.

THURSDAY, 15TH OCTOBER 1868.

 Separate paging is given to this Part in order that it may be filed as a separate compilation. The paging of this Part commenced with the Number for January 1867.

## PART IV.

### ACTS PASSED BY THE GOVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 1st October 1868, and is hereby promulgated for general information:—

#### Act No. XXIV. of 1868.

*An Act to prohibit the practice of inoculation in Kumaon and Garhwál.*

Whereas it is expedient to prohibit the practice of inoculation with the small-pox in the Districts of Kumaon and Garhwál, it is hereby enacted as follows:—

1. Whoever produces or attempts to produce in any person by inoculation with variolous matter, or by wilful exposure to variofous matter, or to anything impregnated therewith, or who wilfully by any other means produces the disease of small-pox in any person, shall be liable, on conviction before a Magistrate, to imprisonment for a term not exceeding three months, or to fine not exceeding two hundred rupees, or to both.

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2. If any person having been inoculated with the small-pox in a place to which this Act does not extend shall afterwards enter any place to which this Act extends, before the date of forty days from the date of such inoculation, or without a certificate from a qualified Medical Officer that such person is no longer likely to cause contagion, such person shall be liable, on conviction before a Magistrate, to imprisonment for a period not exceeding three months, or to a fine not exceeding two hundred rupees, or to both.

3. Whenever an offender is sentenced to pay a fine under this Act, the convicting Magistrate may award any portion not exceeding one-half of such fine to the person on whose information the offender has been convicted.

4. This Act extends only to the Districts of Kumaon and Garhwál.

WHITLEY STOKES,

*Ass. Secy. to the Govt. of India,  
Home Dept. (Legislative).*

The following Statutes apply to India, and are published for general information:—

31 VICTORIÆ, CAP. XXIX.

*The Medical Act Amendment Act, 1868.*

ABSTRACT OF THE ENACTMENTS.

1. Short Title.
2. Interpretation of Act.
3. Power to Colonial Legislatures to enforce Registration of Persons registered under "The Medical Act."

*An Act to amend the Law relating to Medical Practitioners in the Colonies.*

(29th May 1868.)

WHEREAS by the Thirty-first Section of "The Medical Act," passed in the Session holden in the Twenty-first and Twenty-second Years of Her Majesty, Chapter Ninety, it is enacted as follows: "Every Person registered under this Act shall be entitled, according to his Qualification or Qualifications, to practise Medicine or Surgery, or Medicine and Surgery, as the Case may be, in any Part of Her Majesty's Dominions, and to demand and receive in any Court of Law, with full Costs of Suit, reasonable Charges for professional Aid, Advice, and Visits, and the Cost of any Medicines or other medical or surgical Appliances rendered or supplied by him to his "Patients:" And whereas it is expedient to amend the said Enactment: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. This Act may be cited as "The Medical Act Amendment Act, 1868."

2. The Term "Colony" shall in this Act include all of Her Majesty's Possessions abroad in which there shall exist a Legislature as hereinafter defined, except the Channel Islands and the Isle of Man.

The Term "Colonial Legislature" shall signify the Authority other than the Imperial Parliament or Her Majesty in Council, competent to make Laws for any Colony.

3. Every Colonial Legislature shall have full Power from Time to Time to make Laws for the Purpose of enforcing the Registration within its Jurisdiction of Persons who have been registered under "The Medical Act," anything in the said Act to the contrary notwithstanding: Provided, however, that any Person who has been duly registered under "The Medical Act" shall be entitled to be registered in any Colony, upon Payment of the Fees (if any) required for such Registration, and upon Proof, in such Manner as the said Colonial Legislature shall direct, of his Registration under the said Act.

31 VICTORIÆ, CAP. XXXVII.

*The Documentary Evidence Act, 1868.*

ABSTRACT OF THE ENACTMENTS.

1. Short Title.
2. Mode of proving certain Documents.
3. Act to be in force in Colonies.
4. Punishment of Forgery.
5. Definition of Terms.
6. Act to be cumulative. Schedule.

