



Dhananjayamo Gadgil Library



GIPE-PUNE-124934

ACTS

PASSED BY THE

GOVERNOR OF BOMBAY IN COUNCIL

IN THE YEAR 1867.



Bombay:

PRINTED FOR GOVERNMENT

AT THE EDUCATION SOCIETY'S PRESS, BYCULLA.

1868.

Z 231
A 867
124934

TITLES

OF

ACTS PASSED BY THE GOVERNOR OF BOMBAY IN COUNCIL IN THE YEAR 1867.

ACT No. I.—An Act to reduce the Amount of the Capital of the Bank of Bombay and of the Shares therein, and to amend Act X. of 1863, and Act XV. of 1866, (Bombay).

ACT No. II.—An Act to amend (Bombay) Act No. XIV. of 1866.

ACT No. III.—An Act to make provision for the Administration of Military Cantonments in the Bombay Presidency.

ACT No. IV.—An Act to amend the Bombay Municipal Act (No. II.) of 1865.

ACT No. V.—An Act to amend the Schedule annexed to Act No. XII. of 1866, (Bombay.)

ACT No. VI.—An Act for the better Sanitary Regulation of the City of Bombay.

ACT No. VII.—An Act for the Regulation of the District Police in the Presidency of Bombay.

ACT No. VIII.—An Act for the Regulation of the Village Police in the Presidency of Bombay.

ACT No. IX.—An Act to amend the Law relative to the sale of Spirituous and Fermented Liquors in the City of Bombay.

INDEX

TO THE

ACTS PASSED BY THE GOVERNOR OF BOMBAY IN COUNCIL FOR THE YEAR 1867.

| | No. of Acts |
|---|-------------|
| A | |
| Act XI. of 1841.—Repeal of—as far as it relates to Bombay Presidency | III. |
| Act V of 1842.—Repeal of— | IX. |
| Act XII. of 1842.—Repeal of—as far as it relates to Bombay Presidency | III. |
| Act XXVII. of 1852.—Repeal of— | VIII. |
| Act XXVIII. of 1852.—Repeal of Section 2 of— | VII. |
| Act XVIII. of 1853.—Repeal of—as far as it relates to Bombay Presidency | III. |
| Act IV. of 1854.—Partial repeal of— | ib. |
| Act XLVIII. of 1860.—Partial repeal of Sections 11, 12, and 13 of— | IX. |
| Act X. of 1863.—(Bombay) Amendment of— | I. |
| Act II. of 1865.—(Bombay) Partial repeal of— | IV. |
| Act XII. of 1866.—(Bombay) Amendment of the Schedule attached to— | V. |
| Act XIV. of 1866.—(Bombay) Amendment of— | II. |
| Act XV. of 1866.—(Bombay) Amendment of— | I. |
| ASSISTANT CANTONMENT MAGISTRATE.—Power of— | III. |
| B | |
| BANK OF BOMBAY.—Reduction of the amount of the Capital of the— | I. |
| BOMBAY.—Act to reduce the amount of the Capital of the Bank of— | ib. |

INDEX TO THE ACTS.

| | No. of Acts |
|---|-------------|
| BOMBAY—(continued). | |
| Act to amend the—Municipal Act | IV. |
| Act for the better Sanitary Regulation of the City of— | VI. |
| Act to amend the law relative to the sale of Spirituous Liquors in the City of—..... | IX. |
| BOMBAY CODE. —Regulation XII. of 1827, Repeal of Sections I, III. Clause 1, Sections IV., XXX., Section XXXI, Clause 4, Section XL. | VII. |
| Regulation XII. of 1827, Repeal of Sections VI., XXII. and XLVIII. to LIII..... | VIII. |
| Regulation XXII. of 1827, Repeal of Sections III, VII, XXII. to XXVII., XXIX. to XXXIV., and XLVIII. to LV. | III. |
| C. | |
| CANTONMENT MAGISTRATES. —Power of— .. | III. |
| CANTONMENTS. —Administration of Military—..... | ib |
| CIVIL AND CRIMINAL JUSTICE. —Within the limits of Military Can- tonments | ib. |
| COMMANDING OFFICERS. —Execution of processes issued by—.. | ib. |
| COMMISSIONERS. —Administration of Police vested in—..... | VII. |
| CONSTABLE. —Definition of— | ib. |
| CONSULTING OFFICER OF HEALTH. —Power of—..... | VI. |
| COURT OF PETTY SESSIONS. —To determine disputes, &c., under certain Sections of the Municipal Act | IV. |
| COURT OF REQUESTS. —Not affected by the Military Cantonment Act | III. |
| D | |
| DISEASES. —Persons suffering from infectious—in the City and Port of Bombay, to be sent to a Sanitarium | VI. |
| DISTRICT POLICE. —Act for the regulation of— | VII. |
| DISTRICT POLICE STATION. —Definition of—..... | VIII. |

BOMBAY.

ACT No. I. of 1867.

PASSED BY THE GOVERNOR OF BOMBAY IN COUNCIL.

[Received the assent of the Governor of Bombay on the 3rd March 1867; and of the Governor General on the 6th April 1867, and published by the Governor of Bombay on the 25th April 1867.]

An Act to reduce the Amount of the Capital of the Bank of Bombay and of the Shares therein, and to amend Act X. of 1863, and Act XV. of 1866 (Bombay).

WHEREAS the Capital of the Bank of Bombay now nominally consists of
Preamble. Rupees 2,09,00,000, (two crores and nine lacs) divided
into 20,900 (twenty thousand nine hundred) fully paid
up Shares, of the nominal value of Rupees 1,000 (one thousand) each, and
whereas it has been considered expedient that the amount of the said Capital
and of the Shares therein should be reduced; It is enacted as follows:—

I. From and after the passing of this Act the Capital of the Bank of
Bombay, as re-incorporated and re-constituted under
Act X. of 1863, shall be and shall be deemed to be of
the amount of Rupees 1,04,50,000 (one crore four lacs
and fifty thousand), and shall be and shall be deemed to be divided into shares
of Rupees 500 (five hundred) each, fully paid up, and such shares shall con-
tinue to bear the same numbers as the shares of the said Bank bore previously
to the passing of this Act, and the shares which at the time of the passing of
this Act shall be registered in the name of the Governor in Council of Bombay,

1 c

or

[Price One Anna.]

or of any other person or persons, shall continue so registered until transferred to some other person or persons, according to the provisions of the said recited Act, or other the provisions in force in this behalf; but each of such shares shall be deemed to be a share of the nominal value of Rupees 500 (five hundred), fully paid up, in the Capital of the said Bank, and in case the Capital of the said Bank shall at any time after the passing of this Act be increased by virtue and in pursuance of the provisions of the said recited Act, or other the provisions in force in this behalf, the new or additional Capital so created shall in like manner be divided into shares of Rupees 500 (five hundred) each, and such shares shall be numbered in continuation of the numbers of the then existing shares, and no separate interest or share in or of the said Capital of less amount than Rupees 500 (five hundred) shall be created, or held by any proprietor, nor shall any proprietor or other person be entitled to claim a share of such new or additional Capital of less amount than Rupees 500 (five hundred) each.

II. All certificates of shares of the said Bank, which shall be issued after the passing of this Act under the provisions of the Certificate of Shares said recited Act, or other the provisions in force in this behalf, either in exchange or substitution for certificates theretofore issued, or in respect of additional Capital, shall purport to be certificates of one or more shares of Rupees 500 (five hundred) each, fully paid up, and not of shares of Rupees 1,000 (one thousand) each, as heretofore.

III. No person shall be capable of serving as a director of the said Bank by election of the proprietors who shall not be proprietor in his own right of 24 unencumbered shares of the Amendment of Sec 2 of Act XV. of 1866 Capital of the said Bank, or who shall be a director, provisional director, or promoter of any other Bank having or advertized as about to have a place of business within the town or island of Bombay. And in case of more than one member of any mercantile firm or company (being other than a joint stock company) being elected directors, or where any director shall become a member of such firm or company, there being already a member of the same firm a director, only one of such members shall act as a director.

IV. At

IV. At all General Meetings of the proprietors of the said Bank, the proprietors having a right to vote at such meeting, shall vote according to the following scale—

Amended scale for voting at General Meetings.

The proprietor of—

| | | | | |
|-----|-------------------|------|----------------------|----------|
| 4 | Shares of Rs. 500 | each | shall be entitled to | 1 vote. |
| 20 | Do. | do | do. | 2 votes |
| 40 | Do. | do. | do. | 3 votes. |
| 60 | Do. | do | do. | 4 votes. |
| 80 | Do. | do. | do. | 5 votes. |
| 120 | Do. | do. | do. | 6 votes. |
| 160 | Do. | do. | do. | 7 votes. |

and no proprietor shall be entitled to more than 7 votes.

V. All moneys and assets of the said Bank which, but for this Act, would have been deemed to be part of or to belong to the Capital of the said Bank as fixed by the said recited Act, or since created, shall, after setting apart and providing for the amount of Capital as fixed by this Act, be applicable to the formation or increase of the reserve fund provided for by Section XXXVI. of the said recited Act.

Reserve Fund

BOMBAY.

ACT No. II. OF 1867.

PASSED BY THE GOVERNOR OF BOMBAY IN COUNCIL.

[Received the assent of the Governor of Bombay on the 7th May 1867, and of the Governor General on the 28th May 1867, and published by the Governor of Bombay on the 12th June 1867]

An Act to amend (Bombay) Act No. XIV. of 1866.

WHEREAS doubts have arisen with respect to the disposal of suits and proceedings pending in the Courts of the Pergunnas of Edulabad and Wurrungaom, on the date on which those Pergunnas were, by Bombay Act No. XIV. of 1866, brought under the General Regulations and Acts in force in the Bombay Presidency; and whereas it is expedient that such doubts should be removed; It is enacted as follows:—

I. Any suit or proceeding which, at the date on which Bombay Act No. XIV. of 1866 came into operation, was pending in any Court or before any Officer in the Pergunna of Edulabad or Wurrungaom, shall proceed and be continued in, and shall be heard and determined before the Court that would have been competent to hear and determine such suit or proceeding if it had been instituted after the date on which the said Act came into operation.

II. All Appeals from Decrees or Orders passed in the said Pergunnas before the date on which the said Act came into operation shall be received, heard, and determined by the Court that would have had jurisdiction in such appeals had the Decrees or Orders to which they relate been passed after the date on which the said Act came into operation.

2 c

[Price Half Anna]

[Printed at the Bombay Education Society's Press, Byculla].

III. Any suit which had been determined before the date on which the said Act came into operation, and which shall have been ^{Trial of suits remanded} or shall be remanded by any Appellate Court, shall be _{by Appellate Court} tried before the Court that would be competent to try such suit if instituted after the date on which the said Act came into operation.

