

THE



# Bombay Government Gazette

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Separate paging is given to this Part, in order that it may be filed as a separate compilation.

## 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 10th December 1869, and was referred to a Select Committee with instructions to make their report thereon in a month:—

#### Bill No. 21 of 1869.

*A Bill to provide rules relating to quarantine.*

WHEREAS it is expedient to empower expressly the Governor General of India in Council and the Local Governments to make rules relating to quarantine; It is hereby enacted as follows:—

1. It shall be lawful for the Governor General of India in Council and the Local Governments respectively, from time to time, to make rules for putting any vessel into a state of quarantine;

for regulating the intercourse of vessels in a state of quarantine with the shore or with other vessels; and

for regulating the intercourse between places where an infectious disease prevails, and other places.

2. All such rules shall be published in the *Gazette of India*, and deemed rules under section 271 of Penal Code. made by a Local Government) also in the local Gazette; and shall be deemed to be rules made under section 271 of the Indian Penal Code.

#### STATEMENT OF OBJECTS AND REASONING

The Indian Penal Code, section 271, very penalties for disobedience to quarantine, has been made and promulgated executively by the Government of India or by any Local Government. no such rules exist in British India, except, perhaps, under the Bombay Act VI. of 1867, section 14: doubts have been raised as to whether there is any power to make them; and the object of this Bill is to confer expressly the power in question.

(Signed) F. S. CHAPMAN.

The 23rd November 1869.

WHITLEY STOKES,

Secretary to the Council of the Governor General for making Laws and Regulations.

they comprehended rights of inheritance, *ab intestato*, repugnant to the Hindú law; but he thought that the time had arrived for making some advance in our existing legislation on this subject.

Under the present law all that could be obtained by the representative of a person who had died intestate, was a certificate of administration of so much of the estate of the deceased as was comprised in the debts due to the deceased person at the time of his death. Practically, however, in many cases, this certificate, though legally valid only for the purpose of collecting debts, operated to confer on the person obtaining it an undisputed right of administering the entire estate of the deceased.

It seemed to Mr. COCKERELL that so much of the Succession Act as regulated the duties and responsibilities of administrators might, without impropriety, be applied to the administration of the estates of Hindús and Buddhists in cases of intestacy; and that the grant of letters of administration should in such cases follow the interest, it being made incumbent upon the person claiming the grant to prove himself to the Court's satisfaction to be the legal representative of the deceased, and entitled to succeed according to the Hindú law.

Amongst the beneficial results to be expected from enacting this measure, he looked to the eventual enforcement of an authority to adopt being made in writing. When the advantages of the suppression of nuncupative wills became generally recognized, the validity of an oral authority to adopt could hardly be maintained.

An authority to adopt was equivalent to a testamentary disposition of property, and the one obviously required the same safeguard against fraud as the other. Mr. COCKERELL believed that the present state of the law in regard to adoption afforded great temptation and facility for fraudulent practices.

The Hindú childless widow had only to set up a fictitious oral authority given to her by her husband to adopt, and she was thereby enabled to divert the reversionary interest in the deceased's property from his relations to her own. It was to be apprehended that frauds of this description were not of very rare occurrence, and as, in such cases, the devolution of the deceased person's entire property of every description was affected by the transaction, the measure of the evil engendered by the present system was even greater than in the case of nuncupative wills.

The Motion was put and agreed to.

The following Select Committees were named:—

On the Bill to consolidate and amend the law for the acquisition of land needed for works of public utility—His Excellency the Commander-in-Chief, the Honourable Messrs. Taylor, Cockerell, Gordon Forbes, and Cowie, Colonel the Honourable R. Strachey, the Honourable Messrs. Chapman and Bullen Smith, and the Mover.

On the Bill to provide rules relating to quarantine—The Honourable Messrs. Cockerell, Gordon Forbes, Cowie, and Bullen Smith, and the Mover.

On the Bill to regulate the Wills of Hindús and Buddhists in the Presidency Towns—The Honourable Mr. Taylor, Major General the Honourable Sir H. M. Durand, the Honourable Messrs. Gordon Forbes and Chapman, and the Mover.

The Council adjourned to Friday, the 17th December 1869.

WHITLEY STOKES,

*Secretary to the Council of the Governor General  
for making Laws and Regulations.*

CALCUTTA, }  
The 10th December 1869. }