*An Act to amend the Law relating to Documentary Evidence in certain Cases.*

(25th June 1868.)

WHEREAS it is expedient to amend the Law relating to Evidence: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. This Act may be cited for all Purposes as "The Documentary Evidence Act, 1868."

2. *Prima facie* Evidence of any Proclamation, Order, or Regulation issued before or after the passing of this Act by Her Majesty, or by the Privy Council, also of any Proclamation, Order, or Regulation issued before or after the passing of this Act by or under the Authority of any such Department of the Government or Officer as is mentioned in the First Column of the Schedule hereto, may be given in all Courts of Justice, and in all legal Proceedings whatsoever, in all or any of the Modes hereinafter mentioned; that is to say:

(1.) By the production of a Copy of the Gazette purporting to contain such Proclamation, Order, or Regulation.

(2.) By the Production of a Copy of such Proclamation, Order, or Regulation purporting to be printed by the Government Printer, or where the Question arises in a Court in any British Colony or Possession, of a Copy purporting to be printed under the Authority of the Legislature of such British Colony or Possession.

(3.) By the Production, in the Case of any Proclamation, Order, or Regulation issued by Her Majesty or by the Privy Council, of a Copy or Extract purporting to be certified to be true by the Clerk of the Privy Council, or by any One of the Lords or others of the Privy Council, and, in the Case of any Proclamation, Order, or Regulation issued by or under the Authority of any of the said Departments or Officers, by the Production of a Copy or Extract purporting to be certified to be true by the Person or Persons specified in the Second Column of the said Schedule in connexion with such Department or Officer.

Any Copy or Extract made in pursuance of this Act may be in Print or in Writing, or partly in Print and partly in Writing.

No Proof shall be required of the Handwriting or official Position of any Person certifying, in pursuance of this Act, to the Truth of any Copy or Extract from any Proclamation, Order, or Regulation.

3. Subject to any Law that may be from Time to Time made by the Legislature of any British Colony or Possession, this Act shall be in force in every such Colony and Possession.

4. If any Person commits any of the Offences following, that is to say,—

(1.) Prints any Copy of any Proclamation, Order, or Regulation which falsely purports to have been printed by the Government Printer, or to be printed under the

Authority of the Legislature of any British Colony or Possession, or tenders in Evidence any Copy of any Proclamation, Order, or Regulation which falsely purports to have been printed as aforesaid, knowing that the same was not so printed; or,

(2). Forges or tenders in Evidence, knowing the same to have been forged, any Certificate by this Act authorized to be annexed to a Copy of or Extract from any Proclamation, Order, or Regulation;

he shall be guilty of Felony; and shall on Conviction be liable to be sentenced to Penal Servitude for such Term as is prescribed by the Penal Servitude Act, 1864, as the least Term to which an Offender can be sentenced to Penal Servitude, or to be imprisoned for any Term not exceeding Two Years, with or without Hard Labour.

5. The following Words shall in this Act have the Meaning hereinafter assigned to them, unless there is something in the Context repugnant to such Construction; (that is to say,)

“British Colony and Possession” shall for the Purposes of this Act include the Channel Islands, the Isle of Man, and such Territories as may for the Time being be vested in Her Majesty by virtue of any Act of Parliament for the Government of India and all other Her Majesty’s Dominions.

“Legislature” shall signify any Authority other than the Imperial Parliament of Her Majesty in Council competent to make Laws for any Colony or Possession.

“Privy Council” shall include Her Majesty in Council and the Lords and others of Her Majesty’s Privy Council, or any of them, and any Committee of the Privy Council that is not specially named in the Schedule hereto.

“Government Printer” shall mean and include the Printer to Her Majesty and any Printer purporting to be the Printer authorized to print the Statutes, Ordinances, Acts of State, or other Public Acts of the Legislature of any British Colony or Possession, or otherwise to be the Government Printer of such Colony or Possession.

“Gazette” shall include the *London Gazette*, the *Edinburgh Gazette*, and the *Dublin Gazette*, or any of such Gazettes.