IV. All applications for Execution, and all Decrees or Orders, which, but ^{Execution of Decrees} for the passing of the said Act, would have been made to or executed by, any Court or Officer existing at the date on which the said Act came into operation, shall be made to or executed by the Court or Officer who would have had jurisdiction in respect of such matter, had the suit or proceeding in which the application, decree, or order was made, been instituted after the date on which the said Act came into operation.

BOMBAY.

ACT No. III. of 1867.

PASSED BY THE GOVERNOR OF BOMBAY IN COUNCIL.

[Received the assent of the Governor of Bombay on the 7th May 1867, and of the Governor General on the 1st June 1867, and published by the Governor of Bombay on the 24th June 1867.]

An Act to make provision for the Administration of Military Cantonments in the Bombay Presidency.

WHEREAS it is expedient to make provision for regulating the administration of Civil and Criminal Justice, and the superintendence of Police and Conservancy, for protecting the public health within the limits of Military Cantonments, and for laying down local Rules and Regulations to be enforced within such limits: It is enacted as follows:—

I. This Act shall come into operation in such Military Cantonments and from such dates as the Government shall declare by Notification in the *Bombay Government Gazette*.

II. From and after the date at which this Act shall come into operation in any Military Cantonment and within the limits of such Cantonment, so much of *Sections III. and VII. of Regulation XXII. of 1827* of the Bombay Code (a Regulation to declare and define Military authority, in its relations to the Civil Power and to the community at large) as are still in force, *Sections XXII. to XXVII.* both inclusive, *Sections XXIX. to XXXIV.* both inclusive,

3 c

[Price Five Annas.]

[Printed at the Bombay Education Society's Press, Byculla.]

inclusive, *Sections XLVIII. to LV.* both inclusive, of the said *Regulation XXII. of 1827* of the Bombay Code, *Act No. XI. of 1841* (an Act for consolidating and amending the Regulations concerning Military Courts of Requests for Native Officers and Soldiers in the service of the East India Company) so far as it relates to the Bombay Presidency; *Act No. XII. of 1842* (an Act for the better regulation of Military Bazaars and defining the liabilities of Camp Followers) so far as it relates to the Bombay Presidency, *Act No. XVIII. of 1853* (an Act for regulating the sale of spirituous liquors, &c., in Cantonments) so far as it relates to the Bombay Presidency; and *Act No. IV. of 1854* (an Act relating to the execution of sentences in petty cases by Superintendents of Bazaars in the Presidency of Bombay), shall cease to have effect to the extent in this Section above stated, except as to any act done or offence committed, or as to any fine or penalty incurred, or as to any proceedings began before this Act shall be in force, in which cases the Cantonment Magistrate shall have and exercise the same Powers as the Superintendent of Bazaars would have had and exercised but for the passing of this Act.

III. From and after the date at which this Act shall come into operation in any Military Cantonment, the Office of Superintendents of Bazaars abehshed, Superintendent of Bazaars in such Cantonment shall be abolished.

IV. When any person shall be invested by the Government under the provisions of Section XXIII. of the Code of Criminal Procedure, with the powers of a Magistrate within the limits of any Military Cantonment, such person shall be styled the Cantonment Magistrate, and within the limits of such Cantonment shall, subject to the control of the Magistrate of the District in which such Cantonment is situate, exercise the powers of a Magistrate as defined in the said Code, for the purpose of disposing of all cases arising within such Cantonment which the Magistrate of the District might dispose of, and for the commitment for trial before the Court of Session of the District or place in which such Cantonment is situate, or before the High Court of Judicature at Bombay, of any person charged

charged with any offence triable before such Courts respectively, or for which the person charged shall appear to deserve a more severe sentence than a Magistrate is competent under the said Code of Criminal Procedure to award.

V. The Cantonment Magistrate shall exercise the powers of a Magistrate within the meaning and for the purposes of the Code of Criminal Procedure, and when it shall have been so notified by the Government he shall be considered to be a Magistrate in charge of a Division of a District within the meaning and for the purposes of the said Code.

Cantonment Magistrate to exercise the powers of a Magistrate

VI. When any person shall be invested by the Government under the provisions of Section XXIII. of the Code of Criminal Procedure, with the powers of a subordinate Magistrate of the 1st or 2nd Class within the limits of any Military Cantonment, such person shall be styled the Assistant Cantonment Magistrate, and shall be subject to the Rules laid down for subordinate Magistrates in the said Code.

Assistant Cantonment Magistrates

VII. The Police Force employed in any Military Cantonment shall be deemed to be part of the Police Force of the District in which the Cantonment is situated, and subject to all Laws and Regulations applicable to such Police Force for the time being. The administration of the Police within the limits of any Cantonment in which there shall be a Cantonment Magistrate shall be vested in the District Superintendent of Police, subject to the general control and direction of the Commanding Officer of such Cantonment.

The Police Force in a Cantonment to be part of the Police Force of the District.

Administration of Police within Cantonment.

VIII. The Commanding Officer of a Cantonment may send any process requiring service or execution by any means not immediately at his disposal, to the Chief Police Officer in the Cantonment for service or execution through the Cantonment Police, and it shall be the duty of the said Chief Police Officer to serve or execute such process in the same manner as if it had been issued by the Cantonment Magistrate, and subject to the same rules.

Service and execution, through Cantonment Magistrate, of process issued by Commanding Officer of a Cantonment.

IX. The

IX. The Government shall have power to make Rules and Regulations not inconsistent with the provisions of this Act or of any other law in force, to provide within the limits of any Military Cantonment, for the matters hereinafter mentioned, and from time to time to repeal, or alter, such Rules and Regulations. The Rules and Regulations made under this Section may be general for all Military Cantonments subject to the provisions of this Act, or special for any one or more of such Cantonments, according as the Government shall direct.

X. No Rule or Regulation made or altered under the last preceding Section shall have effect until the same shall have been confirmed by the Governor General of India in Council. A copy of every such Rule and Regulation when so confirmed, in English and in the Vernacular language chiefly in use, shall be hung up in some conspicuous part of the Office of the Cantonment Magistrate, or in such other place as the Government or the Commanding Officer may direct.

XI. The Rules and Regulations made under Section IX. of this Act may provide—

1st.—For regulating, in cases in which the land within the limits of the Cantonment is the property of Government, and the occupation and use of which by private persons is only permissive, the conditions under which such occupation or use shall be allowed, and under which the Government may resume possession of such land, and under which compensation shall be given to persons occupying or using the land so resumed.

2nd.—For maintaining proper registers of immoveable property within the limits of the Cantonment, and for providing for the registration of transfer of such property.

3rd.—For regulating the manner in which houses within the limits of the Cantonment shall be claimable for purchase or hire, when necessary, for the accommodation of Military Officers.

4th.—For regulating the management and expenditure of any funds made available by law, or by the Government, for the purpose of public improvements

improvements within the limits of the Cantonment, or for carrying out any Rules and Regulations passed under this Section, and the appointment of the necessary servants and establishments.

5th.—For the definition and prohibition of public nuisances.

6th.—For the maintenance generally of the Cantonment in a proper sanitary condition; for the prevention and cure of disease; for the management and regulation of the public roads, of conservancy and drainage; for the regulation and inspection of public and private necessaries, urinals, cess-pools, drains, and all places in which filth or rubbish is deposited; of slaughter-houses, public markets, burial and burning grounds, and all offensive or dangerous trades and occupations.

7th.—For inspecting and controlling houses of ill-fame, and for preventing the spread of venereal disease.

8th.—For the supervision and regulation of public wells, tanks, springs, or other sources from which water is or may be made available for public use.

9th.—For the execution and promotion of works of public utility and convenience.

10th.—For the registration of deaths, and for making and recording observations and facts important for the public health and interests.

11th.—For the imposition of penalties on persons convicted of the breach of any Rule or Regulation made under Section IX. of this Act, and for declaring what persons shall make the preliminary inquiry into, or take cognizance of any breach of such Rules and Regulations, and the manner in which the investigation shall be conducted: Provided that no penalty so imposed shall exceed a fine of fifty Rupees, or imprisonment for eight days with or without labour.

XII. Breaches of any Rule or Regulation made under Section IX.

of this Act shall be triable by the Cantonment Magistrate when there is such an officer; but the Government may invest any Assistant Cantonment Magistrate or any other person with power to try such breaches, and may authorize such person to exercise such power independently of the Cantonment Magistrate. The Magistrate of the District shall have no control over the Cantonment Magistrate, or

over any Assistant Cantonment Magistrate, or any other person invested with such power in respect to the exercise of such power.

XIII. In every case in which an offender is sentenced to a fine for the breach of any Rule or Regulation made under Section IX. of this Act, the amount may in case of non-payment be levied by distress and sale of any moveable property of the offender which may be found within the limits of the Cantonment.

Amount of fine imposed how to be levied

XIV. If no such property sufficient for the payment of the fine can be found, the offender shall be liable to be imprisoned without labour for any term not exceeding one calendar month.

Imprisonment in case of amount not being levied.

XV. Imprisonment under this Act may be in any Gaol regulated by Bombay Act No. IV. of 1865 (an Act for the Regulation of Mofussil Gaols and the enforcement of discipline therein) or by any other Act in force for the time being for regulation of Gaols in the Presidency of Bombay.

Place of imprisonment.

XVI. Nothing in this Act, nor in any Rule or Regulation made under Section IX. thereof, shall prevent any person from being prosecuted under any other Regulation or Act for any offence punishable under this Act, or from being liable under any other Regulation or Act to any other or higher penalty or punishment than is provided for such offence by this Act. Provided that no person shall be punished twice for the same offence.

Prosecutions, under other Regulations, not barred by this Act

XVII. Whenever it shall appear necessary for the protection of the health of the troops in any Military Cantonment subject to the provisions of this Act, it shall be lawful for the Government to extend to any place outside the limits of such Military Cantonment, and in the vicinity of such Cantonment, all or any of the Rules and Regulations made for such Cantonment, under Clause 7 of Section XI. of this Act, and to make any additional Rules and Regulations under the said Clause, and to define the limits around such Cantonment within

For protection of the health of the troops, Rules and Regulations made under the 7th Clause of Section XI may be extended beyond limits of Cantonments.

within which such Rules and Regulations or additional Rules and Regulations shall be in force.

XVIII. When such Rules and Regulations, or any additional Rules or Regulations made as above, shall be extended under the last preceding Section beyond the limits of such Cantonment, it shall be lawful for the Government to provide, in the manner described in Clause 11 of Section XI. of this Act, for the imposition of penalties for the breach of such Rules and Regulations, and for prescribing the manner in which, and the persons by whom, breaches of such Rules and Regulations shall be inquired into or be cognizable.

XIX. All Courts and Magistrates shall take judicial notice of all Rules and Regulations made under Section IX. or Section XVII. of this Act.

XX. Whenever, in any Military Cantonment, Rules and Regulations have been made under Section IX. of this Act, so much of any Regulation or Act as may be held to empower the Commanding Officer to make local Regulations regarding matters other than Military, shall cease to have any effect in such Cantonment, and all local Regulations for any Military Cantonment which may have been made before the promulgation of the Rules and Regulations for such Cantonment, made under the said Section IX., shall cease to have any effect: Provided that nothing in this Section shall be held to interfere with any Military authority vested in the said Commanding Officer under the Articles of War.

XXI. If within any Military Cantonment, or within any limits around such Cantonment prescribed by the Government, any person not amenable to the Articles of War, or any Sutler, or Camp-follower, shall knowingly barter, sell, or supply, or offer or attempt to barter, sell, or supply any spirituous liquor, wine or intoxicating drug to, or for the use of, any European Soldier, or to or for the use of any European or Eurasian being

How penalties may be imposed and enforced for breach of Rules and Regulations in extended limits

Courts to take judicial notice of Rules and Regulations made under this Act.

Effect of Rules, made under Section IX of this Act, in respect of Regulation previously in force.

Proviso.

Penalty for the unauthorized sale of spirituous liquor, &c., to certain persons in Cantonments.

being a Camp-follower or a Soldier's wife, without a written license from the Officer Commanding, or from some person having sufficient authority from the Officer Commanding to grant such license, the person so bartering, selling, or supplying, or offering, or attempting to barter, sell, or supply such spirituous liquor, wine, or intoxicating drug as aforesaid, shall be liable on conviction to a fine not exceeding one hundred Rupees, or in the discretion of the Magistrate to imprisonment with or without hard labour, for any period not exceeding three months, or in lieu of such fine or imprisonment to the punishment of whipping, as prescribed for offences under Section II. of Act VI. of 1864 (*to authorize the punishment of whipping in certain cases*), subject to all the provisions of that Act.

XXII. If any person convicted of an offence under the last preceding Section shall be again convicted of an offence under that Section, any spirituous liquor, wine, or intoxicating drug within such Cantonment or limits, which at the time of the commission of such subsequent offence shall belong to or be in the possession of such person, shall, without further proof, be deemed to be in the possession of such person for the purpose of being supplied to European Soldiers contrary to the provisions of this Act, and shall be liable to be seized and confiscated.

XXIII. If any Camp-follower or Military Pensioner, or the wife or the widow of any Soldier, Camp-follower, or Military Pensioner shall, within such Cantonment or limits remove, convey, or have in his or her possession, any quantity of spirituous liquor or wine exceeding one quart, without a permit signed by the Officer in Command, or other Officer appointed by him to grant permits under this Act, every such person shall be liable upon conviction to a fine not exceeding fifty Rupees, and for any subsequent offence to a fine not exceeding one hundred Rupees, or to imprisonment, with or without hard labour, for any term not exceeding three calendar months: Provided that nothing in this Section contained shall apply to any spirituous liquor or wine brought into a Cantonment for the private use of any Commissioned Officer.

XXIV. If

XXIV. If any person subject to the provisions of this Act shall be found committing any offence punishable under Section XXI, or Section XXIII of this Act, any Police Officer may immediately, without warrant, arrest such person, and also seize any spirituous liquor, wine, or intoxicating drug, together with any vessel containing the same, and any thing used for the purpose of removing, conveying, or concealing the same, which may be found in his possession, and shall thereupon without delay take such person, together with the things so seized, before the Cantonment Magistrate or other Officer having jurisdiction, to punish the offender.

XXV. In case of a conviction for any offence under Section XXI, or Section XXIII. of this Act, the Cantonment Magistrate or other Officer may adjudge any liquor, wine, or intoxicating drug in respect of which the person shall have been convicted, and any other spirituous liquor, wine, or intoxicating drug which shall have been found in his possession at the time of committing the offence, and any vessel containing the same, together with anything used for the purpose of conveying, removing, or concealing the same or any part thereof, to be confiscated; and such Magistrate may order the whole or any part of any fine imposed under this Act to be paid, when realized, to the person upon whose information such conviction shall have taken place, or to the Officer who shall have apprehended the offender, or seized any of the goods adjudged to be confiscated.

XXVI. Anything seized under Section XXIV., in respect of which any person shall be charged with an offence, may be detained until the person in whose possession the same shall have been seized shall be convicted or acquitted of the offence charged. If the person shall be acquitted, anything so seized shall be restored; if he shall be convicted, such of the things only as shall not be adjudged to be confiscated shall be restored.

Property seized under this Act may be detained until party charged with offence is convicted or acquitted.

How to be disposed of

XXVII. The

Saving of articles sold or supplied for medicinal purposes.

XXVII The foregoing Sections shall not apply to the sale or supply of any article for medicinal purposes by recognized Medical Practitioners, Chemists, or Druggists.

Certain acts done by Cantonment Magistrates before the passing of this Act confirmed.

XXVIII All acts done previously to the passing of this Act by Cantonment Joint Magistrates, or by persons acting under their authority or otherwise in any Military Cantonment in pursuance of an order of Government, or which shall have been or shall be ratified by the Executive Government, are hereby confirmed and made valid; and all such Officers and persons as aforesaid are hereby indemnified and discharged from liability in respect of such acts.

Regulations and Acts inconsistent with this Act when they cease to have effect in such Cantonment.

XXIX From the date on which any Cantonment Magistrate shall begin to exercise jurisdiction under this Act in any Cantonment, so much of the Regulations and Acts for the time being in force in the Presidency of Bombay as is in any way inconsistent with or repugnant to any of the provisions of this Act shall cease to have effect in such Cantonment.

Application of Act.

XXX This Act is not applicable to the City of Bombay:

Saving of jurisdiction of Courts of Requests held under 29 Vic. c. 9, Sect 99, or the corresponding Section in any subsequent Mutiny Act.

XXXI Nothing in this Act shall be held to affect the jurisdiction of any Court of Requests convened under the ninety-ninth Section of the Statute 29 Victoria, Cap. IX., or the corresponding Section in any other Statute for the time being in force for punishing Mutiny and Desertion, and for the better payment of the Army, and their Quarters, or the powers of a Commanding Officer under any such Statute to convene such Courts.

Short Title.

XXXII This Act may be cited as "The Bombay Cantonment Act of 1867."

BOMBAY.

ACT No. IV. OF 1867.

PASSED BY THE GOVERNOR OF BOMBAY IN COUNCIL.

[Received the assent of the Governor of Bombay on the 7th May 1867, and of the Governor General on the 8th June 1867, and published by the Governor of Bombay on the 24th June 1867.]

An Act to amend the Bombay Municipal Act (No. II.) of 1865.

WHEREAS it is expedient to amend the Bombay Municipal Act (No. II.) of 1865; It is enacted as follows:—

I. Section 47 of Act No. II. of 1865 (Bombay Municipal Act) is hereby repealed, and in lieu thereof shall be read the following: An annual rate of five per centum, of their annual value, shall be levied upon houses, buildings, and lands in the City of Bombay, and shall be payable by the owners thereof in quarterly instalments in the following manner, that is to say, on the 1st July next one quarterly instalment in arrears shall then be due and leviable for the second quarter of 1867, and a further quarterly instalment shall be then due and leviable in advance for the third quarter of 1867, and on the 1st October next ensuing the fourth and last quarterly instalment for the year 1867 shall be then due and leviable, and on and after the 1st January next ensuing the annual rate of 5 per centum leviable upon houses, buildings and lands in the City of Bombay under this Section, shall be payable by the owners thereof in advance in half-yearly instalments, that is

6 c

to

[Price Six Annas.]

[Printed at the Bombay Education Society's Press, Byculla.]

to say, the first instalment for the year shall be due and leviable on the 1st January, and the second instalment on the 1st July of each year :

PROVISO. Provided that no warrant for the recovery by distraint of rates payable in advance shall be issued unless 15 days' notice shall have been previously given to the defaulter. Provided also that it shall be lawful for the Governor in Council, on a Resolution, passed by the Justices at a Special General Meeting, to fix from time to time in lieu of the said annual rate of five per centum, any higher rate not exceeding ten per centum. Any rate so fixed shall be published in the *Government Gazette* before the commencement of the year in which such rate is to have effect.

Section repealed II. Section 227 of Act II. of 1865 (Bombay Municipal Act) is hereby rescinded.

III. To provide for the annual expense of the Police of the City of Bombay, and for the prevention of mischief from fires, an annual rate of not less than 2 per cent. and not more than 3 per cent. upon their annual value, shall be imposed by the Justices upon the occupiers of all houses, buildings, and lands in the City, which shall be assessed and levied in the manner hereinafter provided. The Police Rate shall be due and leviable at the same time and in the same instalments as the House Rate.

IV. The annual value of all houses, buildings, and lands liable to the Police Rate, shall be the annual value as ascertained under Section 58 of Act II. of 1865 (Bombay Municipal Act).

Annual value of houses, &c liable to Police Rate how to be determined.

V. Every occupier shall be liable to the Police Rate for the time of his occupation, and when any person shall cease to be an occupier during the currency of any half-year, the Municipal Commissioner shall on application refund to him so much of the rate for that half-year as may be proportioned to the period during which he shall cease to be an occupier, provided however that no refunds shall be given for any broken period of a month.

Occupier liable to the rate for time of occupation.

PROVISO.

VI. When

VI. When any house, or building, or any land is entirely unoccupied, the owner shall be liable to pay the Police Rate.
 Owner when liable.

VII. When any house, building, or land is sublet in apartments, flats, or portions of flats, the owner thereof shall furnish the Municipal Commissioner with a list of his tenants, showing the amount of rent paid by each tenant, at least 15 days before the 1st January and 1st July in each year, and the Municipal Commissioner shall thereupon proceed to recover the Police Rate from such tenants in proportion to the amount of rent paid by each tenant, but if the owner shall neglect to furnish the Municipal Commissioner with such list as aforesaid, the Municipal Commissioner shall proceed to recover the Police Rate from the owner instead of from the tenants of such house, building, or land sublet as aforesaid.
 Owner to furnish list of his tenants.

VIII. Whenever by reason of default of any tenant or by reason of any portion of the house, building, or land being without a tenant, the payment of Police Rate under the preceding Section shall fall short of the full amount of Police Rate leviable in respect of any house, building, or land sublet as aforesaid, the owner of such house, building, or land shall be liable to pay the amount of such deficiency on demand by the Municipal Commissioner.
 Owner to be liable for deficiencies.

IX. When any person rents any house, or building, or any land from the owner thereof, and sublets the same in apartments, flats, or portions, such person, for the purpose of the Police Rate, shall be held to be the occupier.
 Occupier to be liable. sub-letting

X. The following Sections of Act II. of 1865 (Bombay Municipal Act) relating to the mode of demand and recovery of Municipal Rates and Taxes, shall be applicable to the Police Rate, viz. Sections 61, 62, 68 to 80, 230, and 231.
 Sections of Act II. of 1865 made applicable to Police Rate.