6. The Provisions of this Act shall be deemed to be in addition to, and not in derogation of, any Powers of proving Documents given by any existing Statute or existing at Common Law.

SCHEDULE.

COLUMN 1. <i>Name of Department or Officer.</i>	COLUMN 2. <i>Names of Certifying Officers.</i>
The Commissioners of the Treasury.	Any Commissioner, Secretary or Assistant Secretary of the Treasury.
The Commissioners for executing the Office of Lord High Admiral.	Any of the Commissioners for executing the Office of Lord High Admiral, or either of the Secretaries to the said Commissioners.

COLUMN 1. <i>Name of Department or Officer.</i>	COLUMN 2. <i>Names of Certifying Officers.</i>
Secretaries of State . . . . .	Any Secretary or Under Secretary of State.
Committee of Privy Council for Trade.	Any Member of the Committee of Privy Council for Trade or any Secretary or Assistant Secretary of the said Committee.
The Poor Law Board . . . . .	Any Commissioner of the Poor Law Board or any Secretary or Assistant Secretary of the said Board.

31 VICTORIÆ, CAP XXXVIII.

*Unclaimed Prize Money (India).*

ABSTRACT OF THE ENACTMENTS.

1. Prize Money to be paid and placed to the Credit of the Revenues of India, subject to be refunded without Interest.
2. Times within which Payments are to be made.
3. Power to the Secretary of State in Council to recover Monies as herein directed. Persons required to pay over Prize Money to be liable to account.
4. Nothing in the Act contained to prevent trying Rights to Prize Money.
5. Nothing to prejudice any Rights or Powers the Secretary of State in Council already has to the Prize Money.

*An Act for the Appropriation of certain unclaimed Shares of Prize Money acquired by Soldiers and Seamen in India.*

(25th June 1868.)

Be it enacted by the Queen’s most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the Authority of the same; as follows; (that is to say,)

1. All and every Shares and Share of Booty, Prize Money, Head Money, Bounty Money, and Salvage Money, and of Money arisen or which shall hereafter arise from, or which is now or shall hereafter be distributable in respect of, any Capture or other warlike Service whatsoever which has heretofore been or shall hereafter be made or performed, and to which Shares or Share any Officer, Soldier, Sailor, or other Person at any time in or belonging or having belonged to the Forces of the East India Company, to Her Majesty’s Indian Staff Corps, or to Her Majesty’s Local Indian Forces, European or Native, is now or shall hereafter be entitled, in whatsoever Service the same may have been acquired, and which Shares or Share have come into and are now remaining in the Hands, or shall hereafter come into the Hands, of any Prize Agent or Agents, or any other Person whomsoever shall be paid, according to the Residence of the Party or Parties paying the same, either in

London into the Bank of England to the Account of the Secretary of State in Council of India, or in India into such Places and in such Manner as the Government in India shall direct; and all sums of Money when so paid shall be placed to the Credit of the Revenues of India, and shall for all Purposes form Part of such Revenues, and be applicable in all respects as such Revenues are or shall be applicable, subject, nevertheless, to be refunded, without Interest, to any Person or Persons entitled to the same, and establishing his, her, or their Claim or Claims thereto to the Satisfaction of the Secretary of State in Council of India.

2. All Money now remaining in the Hands of any Prize Agent or Agents or any other Person or Persons whomsoever, and which is hereby directed to be paid and be placed to the Credit of the Revenues of India, and which shall be to be paid in England, shall be paid within Two Calendar Months next after the passing of this Act, and all such Money which shall be to be paid in India shall be paid within Six Calendar Months next after the passing of this Act; and all Money which shall hereafter come into the Hands of any Prize Agent or Prize Agents, or any other Person or Persons whomsoever, and which is hereby directed to be paid and be placed to the Credit of the Revenues of India, whether the same shall be to be paid in England or India, shall be paid within Two Calendar Months next after the Receipt thereof by such Prize Agent or Agents or other Person or Persons.