XI. The

XI. The Municipal Commissioner may proceed under this Act to recover all moneys due for Police Rate or Halalcore cess assessed under Act II. of 1865 (Bombay Municipal Act) before this Act shall come into operation; provided that no moneys shall be recovered from any person who was not liable to assessment under the said Act.

Power of Municipal Commissioner to recover Police Rate

Proviso.

XII. Whenever an owner has been compelled to pay any Municipal rate or tax ordinarily payable by the occupier of a house, building, or land, he shall have the right to recover from such occupier his proportion of the rates so paid, calculated on the rent actually paid by such occupier.

Owner may recover proportion of rate from occupier

XIII. Section 52 of Act II. of 1865 (Bombay Municipal Act) is hereby repealed, and in lieu thereof shall be read the following:—To provide for the lighting of the public streets of the City by Gas, the Justices may levy an annual lighting rate, not exceeding 2 per cent. on the annual value, upon the occupiers of all houses, buildings, and lands in the City, and such rate shall be due and payable at the same time, and in the same instalments, and in the same manner as the Police Rate, and the Sections of this Act applicable to the Police Rate shall also be applicable to the Lighting Rate.

Amended Section for Lighting Rates

XIV. Whenever under Section 119 of Act II. of 1865 (Bombay Municipal Act) the Municipal Commissioner shall have caused any house, building, or land to be served by a Municipal Halalcore, the Halalcore cess shall be payable by, and levied from, the occupiers at the same time, and in the same manner as the Police Rate, and the Sections of this Act applicable to the Police Rate shall also be applicable to the Halalcore cess.

When occupiers shall be liable for Halalcore cess.

PROVISO

Provided that the maximum Halalcore cess payable by any private person in respect of his own residence shall not exceed Rupees seven per mensem, in other cases the Halalcore cess shall not exceed three per cent. of the actual rent payable by each occupier. Provided always that in no case shall less than four annas per month be paid by any family for Halalcore cess payable under this Act.

XV. The

XV. The Commissioner shall have the same powers in demanding and recovering the Halalcore cess, as are conferred upon him by Act II. of 1865, for the recovery of any Municipal rate or tax.

Powers of Commissioner to recover Halalcore cess

XVI. All Halalcores employed by the Commissioner under Section 119 of Act II. of 1865 (Bombay Municipal Act) are hereby declared to be public servants, and the Commissioner may, as provided in the said Act make by-laws for their control and supervision.

Halalcores declared to be public servants.

By-laws for management

XVII. In the case of messuages or buildings let in flats or portions of flats it shall be lawful for the Municipal Commissioner to treat each flat as a separate property for the purpose of the House rate: provided that if any portion of a flat is occupied, the owner shall be liable to pay House rate on the valuation of the whole flat.

House Rate provision for buildings let in flats or floors.

Proviso.

XVIII. Whenever the occupier of any house, building, or land shall vacate the same, having paid any rates in advance for the current half-year, he shall on giving the Municipal Commissioner written notice within seven days after his so vacating be entitled to a refund of the rates due for the portion of the half-year remaining.

Refund to occupier of rates paid in advance

The Municipal Commissioner shall then proceed to recover rates for the remainder of the current half-year from the new occupier, if the house, building, or land be immediately let, or if otherwise, from the owner; provided however that no person shall be entitled to a refund for any broken period of a month, nor shall the Municipal Commissioner recover any rates from the new occupier, or from the owner for any such broken period.

The Municipal Commissioner from whom to recover balance for current half-year.

Proviso.

XIX. All questions and disputes which may arise under Sections V., XII., and XVIII. of this Act shall be determined by the Court of Petty Sessions.

Questions and disputes under Sections V, XII and XVIII. to be determined by the Court of Petty Sessions.

XX. Schedule

XX. Schedule F to Act II. of 1865 (Bombay Municipal Act) is hereby repealed, and in lieu thereof shall be read Schedule A to this Act; and wherever in the Bombay Municipal Act reference is made to Schedule F to that Act, it shall be held to have been made to Schedule A to this Act, and the new Schedule shall come into force on and after such date subsequent to the coming into operation of this Act as may be notified by Government.

XXI. The Municipal Commissioner shall be empowered to require the Heads of Public Offices, Joint Stock Companies and Trading Firms to furnish him with a list of their employés subject to the License Tax, and also to call upon any partner or agent of a firm to furnish a return showing the names and residences of all partners in the firm, whether resident in Bombay or elsewhere, and any partner or agent called upon to make such return shall be bound to make a true and faithful return, and Clause 2 Section 62 of the Bombay Municipal Act shall apply to any person refusing or failing to furnish such return.

XXII. Section 146 of Act II. of 1865 is hereby repealed. Whenever the Health Officer shall certify to the Commissioner that any dwelling-house is so overcrowded as to be dangerous or prejudicial to the health of the inhabitants, and the inhabitants shall consist of more than one family, it shall be lawful for the Court of Petty Sessions at Bombay upon proof of such overcrowding as aforesaid to issue an order to the owner of such house requiring him, within six weeks from the date thereof, to abate such overcrowding, by ejecting such number of lodgers or tenants as shall be stated in the order, and in case the owner of such house refuses or neglects to comply with the terms of such notice, he shall be liable to a fine not exceeding 20 Rupees for every day after the expiry of the term mentioned in the order until he shall have complied with such order. And whenever such owner shall establish to the satisfaction of the said Court that it is owing to the tenant's refusal to leave that the terms of the order have not been carried out, it shall be lawful to the said Court

Court to impose such fine on the recusant tenant and not on the owner :

Proviso. Provided always, that if the owner of any such dwelling-house shall have sublet the same to any contractor, the contractor shall, for the purposes of this Section, be held to be the owner.

XXIII. Whenever, by Act II. of 1865, or by this present Act, notices or summonses may be issued to any person, the said notices or summonses may be served by any person or persons authorised by the Commissioner in writing to serve notices and summonses.

XXIV. All notices required by Act II. of 1865, or by this present Act to be given to or left with the Commissioner, shall be in writing.

XXV. Whenever the Commissioner, with the sanction of the Justices and of the Government, as provided in Act II. of 1865, shall have established any slaughter-houses or burial-grounds beyond the limits of the City of Bombay, for the use of the inhabitants of the said City, all by-laws for the management of slaughter-houses and burial-grounds within the City of Bombay shall apply and have full force therein; and all offences against those by-laws, or against the provisions of Act II. of 1865, shall be cognizable by the Magistrates of the City of Bombay, as if such slaughter-houses or burial-grounds were within the City of Bombay: Provided the limits of such slaughter-houses or burial-grounds be duly notified in the *Government Gazette*, and plans thereof lodged with the several Magistrates of the City of Bombay.

XXVI. It shall be lawful for the Justices, with the sanction of the Governor in Council, to borrow money on the mortgage of any rents or income yielded by their real property, or any part thereof, for the purpose of executing any permanent improvement, and with the like sanction to fix such rates of interest and such periods for the repayment of the sums borrowed

rowed with interest as they shall think fit; and for the purpose of securing the repayment of the sums so borrowed with interest as aforesaid, the Justices may mortgage and assign over to the person or persons by or on behalf of whom such sums or any part thereof may be advanced, the income or rents received or receivable from such real property, and may further supplement the same, when necessary, by payments from the Municipal Fund.

Sections of Act II. of 1865 made applicable to loans borrowed by Justices

XXVII. Sections 254, 255, and 256 of Act II. of 1865, shall apply to all loans borrowed by the Justices under the preceding Section.

Amendment of Section CCXL of the Bombay Municipal Act of 1865.

XXVIII. Section CCXL. of the Bombay Municipal Act of 1865 shall be read as if between the words "upon" and "the" in the first line of the said Section the following had been inserted:—

"The Justices of the Peace for the City of Bombay or any of them or"

Extended application of this Act

XXIX. This Act shall be read as and taken to be part of Act II. of 1865.

SCHEDULE A.

LICENSE TAX ON PROFESSIONS, TRADES, AND CALLINGS.

CLASS I.

Yearly.

- (A) Every Joint Stock Company, whether registered or not under any English or Indian Act or Acts, and every other Company, whether incorporated or not by Royal Charter, Act of Parliament, or Act of the Council of the Governor General, or of the Governor of any of the Presidencies, and carrying on any trade or business having gain for its object, the nominal subscribed capital of which is 50 lakhs of Rupees and upwards. 1,000 Rs.
- (B) Every Company of any of the descriptions mentioned in Division (A) of this class, the nominal or subscribed capital of which is 20 lakhs and below 50 lakhs of Rupees. 750 Rs.
- (C) Every Company of any of the descriptions mentioned in Division (A) of this class, the nominal or subscribed capital of which is 10 lakhs and below 20 lakhs of Rupees. 500 Rs.
- (D) Every Company of any of the descriptions mentioned in Division (A) of this class, the nominal or subscribed capital of which is below 10 lakhs of Rupees 250 Rs.
- (E) Every Merchant, Banker, or Shroff carrying on business in Bombay in person or as Agent 100 Rs.

CLASS II.

- Every person in the service of Her Majesty in Bombay not being a Regimental Military Officer, and every person in the service of the Municipality, or in the service of any Joint Stock or other public Company or Trading Firm, provided the salary of such person amounts to Rupees 1,000 per mensem or upwards. } 50 Rs.
- Every practising Barrister, Attorney, Proctor, Notary Public, Vukeel or Pleader of the High Court, Small Cause Court, or any of the Police Courts }

| | |
|--|-----------|
| Every practising Architect and Civil Engineer | } Yearly. |
| Every practising Physician and Surgeon | |
| Every Commission Agent and Broker employed in the wholesale purchase or sale of Bills of Exchange and Hoondees, or in the wholesale purchase or sale of Imports or Exports | } 50 Rs. |
| Every Contractor | |
| Every owner or farmer of a private or public Market | |
| Every owner of Screws for the pressure of Cotton, Hides, or other things | |
| Every Auctioneer | |
| Every owner of a Printing Press, Hotel-keeper, Boarding- house-keeper, Shop-keeper, manufacturer or Trader, the annual value of whose shop or place of business as esti- mated under Section LVIII. of Act II. of 1865 (Bombay Municipal Act) amounts to Rupees 2,400 or upwards . . | |

CLASS III.

| | |
|---|----------|
| Every person in the service of Her Majesty in Bombay not being a Regimental Military Officer, and every person in the service of the Municipality or in the service of any Joint Stock or other public Company or Trading Firm, provided the salary of such person amounts to Rs. 500 and is less than Rupees 1,000 per mensem | } 25 Rs. |
| Every Broker not included in Class II. employed in the sale of Government Securities, or of Goods, Wares, or Mer- chandize, or of Shares, or in procuring Freight | |
| Every practising Licentiate of Medicine, Dentist, Apothecary, Veterinary Surgeon and Native Doctor | |
| Every keeper of a Billiard Room | |
| Every owner of a Printing Press, Hotel-keeper, Shop-keeper, Manufacturer or Trader, the annual value of whose shop or place of business as estimated under Section LVIII. of Act II. of 1865 (Bombay Municipal Act) exceeds Rs. 900 and is less than Rupees 2,400 | |
| Every Pawnbroker | |

CLASS IV.

| | |
|---|------------------------------------|
| Every person in the service of Her Majesty in Bombay not being a Regimental Military Officer, and every person in the service of the Municipality, or in the service of any Joint Stock or other Public Company or Trading Firm, provided the salary of such person amounts to Rs. 250 per mensem, but is less than Rupees 500 per mensem. | } Yearly 12 Rs. |
| Every owner of a Printing Press, Hotel-keeper, Boarding house-keeper, Shop-keeper, Manufacturer or Trader, the annual value of whose shop or place of business as esti- mated under Section LVIII. of Act II. of 1865 (Bombay Municipal Act) exceeds Rs. 300 and is less than Rs. 900 | |
| Every keeper of a permanent Stall at a daily public or pri- vate Market | |
| Every Money-changer | |

NOTE.—A person who carries on several kinds of business, and may come under more than one of the designations in this Schedule, shall be chargeable only under one of such designations at the discretion of the Commissioner.