3. The Secretary of State in Council of India shall have and may exercise the same or the like Powers, Rights, and Remedies, so far as the same shall be applicable for Discovery and Recovery of and otherwise in relation to or in respect of the Monies hereby directed to be paid and to be placed to the Credit of the Revenues of India, as the Commissioners or the Treasurer for the Time being of Chelsea Hospital, or the Lord High Admiral of the United Kingdom or the Commissioners for executing the Office of Lord High Admiral, or any other Persons or Person, or any Corporation entitled to or interested in any Prize Money acquired by or due to any Officers, Soldiers, or Seamen in or belonging to Her Majesty's European Military or Naval Forces, have or can exercise by virtue of any Act or Acts now in force for the Discovery or Recovery of or otherwise in relation to or in respect

of such last-mentioned Prize Money, and all Courts of Law and Equity and of Admiralty Jurisdiction, in the United Kingdom, and in India shall have and may exercise the same or the like Jurisdiction, Powers, and Authorities for compelling every Person to account for and pay over the Monies hereby directed to be paid and be placed to the Credit of the Revenues of India as any Court of Law or Equity or of Admiralty Jurisdiction may now exercise with respect to any Prize Money acquired by or belonging to any such Officers, Soldiers, or Seamen as last aforesaid; and every Person who is required by this Act to pay over any Share or Shares shall be subject to the like Liability to account for the same, and to the like Fines and Penalties for Neglect or Default in not accounting for the same, and otherwise, as Agents or other Persons are by any Act or Acts now in force, subject to in respect of any Shares or Balances of Prize Money acquired by or belonging to any such Officers, Soldiers, or Seamen as last aforesaid.

4. Nothing in this Act contained shall prevent any Person or Persons from resorting to any Remedy at Law or in Equity against the Secretary of State in Council of India for the Recovery of Principal without Interest of any Money to which he or they may be entitled, and which shall be paid in Manner hereinbefore directed, and placed to the Credit of the Revenues of India, provided such Person or Persons shall prefer his or their Claim thereto to the Secretary of State in Council of India within Six Years from the respective Times at which the same Money shall be so paid as aforesaid.

5. Nothing herein contained shall take away or affect any Right which the Secretary of State in Council of India now has, or if this Act had not been passed would at any Time have had, to or in respect of any Monies hereby directed to be paid, nor shall diminish, abridge, or prejudice any Rights, Powers, or Remedies which the Secretary of State in Council of India has, or if this Act had not been passed would have had, or could at any Time have enforced, for the Discovery or Recovery of the same Monies, or any of them.

WHITLEY STOKES,  
Asst. Secy. to the Govt. of India,  
Home Dept. (Legislative).

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 24th September 1868, and is hereby promulgated for general information:—

**Act No. XXIII. of 1868.**

*An Act to give validity to certain Abkārī Rules in British Burma.*

WHEREAS Rules for the sale in British Burma of wine, beer, spirituous and fermented liquors and intoxicating drugs, have, from time to time, been made and published under the authority of the Chief Commissioner of British Burma, and it is expedient to give such Rules, as last published under the authority aforesaid, the force of law, and to indemnify all officers, farmers, and other persons who have acted under them, or under any such Rules previously published or enforced under the same authority; It is hereby enacted as follows:—

1. The Rules for the sale of wine, beer, spirituous and fermented liquors and intoxicating drugs in British Burma, published in the number of the *British Burma Gazette* dated the twenty-ninth day of February 1868, shall, from the thirty-first day of March 1868 down to the passing of this Act, be deemed to have had the force of law, and shall continue in force until the Governor General of India in Council by notification in the *Gazette of India* shall otherwise order.

2. All other such rules from time to time published or enforced by or by order of the Chief Commissioner of British Burma on or before the said thirty-first day of March 1868, shall be deemed to have had the force of law.

3. All officers, farmers, and other persons are hereby indemnified for anything done before the passing of this Act, which might lawfully have been done if this Act had been in force; and no suit or other proceeding shall be maintained against any such officer, farmer, or other person in respect of anything so done.

WHITLEY STOKES,

*Asst. Secy. to the Govt. of India,  
Home Dept. (Legislative).*