BOMBAY.

ACT No. V. of 1867.

PASSED BY THE GOVERNOR OF BOMBAY IN COUNCIL.

(Received the assent of the Governor of Bombay on the 11th October 1867, and of the Governor General on the 25th October 1867, and published by the Governor of Bombay on the 21st November 1867).

An Act to amend the Schedule annexed to Act No. XII. of 1866 (Bombay).

WHEREAS certain persons are privileged by Section XV. of Act No XII. of 1866 (Bombay) in respect of the execution of decrees passed against them, and it is expedient to extend the same privilege to certain Ladies of rank in the Province of Sind; It is enacted as follows —

I. The Schedule annexed to (Bombay) Act No. XII. of 1866 (to declare the constitution of Courts of Civil and Criminal Judicature in the Province of Sind) is repealed, and the Schedule annexed to this Act shall be taken to be and shall be the Schedule to which reference is made in Section XV. of the said Act No. XII of 1866 (Bombay).

The Schedule annexed to Act No XII of 1866 (Bombay) repealed and another substituted.

[Schedule

[Price Half Anna.]

SCHEDULE.

1. His Highness MEER HUSSEIN ALLY KHAN.
2. His Highness MEER HASSAN ALLY KHAN.
3. His Highness MEER ABDOOL HUSSEIN.
4. His Highness MEER MOHUMMUD KHAN.
5. His Highness MEER SHAH NAWAZ.
6. His Highness MEER MAHOMED HASSAN.
7. His Highness MEER SHERE MAHOMED.
8. His Highness MEER SHAH MAHOMED.
9. His Highness MEER KHAN MAHOMED.
10. Widow of His Highness MEER NOOR MAHOMED KHAN, Daughter of His Highness MEER FUTTEH ALLY KHAN.
11. Widow (second wife) of His Highness MEER MEER MAHOMED KHAN, do. do.
12. Wife of His Highness MEER HUSSEIN ALLY KHAN, Daughter of His Highness MEER NOOR MAHOMED KHAN.
13. Wife of His Highness MEER HASSAN ALLY KHAN, Daughter of His Highness MEER NUSSEER KHAN.
14. Wife of His Highness the Honourable MEER MOHUMMUD KHAN, Talpoor, Daughter of His Highness MEER SOBDAR KHAN
15. Daughter of His Highness MEER MORAD ALLY KHAN.
16. Widow of MEER ABDOOLA KHAN, Daughter of His Highness MEER NOOR MAHOMED KHAN.
17. Widow (third wife) of His Highness MEER MORAD ALLY KHAN, Daughter of MOOBARUK KHAN, Bhorguree.
18. Widow (second wife) of His Highness MEER NOOR MAHOMED KHAN, Daughter of MULIK SOBDAR, Noomrya.
19. Widow (second wife) of His Highness MEER KURAM ALLY KHAN, Daughter of ALLA BUX, Nizamane.
20. Widow (third wife) of His Highness MEER KURAM ALLY KHAN, Daughter of MULIK AHMED KHAN, Noomrya.

BOMBAY.

ACT No VI. OF 1867

PASSED BY THE GOVERNOR OF BOMBAY IN COUNCIL.

[Received the assent of the Governor of Bombay on the 4th November 1867, and of the Governor General on the 26th November 1867, and published by the Governor of Bombay on the 28th December 1867.]

An Act for the better Sanitary Regulation of the City of Bombay

WHEREAS it is expedient to take measures to check the spread of infectious diseases dangerous to life in the City of Bombay, and especially with reference to vessels arriving at, or being within the limits of, the Port of Bombay; It is enacted as follows:—

I.—It shall be lawful for Government, with a view of providing for the segregation of persons suffering from any infectious disease dangerous to life, from time to time to establish, by notification, for the purposes hereinafter specified, one or more places to serve as Sanitaria for the City of Bombay, and to notify the local limits of such Sanitaria. And it shall be lawful for Government, acting under the general control of the Government of India, to appoint a Superintendent of each Sanitarium, with such establishment as may be necessary

II.—It shall be lawful for Government to appoint a Health Officer of the Port for the purposes of this Act, and the Health Officer of the Port shall be an Assistant to, and subject to the general control of, the Consulting Officer of Health.

III.—When it shall appear to the Consulting Officer of Health, or in his absence to the Health Officer of the Port, that any person in the City of Bombay, being in the public streets or thoroughfares, or in a place of public resort, such as dhurumsallas, temple enclosures, and the like, and without proper

10 c

[Price One and Half Anna.]

[Printed at the Bombay Education Society's Press.]

proper lodging or accommodation, or being on board any vessel and without proper lodging or accommodation on shore, is suffering from an infectious disease dangerous to life, and that it is necessary for the safety of the public that he should be removed to a Sanitarium, either of the said Officers of Health may require such person to proceed to a Sanitarium, and the person so required shall be bound to proceed, or allow himself to be conveyed, to that Sanitarium, and shall be bound to remain there till one of the said Officers of Health certifies that he may go at large without danger to the public. Any

Penalty

such person refusing or voluntarily neglecting to obey such requisition, shall be liable to the penalties provided in Section 269 of the Indian Penal Code.

IV.—If any such person shall refuse or voluntarily neglect to proceed to the Sanitarium when duly required in the manner described in the last preceding Section, the Consulting Officer of Health, or in his absence the Health Officer of the Port, may, by a written order in the form given in the appended Schedule, direct that such person be conveyed to a Sanitarium, and such written order, signed by one of the said Officers of Health, shall be sufficient warrant for the conveyance of such person to the Sanitarium.

V.—It shall be lawful for any Magistrate of Police, on the certificate of a Covenanted Medical Officer of Government, or of any Member or Licentiate of any College of Physicians or Surgeons of the United Kingdom or of India, as to the nature of the disease, and on such evidence as may be thought by him sufficient in regard to the other conditions recited in Section III. of this Act, to make requisition as in the said Section, and any person refusing

Magistrate, on the certificate of a Medical Officer, to make requisition as in Section III. of this Act.

Penalty.

or voluntarily neglecting to obey such requisition, shall be liable to the penalties provided in Section 269 of the Indian Penal Code.

VI.—When the Master or Commander of any vessel, being within the limits of the Port of Bombay, shall become aware that any person on board his vessel is suffering from any infectious disease dangerous to life, he shall immediately give notice to the Health Office of the Port, and, pending the

The Master of Vessel to give notice of any person suffering on board his vessel from any infectious disease.

the orders of the Health Officer of the Port, he shall either remove such person to a Sanitarium, or take other suitable precautions to prevent the spread of the disease. If the Master or Commander shall wilfully neglect to act as directed in this Section, he shall be liable to the penalties provided in Section 269 of the Indian Penal Code.

Penalty

VII.—It shall be lawful for the Consulting Officer of Health, or for the Health Officer of the Port, at any time to enter into and inspect any vessel being within the limits of the Port of Bombay, and to question the Master or Commander regarding the sanitary condition of the vessel and of the persons on board, and the Master or Commander shall be bound truthfully to answer such questions. And if the Master or Commander shall wilfully give false information to either of the said Officers, he shall be liable to the penalties provided in Section 177 of the Indian Penal Code; and if he shall refuse to answer questions put to him, he shall be liable to the penalties provided in Section 179 of the Indian Penal Code.

Power to Health Officers to enter into vessel and question the Master or Commander.

Penalty

VIII.—If it shall appear to the Consulting Officer of Health, or the Health Officer of the Port, that any person on board a vessel within the limits of the Port of Bombay is suffering from any infectious disease dangerous to life, he may require the Master or Commander of the vessel to remove such person, or any other person who shows premonitory symptoms of such disease, to a Sanitarium, or other place on shore where, in the opinion of the Health Officer, proper lodging and accommodation are available; and the Master or Commander shall be bound to obey such requisition, and is hereby authorised and empowered to enforce such removal. And if the Master or Commander shall refuse or wilfully neglect to obey such requisition, he shall be liable to the penalties provided in Section 269 of the Indian Penal Code.

Master or Commander may be required to remove person suffering from infectious disease

Penalty

IX.—When it shall appear to the Health Officer of the Port that, owing to a person suffering from an infectious disease dangerous to life being on board or having recently been

Disinfection of vessels

on

on board any vessel within the limits of the Port of Bombay, it is expedient that measures should be taken for the disinfection of such vessel, the said Health Officer may, by an order in writing to the Master or Commander of such vessel, direct all or any part of the vessel to be forthwith fumigated or otherwise cleansed for sanitary purposes, in accordance with rules published on that behalf by Government under Section XI. of this Act, and if the Master or Commander neglect to do so within the period fixed in the said order, provided such period be not less than twenty-four hours from the time when such order shall have been served upon him, the said Health Officer may cause the same to be done, and the expenses incurred shall be paid by the owner or the Master

on demand, and if not so paid, shall be recovered in the manner provided in Section 55 of Act XXII. of 1855 (*an Act for the Regulation of Ports and Port Dues*) for the recovery of penalties imposed under that Act

And recovery of expenses and penalties.

X.—It shall be lawful for the Superintendent of the Sanitarium, and it shall be his duty to detain in the Sanitarium under his charge all persons who shall come or be brought to such Sanitarium under Sections III., IV., VI., or VIII., until they shall be discharged under a certificate to be granted under rules made by Government under Section XI. of this Act.

Detention by the Superintendent of person brought into a Sanitarium until discharged by certificate

XI.—It shall be lawful for Government from time to time to make and publish general rules for the proper management and discipline of Sanitaria established under this Act, and for the disinfection or destruction of the personal property of persons suffering, or who have recently suffered, from any infectious disease dangerous to life, and for the disinfection and cleansing of vessels on board of which such persons are or recently have been; and from time to time to alter or repeal such rules. Any person who shall disobey such rules or any of them, shall be liable to the penalties provided in Section 271 of the Indian Penal Code.

Government to make and publish Rules

Penalty.

XII.—It shall be lawful for Government from time to time to determine by notification what diseases shall, for the purposes of this Act, be held to be infectious diseases dangerous to life.

Government to determine what diseases are infectious diseases.

XIII. It

XIII.—It shall be lawful for Government, when necessary, to authorise any one or more persons to exercise all or any of the powers conferred by this Act on the Consulting Officer of Health, or on the Health Officer of the Port, provided that every such person shall be a Covenanted Medical Officer of Government, or a Member or Licentiate of any College of Physicians or Surgeons of the United Kingdom or of India, and shall exercise these powers subject to the general control of the Consulting Officer of Health.

Government may authorise any person to exercise powers of Health Officer.

XIV —Whenever it shall appear to Government that, owing to the expected introduction of any infectious disease dangerous to life, or owing to other exceptional circumstances, the ordinary precautions authorised by this Act are insufficient to prevent the spread of such disease, it shall be lawful for Government, by notification, to make such orders, and from time to time to vary the same, as it shall deem expedient, for the enforcement of sanitary measures with respect to any vessel arriving at, or being within the limits of, the Port of Bombay, or in regard to any persons on board any such vessel, or their personal property. And any person disobeying such orders, or any of them, shall be liable to the penalties provided in Section 271 of the Indian Penal Code.

Government may make special orders in special cases.

Penalty.

XV.—The word “vessel” denotes anything made for the conveyance by water of human beings or of property.

Interpretation.

SCHEDULE **A.**

To

Whereas A. B., being a person without proper lodging or accommodation in the City of Bombay, is suffering from an infectious disease dangerous to life, and it is necessary for the safety of the public that he should be removed to a Sanitarium, and whereas, having been required to proceed to such Sanitarium, he has neglected to do so, you are hereby authorised, with such assistance as you may require, to convey him, under Section IV. of Act VI. of 1867 to _____ and this shall be your Warrant for so conveying him.

Consulting Officer of Health, or Health Officer of the Port.

SCHEDULE **B.**

To

The Master or Commander of Vessel _____

(Name)

Whereas A. B., at present on board the vessel _____ within the limits of the Port of Bombay, is suffering from an infectious disease dangerous to life (or shows premonitory symptoms of a disease dangerous to life, as the case may be), these are to require you to remove the said A. B. to [here designate the Sanitarium or other place on shore where, in the opinion of the Consulting Officer of Health or Health, Officer of the Port, proper lodging and accommodation are available] and for enforcing the said removal, this shall be your sufficient Warrant.

Consulting Officer of Health, or Health Officer of the Port.

BOMBAY.

ACT No. VII. OF 1867.

PASSED BY THE GOVERNOR OF BOMBAY IN COUNCIL.

[Received the assent of the Governor of Bombay on the 15th November 1867, and of the Governor General on the 12th December 1867, and published by the Governor of Bombay on the 28th December 1867.]

An Act for the Regulation of the District Police in the Presidency of Bombay.

WHEREAS it is expedient to establish Regulations for the administration of the Police of the Presidency of Bombay: It is enacted as follows:—

Preamble,

I. The following words and expressions in this Act shall have the meaning assigned to them, unless there be something in the subject or context repugnant to such construction, that is to say:—

Interpretation.

The words "Magistrate of the District" shall mean the Chief Officer charged with the executive administration of a District and exercising the powers of a Magistrate, by whatever designation the Chief Officer charged with such executive administration is styled.

"Magistrate of the District"

The word "Magistrate" shall include any person exercising all or any of the powers of a Magistrate.

"Magistrate."

The word "District" shall mean the limits of the Local Jurisdiction of the Magistrate of the District.

"District."

12 c

[Price Four Annas.]

The

The term "Police" or "Police Officer" shall include all persons appointed or enrolled under this Act.
 "Police" or "Police Officer."
 Officer."

The term "Constable" shall mean a Police Officer of the lowest grade
 "Constable." in the Police.

The word "Property" shall include any moveable property, money
 "Property." or valuable security.

The word "Cattle" shall, besides horned cattle, include Elephants,
 "Cattle" Camels, Horses, Asses, Mules, Sheep, Goats, and Swine.

II. *Clause 1.*—Such parts of the following Sections of Regulation XII. of 1827 of the Bombay Code as are still in force are hereby repealed :—
 Repeal of certain portions of Regulations of the Bombay Code

Section I.

Section XXX.

Section III, *Clause 1.*

Section XXXI., *Clause 4.*

Section IV.

Section XL.

Clause 2.—Section 2 of Act XXVIII. of 1852 (*an Act to relieve the Court of Sudder Fouzdaree Adawlut at Bombay from the superintendence of the Police in that Presidency*) is also hereby repealed.
 And of Section 2 of Act XXVIII. of 1852.

III. The Police establishment of the several districts of the Bombay Presidency shall consist of such number of officers and men, and shall be constituted in such manner and shall receive such pay, as shall from time to time be ordered by Government, subject to the sanction of the Governor-General of India in Council.
 Constitution of the Force.

IV. The superintendence of the Police throughout the Bombay Presidency shall vest in and, subject to the general control of the Governor-General of India in Council, shall be exercised by Government, and except as authorised under this Act no person, officer, or court shall be empowered by Government to appoint, supersede, or control any Police Officer.
 Superintendence in Government

V.

V. The administration of the Police throughout the whole or any portions of the Bombay Presidency shall be vested in one or more Commissioners, with such Assistants as may seem fit to Government, and each Commissioner shall have under his control such Districts as Government may direct. The administration of the Police in one or more Districts shall, under the control and direction of the Magistrate of the District, subordinate to the Commissioner aforesaid, be vested in a District Superintendent and such Assistant District Superintendents as Government shall consider necessary. The Commissioner and other Officers above mentioned shall from time to time be appointed by Government, and may be removed by the same authority.

Administration of Police to be vested in one or more Commissioners, with such Assistants as may seem fit to Government.

Administration of Police vested in a District Superintendent, under direction of the Magistrate of District.

The Commissioner and other Officers appointed and removed by Government.

VI. Each Commissioner shall have the full powers of a Magistrate throughout the Districts under his control, but shall exercise those powers subject to such limitation as may from time to time be imposed by Government.

Commissioner to have powers of a Magistrate.

To exercise them under the orders of Government.

VII. Government may vest any Assistant Commissioner, District Superintendent, or Assistant District Superintendent of Police with all or any of the powers of a Magistrate within such limits as it may deem proper; but such Officers respectively shall exercise the powers with which they shall be so invested only so far as may be necessary for the preservation of the peace, the prevention of crime, and the detection, apprehension, and detention of offenders in order to their being brought before a Magistrate, and so far as may be necessary for the performance of the duties assigned to them by this Act.

Assistant Commissioners &c. may be vested with powers of a Magistrate.

In what cases those powers shall be exercised.

necessary for the preservation of the peace, the prevention of crime, and the detection, apprehension, and detention of offenders in order to their being brought before a Magistrate, and so far as may be necessary for the performance of the duties assigned to them by this Act.

VIII. The appointment or enrolment of all Police Officers other than those mentioned in Section V. of this Act shall be for one or more Districts, and shall, under such rules as Government shall from time to time sanction, rest with

Commissioners, &c. to appoint and dismiss

with

with the Commissioners and District Superintendents of Police, who may under such rules as aforesaid, at any time dismiss, suspend, or reduce any Police Officer whom they shall think remiss or negligent in the discharge of his duty, or unfit for the same, or fine to any amount not exceeding one month's pay, any Police Officer who shall discharge his duty in a careless or negligent manner, or who by any act of his own shall render himself unfit for the discharge thereof.

IX. Every Police Officer so appointed or enrolled shall receive on appointment or enrolment, a certificate, in the form annexed to this Act, under the seal of the Commissioner, or such other Officer as the Commissioner shall appoint, by virtue of which the person holding such certificate shall be vested with the powers, functions, and privileges of a Police Officer. Such certificate shall cease to have effect whenever the person named in it is suspended or dismissed or otherwise removed from employment in the Police, and shall be immediately surrendered to the superior Officer of such person, or to some other Officer empowered to receive the same.

X. No Police Officer shall be at liberty to withdraw himself from the duties of his office, unless with the express sanction of the District Superintendent or of some other Officer authorised to grant such permission, or under the certificate of a medical practitioner, nor shall he without the leave of the District Superintendent, resign his office, unless he shall have given to his superior Officer notice in writing, for a period of not less than two months, of his intention to resign.

XI. No Police Officer shall engage in any employment or office whatever other than his duties under this Act, unless expressly permitted to do so in writing by the Commissioner.

XII. There shall be deducted from the pay of every Police Officer of a class not entitled to the benefit of the Uncovenanted Service Pension Rules a sum, after such rate as Government shall direct, not being a greater rate than one anna in the rupee. The sum

Police Officers to receive certificates of office.

Police Officers not to resign without leave or two months' notice

Police Officers not to engage in other employment.

Police Superannuation Fund.

sum so deducted, together with the amount of any saving from the stoppages from the pay of Police Officers during absence from sickness or other cause, and of fines imposed on Police Officers for misconduct, and by Magistrates upon drunken persons, or for assaults upon Police Officers, and any money arising from the sale of worn or cast-off clothing or other articles supplied for the use of the Police, or from any other source which shall be authorised by Government, shall from time to time be invested in such manner and in such securities as Government may direct, and the interest and dividends thereof, or so much of the same as shall not be required for the purposes herein mentioned, shall be likewise invested as aforesaid, and accumulate, so as to form a Fund to be called "The Police Superannuation Fund," and shall be applied from time to time to the payment of superannuation or retiring allowances or gratuities, under such rules as may be passed by Government. Provided that any Police Officer may be dismissed or removed without a superannuation allowance, and that no Police Officer shall be entitled as of right to any allowance from the said Fund, or shall retain any right to a refund of any deduction made from his pay while he shall have been a Police Officer.

PROVISO.

XIII. Any Commissioner may, from time to time, subject to the approval of Government, frame such orders and rules as he shall deem expedient relative to the organization and classification of the Police in the Districts under his control; the particular services to be performed by them; their inspection; the description of arms, accoutrements, and other necessaries to be furnished to them; the collecting and communicating by them of intelligence and information; and all such other orders and rules as the Commissioner shall, from time to time, deem expedient for preventing abuse or neglect of duty, and for rendering the Police under his control efficient in the discharge of their duties; and he shall further determine, in consultation with the Magistrate of the District, the distribution of the Police in the several districts.

XIV. It shall be lawful for any Commissioner, or, subject to the general direction of the Magistrate of the District, for a District Superintendent, on the application of

Additional Police Officers employed at the cost of individuals

any person showing the necessity thereof, to depute any additional number of Police to keep the peace, or to perform other Police duties, at any place and for such time as shall be deemed proper. Such additional Police shall be under the orders of the District Superintendent, and shall be at the charge of the person making the application. Provided that it shall be lawful for the person on whose application such deputation shall have been made, on giving one month's notice in writing to the Commissioner or to the District Superintendent, or such shorter notice as may be accepted by either of the said Officers, to require that the Police so deputed shall be withdrawn, and such person shall be relieved from the charge of such additional Force from the expiration of such notice.

XV. Whenever any Railway, Canal, or other public work, or any manufactory or commercial concern shall be carried on, or be in operation, in any part of the country, and it shall appear to any Commissioner that the employment of additional Police in such place is rendered necessary by the behaviour, or reasonable apprehension of the behaviour, of the persons employed upon such work, manufactory, or concern, it shall be lawful for the Commissioner, with the consent of Government, to depute such additional Force to such place, and to employ the same so long as such necessity shall continue, and to make orders from time to time upon the person having the control or custody of the funds used in carrying on such work, manufactory, or concern, for the payment of the extra Force so rendered necessary, and such person shall thereupon cause payment to be made accordingly

XVI. It shall be lawful for Government, by notification and in such other manner as may to it seem fit, to direct the employment of any Police Force in excess of the ordinary fixed complement quartered in any part of the Presidency which shall be found to be in a disturbed or dangerous state, or any part thereof in which, from the conduct of the inhabitants, Government may deem it expedient to increase the number of Police. The cost of such additional Police may wholly or in part, at the discretion of Government, be defrayed

defrayed by a local rate charged on the part of the country described in the notification, and the Collector, on the requisition of the Magistrate of the District, shall levy the amount by such an assessment on the inhabitants thereof as the Collector shall in his discretion think just. Provided, however, that when the part of the Presidency so notified is within the limits of any town in which there is a Municipal Commission under Act XXVI. of 1850, or other Act in force, the said charge shall be defrayed from the Municipal Fund, and any additional tax necessary for the purpose shall be assessed by the Municipal Commission.

XVII. All moneys payable under the last three preceding sections, on account of any additional Police employed as therein directed, shall be recoverable by order of the Collector after a written notice of seven days, in the same manner and by the same process as a revenue demand under the laws in force for the collection of revenue, and the moneys paid on this account or so recovered shall be credited to a fund to be called "The General Police Fund," and shall be applied to the maintenance of the Police under such orders as Government shall pass. Provided that all moneys assessed under the proviso of the Section last preceding shall be levied by order of the Municipal Commission for payment to Government, and shall be recovered by them in the same manner and by the same process as assessments levied for Municipal purposes.

XVIII. It shall be lawful for a Magistrate, or District Superintendent or Assistant District Superintendent of Police, or for any Police Officer to demand the aid of any person in the prevention of a breach of the peace, or in the suppression of a riot or an affray, or in the taking of any other person whom such Magistrate, or District Superintendent or Assistant District Superintendent of Police, or Police Officer is authorised to arrest.

XIX. If on any emergency the available Force of Police be found insufficient to quell riot or other serious disturbance of the public peace, it shall be lawful for the Magistrate of

Payment of money for support of additional Police Force

Magistrate or District Superintendent, &c; to call upon persons to aid the Police.

If on an emergency Police Force insufficient to quell riot, &c., Magis-

of

trate of the highest authority on the spot may apply to Commanding Officers of nearest Military Post or Station for Military aid.

of highest authority on the spot to apply to the Commanding Officer of the nearest Military Post or Station for Military aid to quell the disturbance by force of arms.

XX. Every Police Officer shall for all purposes in this Act contained
 Police Officers to be considered always on duty, and may be employed in any other part of Presidency
 be considered to be always on duty in the District or Districts to which he belongs, and may at any time be employed for so long as his services are required on duty in any other part of the Presidency.

XXI. It shall be the duty of every Police Officer promptly to obey
 Duties of Police Officers
 and execute all orders and warrants lawfully issued to him by competent authority; to collect and communicate intelligence affecting the public peace; to prevent the commission of offences and public nuisances; to detect and bring offenders to justice; and to apprehend all persons whom he is legally authorised to apprehend, and for whose apprehension sufficient ground exists: and it shall be lawful for every Police Officer, for any of the purposes mentioned in this Section, without a warrant, to enter and inspect any drinking shop, gaming-house, or other place of resort of loose and disorderly characters.

XXII. It shall be lawful for any Police Officer above the rank of a
 Power to seize instruments, &c. believed to be kept for unlawful purposes
 constable to seize all such instruments or other articles as he shall have good reason to believe are kept for unlawful purposes; but if to effect the seizure it be necessary to enter a dwelling-house no entry shall be made without warrant. Such instruments and articles shall be disposed of as the Magistrate of the District may direct.

XXIII. It shall be lawful for any Police Officer to lay any information
 Police Officer may lay information, &c
 before a Magistrate, and to apply for a summons, warrant, search warrant, or such other legal process as may by law issue against any person committing an offence, and to prosecute such person up to final judgment.

XXIV.

XXIV. It shall be the duty of every Police Officer to take charge of all unclaimed property, and to deliver it to the Police Patel of the village in which the said unclaimed property is found, and to take a receipt, which he shall forward to the nearest Magistrate having local jurisdiction.

Police Officers to take charge of unclaimed property, and to deliver it to the Police Patel of the Village.

XXV. Every person having ceased to be a Police Officer under this Act who shall wilfully neglect or refuse to deliver up his certificate, and the clothing, accoutrements, appointments, and other necessaries which shall have been supplied to him for the execution of his duty, shall be liable, on conviction before a Magistrate, to a penalty not exceeding two hundred Rupees; or in default of payment to imprisonment of either kind for a period not exceeding six months.

Persons refusing to deliver up certificate, &c. on ceasing to be Police Officers

XXVI. Every Police Officer who shall be guilty of any violation of duty, or wilful breach or neglect of any rule or regulation or lawful order made by competent authority, or who shall withdraw from the duties of his office without permission, or without having given previous notice, for the period of two months, or who shall engage without authority in any employment other than his Police duty, or who shall be guilty of cowardice, or who shall offer any unwarrantable personal violence to any person in his custody, shall be liable, on conviction before a Magistrate, to a penalty not exceeding three months' pay, or to imprisonment of either kind for a period not exceeding three months, or to both.

Penalties for neglect of duty, &c.

XXVII. The District Superintendent and Assistant District Superintendent of Police may, as occasion requires, direct the conduct of all assemblies and processions on the public roads, or in the public streets or thoroughfares, and prescribe the routes by which, and the times at which, such processions may pass. They may also regulate the use of music in the streets of Towns on occasion of festivals and ceremonies.

Orders for the regulation of public processions, &c

XXVIII. It shall be the duty of the Police to keep order on the public roads, and in the public streets, thoroughfares, bathing, washing, and landing places, and at all other places of public resort, or in the neighbourhood of places of worship, during the time of public worship, to prevent obstructions on public roads and in public streets, thoroughfares, bathing, washing, and landing places, and to prevent overcrowding in Public Ferry Boats.

XXIX. Every person opposing or not obeying the orders issued under the last two preceding Sections shall be liable to a fine not exceeding two hundred Rupees, or in default of payment to imprisonment of either kind for a period not exceeding six months, on conviction thereof before a Magistrate, if such order shall have been issued under Section XXVII. of this Act, and to a fine not exceeding fifty Rupees, or in default of payment, to imprisonment of either kind for a period not exceeding two months, on conviction before a Magistrate, if such order shall have been issued under Section XXVIII. of this Act.

XXX. Nothing in the last three preceding Sections shall be deemed to interfere with the general control of the Magistrate of the District over the matters referred to therein.

XXXI. In any town, or other place in which there is a Magistrate resident, or in any town or other place, or on or close to any public road, to which town, place, or road the operation of this Section shall be specially extended by Government by notification, any person who shall offend as follows, so as to cause obstruction, annoyance risk, danger, or damage to residents or passengers, shall, on conviction before a Magistrate, be liable to a fine not exceeding fifty Rupees, or in default of payment to imprisonment not exceeding eight days; and it shall be lawful for any Police Officer to take into custody without a warrant any person so offending within his view, that is to say—

1. Any

1 Any person who wantonly and cruelly beats, ill-uses, or tortures
 Wantonly beating, &c. any animal.
 any animal.

2. Any person who bathes or washes in, or otherwise defiles or
 causes to be defiled, any public well, tank, reservoir,
 Bathing in, or defiling any tank or reservoir, or watering place, so as to render it less fit for any
 &c. purpose for which it is set apart; provided that a
 prohibitive notice in the language of the District shall have been fixed in a
 conspicuous place contiguous.

3. Any person who on any road or public thoroughfare recklessly
 Recklessly riding, driving, training, break- or furiously rides, drives, trains, or breaks or leaves
 ing, or leaving insufficiently tended or secured, any horse or other
 insufficiently secured, any horse or other cattle, or keeps any cattle or conveyance of any kind
 standing longer than is necessary after receipt of
 Driving vehicle with- warning to remove or who on a dark night drives
 out light. any vehicle without a sufficient light, or who unauthori-
 Unauthorisedly depos- sedly deposits for sale or otherwise any goods, or who
 siting for sale any goods deposits, except in appointed places, any dirt, filth,
 Depositing dirt, filth, or rubbish, or without the permission of a Magistrate,
 or rubbish, except in ap- Municipal Commission, or Police Officer, makes a
 pointed places bonfire, or wantonly lets off any firearm or firework within fifty feet of the
 public road.

4. Any person who, on or close to, and within sight of any public
 Slaughtering cattle on, road, street, or thoroughfare, slaughters any cattle,
 or within sight of, any public street or cleans any carcase or hide, or wilfully and inde-
 Indecently exposing cently exposes his person, or for the purpose of
 the person, or any offen- obtaining money exposes any offensive deformity, or
 sive deformity or disease. disease; or commits nuisance; or who is from intoxica-
 Committing nuisance. tion riotous, disorderly, or incapable of taking care of
 Or being from intox- himself.
 ication riotous, disorderly, or incapable of taking care of himself.

XXXII. It shall be the duty of every Police Officer above the rank of
 Police Officer to take constable, upon any person charged under the Section
 personal recognisance of last preceding being brought before him, to take per-
 persons charged under preceding section.

sonal

sonal recognisance of the person so charged, with or without other security for the appearance of the said person before a Magistrate.

XXXIII. Any person who on any public thoroughfare, without the permission of a Magistrate or Municipal Commission, constructs any booth, shed, stable, or the like, or lays down any stones or building material ; or who within the limits or site of any town or village, without sufficient cause, wilfully allows to accumulate any offensive matter in cesspools, dung heaps, or the like, so as to cause annoyance to the neighbouring residents or to passengers ; or who without sufficient cause wilfully allows any offensive matter to issue on to any public thoroughfare from any house, factory, stable, privy, or the like ; or who deposits the bodies of dead animals, or refuse or filth of any description, either in channels which in the rainy season feed any tank or reservoir set apart for drinking, or in other places where to deposit such is offensive to the community ; or who, in disregard of established rules, or the order of a Magistrate, stacks or stores grass or other inflammable material within fifty yards of a dwelling-house, out-house, or other building ; or fails to remove the same when so stacked or stored ; or who disobeys the order of a Magistrate given in respect to land in or near towns, villages, or dwelling-places, or in or near public roads and thoroughfares, for the pruning of hedges, or for the pruning or removal of overgrown prickly-pear or other vegetation, the unchecked growth of which is likely to be injurious to health, shall be punishable for every such offence, on conviction before a Magistrate, to the extent of fifty Rupees' fine, or in default of payment to imprisonment not exceeding eight days ; provided that no person shall be required to prune a hedge below three feet in height and three feet in width.

XXXIV. Whenever the removal of prickly-pear or other vegetation or of any nuisance, from the common or waste land of any town or village shall in the opinion of a Full-Power Magistrate be necessary, it shall be lawful for the said Magistrate to order such removal by a general notice addressed to all persons having an interest in the said common land, and to the inhabitants of the town or village at large, which notice shall be affixed to the chowree or other principal

principal place of public resort : and if within a reasonable time, being not less than seven days, to be specified in the said notice, the order be not carried out, the Magistrate may cause the vegetation or nuisance to be removed, and on the requisition of the said Magistrate the cost of the removal shall be assessed and levied from the inhabitants in the manner provided in Sections XVI. and XVII. of this Act.

XXXV. In all cases of convictions under this Act the Officer trying the case shall be limited to his ordinary jurisdiction as to the amount of fine or imprisonment which he may inflict ; provided that any charge against a Police Officer above the rank of a Constable preferred under this Act shall be inquired into and determined only by an Officer exercising the full powers of a Magistrate.

XXXVI. Nothing contained in this Act shall be construed to prevent any person from being prosecuted under any other Regulation or Act for any offence made punishable by this Act, or from being liable under any other Regulation or Act to any other or higher penalty or punishment than is provided for such offence by this Act. Provided that no person shall be punished twice for the same offence.

XXXVII. All forfeitures or penalties imposed under the authority of this Act for offences punishable by a Magistrate may, if the said Magistrate see fit, in case of non-payment thereof, be levied by distress and sale of the property of the offender within the limits of the jurisdiction of the Magistrate of the District, by warrant under the hand of the Magistrate who made the order

XXXVIII. In case any such forfeiture or penalty shall not be forthwith paid, the Magistrate may order the offender to be apprehended and detained in safe custody until the return can be conveniently made to such warrant of distress, unless the offender shall give security to the satisfaction of the Magistrate for his appearance at such place and time as shall be appointed for the return of the warrant of distress.

XXXIX. If upon the return of such warrant it shall appear that no sufficient distress can be had whereon to levy such fine, and the same shall not be forthwith paid, or in case it shall appear to the satisfaction of the Magistrate, by the confession of the offender or otherwise, that he has not sufficient property whereupon such fine or sum of money could be levied if a warrant of distress were issued, the Magistrate may, by warrant under his hand, commit the offender, provided he is not a European British subject, to prison, there to be imprisoned, according to the discretion of the Magistrate, for any term not exceeding two calendar months when the amount of fine shall not exceed fifty Rupees, and for any term not exceeding four calendar months when the amount shall not exceed one hundred Rupees, and for any term not exceeding six calendar months in any other case, the commitment to be determinable in each of the cases aforesaid on payment of the amount.

XL. When the offender is a European British subject, the Magistrate shall, if a Justice of the Peace, proceed for the recovery of the penalty as laid down in Statute 53 Geo. III., Cap. 155, Sec. 105, in cases of assault. If not a Justice of the Peace, the said Magistrate shall record the facts and transmit such record to any other Magistrate within the limits of the District being a Justice of the Peace, who shall proceed against the offender for the recovery of the penalty in the manner above prescribed.

XLI All sums paid for the service of process by Police Officers, and all rewards, forfeitures, and penalties, or shares of rewards, forfeitures, and penalties, which by law are payable to informers, shall, when the information is laid by a Police Officer, be paid into the General Police Fund. Provided that nothing in this Section shall prevent the grant of a portion or the whole of such reward, forfeiture, or penalty to individuals of the Police Force for particular service.

XLII. All actions and prosecutions against any person, which may be lawfully brought for anything done or intended to be done under the provisions of this Act, or under

under the general Police powers hereby given, shall be commenced within three months after the act complained of shall have been committed, and not otherwise, and notice in writing of such action and of the cause thereof shall be given to the defendant, or to the District Superintendent or an Assistant District Superintendent of the District in which the act was committed, one month at least before commencement of the action. No

Tender of amends. plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into Court after such action brought, by or on behalf of the defendant, and though a decree shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant, unless the Judge before whom the trial is held shall certify his approbation of the action. **Proviso.** Provided always that no action shall in any case be where such Officers shall have been prosecuted criminally for the same act.

XLIII. When any action or prosecution shall be brought, or any proceedings held, against any Police Officer for any act done under a warrant. done by him in such capacity, it shall be lawful for him to plead that such act was done by him under the authority of a warrant issued by a Magistrate. Such plea shall be proved by the production of the warrant directing the act, and purporting to be signed by such Magistrate, and the defendant shall thereupon be entitled to a decree in his favour, notwithstanding any defect of jurisdiction in such Magistrate. No proof of the signature of such Magistrate shall be necessary, unless the Court shall see reason to doubt its being genuine. Provided always that any remedy which the party may have against the authority issuing such warrant shall not be affected by anything contained in this Section. **Proviso**

XLIV. It shall be lawful for the Magistrate of a District, with the sanction of the Commissioner of Police, to depute to the District Superintendent of Police any authority which may be exercised by the Magistrate of a District for the purposes of Police, over any Village Police Officer. **Magistrate of a District to depute to District Police Superintendent the authority of Magistrate of District.**

XLV.

XLV. Nothing in this Act shall affect any Hereditary or other Village Police Officers Police Officer unless such Officer shall be enrolled as a Police Officer under this Act When so enrolled such Officer shall be bound by the provisions of this Act. No Hereditary Village Police Officer shall be enrolled under this Act without his consent and the consent of those who have the right of nomination.

Act applicable to Sind,
but not to apply to the
City of Bombay

XLVI. This Act applies to the Province of Sind but does not apply to the City of Bombay.

Short Title

XLVII. This Act may be cited as the "Bombay District Police Act, 1867."

FORM (See Section IX).



A. B. has been appointed to the Police of the District or District of C. D., in the Bombay Presidency, and is vested with the powers and privileges of a Police Officer under the "Bombay District Police Act, 1867."

BOMBAY.

ACT No. VIII. of 1867.

PASSED BY THE GOVERNOR OF BOMBAY IN COUNCIL.

[Received the assent of the Governor of Bombay on the 15th November 1867, and of the Governor General on the 12th December 1867, and published by the Governor of Bombay on the 21st December 1867.]

An Act for the Regulation of the Village Police in the Presidency of Bombay

WHEREAS it is expedient to provide for the regulation of the Village Police in the Presidency of Bombay, It is enacted as follows—

Preamble.

I. The terms “Commissioner of Police,” “District Superintendent,” and “Assistant Superintendent of Police,” “Police Officer,” and “District Police,” when used in this Act mean those constituted under the “Bombay District Police Act, 1867.”

Repeal of portions of Regulation XII. of 1827 of the Bombay Code.

Section VI.

So much of Section XXII. as has not already been repealed.

Sections XLVIII. to LIII. both inclusive.

Clause 2.—Act XXVII. of 1852 (*an Act to confer certain powers on Patels and other Heads of Villages in the Bombay Presidency*) is also repealed.

Repeal of Act XXVII. of 1852

16 c

II. Clause 1.—The following portions of Regulation XII. of 1827 of the Bombay Code are hereby repealed, viz:—

III.

[Price Two and Half Annas.]

III. The administration of the Village Police throughout each District shall, under the control and direction of the Commissioner of Police, be exercised by the Magistrate of the District, who may, with the sanction of the Commissioner of Police, delegate any portion thereof to any Magistrate with full powers having also Revenue charge as an Assistant or Deputy Collector.

Administration, control, and direction of Village Police, in whom vested

IV. It shall be lawful for the Magistrate of a District, with the sanction of the Commissioner of Police, to depute to the District Superintendent of Police any authority which may be exercised by the Magistrate of a District for the purposes of Police over any Village Police Officer.

The Magistrate of a District to depute to District Police Superintendent the authority of Magistrate of District for the purpose of Police over Village Police Officer.

V. *Clause 1.*—The Village Police in each Village shall be under the charge of such person as the Magistrate of the District shall, subject to the approval of the Police Commissioner, appoint in writing to be Police Patel, and unless the Commissioner of Police, owing to the size of the Village or other good cause, see fit to separate the appointments, the Magistrate of the District shall appoint the person conducting the duties of Revenue Patel to be Police Patel.

Village Police in Villages to be under charge of such Police Patel as may be appointed.

Clause 2.—In making the appointment the said Magistrate shall have due regard to the provisions of Act XI. of 1843 (*an Act for regulating the service of Hereditary Officers under the Presidency of Bombay*), or other Acts in force for regulating the services of Hereditary Officers, so far as the same may be applicable; but when the Revenue Patel is not appointed Police Patel, and more persons than one claim by reason of hereditary right to perform the duties, in rotation or otherwise, it shall be lawful for the Magistrate of the District to appoint the most fit from among their number.

In making the appointment the Magistrate to have due regard to Act XI. of 1843.

Clause 3.

Clause 3.—In any town or place in which the duties cannot be efficiently performed by one Police Patel, the Magistrate of the District may, with the consent of the Commissioner of Police, appoint a sufficient number of Police Patels for the different divisions of the town or place.

Police Patels may be appointed for different divisions of a town or place.

VI. The Police Patel shall, subject to the orders of the Magistrate of the District, act under the orders of the Magistrate within whose local jurisdiction his village is situated, whom he shall furnish with any returns or information called for, and keep constantly informed as to the state of crime, and all matters connected with the Village Police, the health, and general condition of the community, in his village. He shall also afford all Police Officers every assistance in his power when called upon by them for assistance in the performance of their duty. He shall further promptly obey and execute all orders and warrants issued to him by a Magistrate or Police Officer, shall collect and communicate to the District Police intelligence affecting the public peace, shall prevent within the limits of his village the commission of offences and public nuisances, and shall detect and bring offenders therein to justice.

Duties of Police Patel.

VII. The Police Patel shall have authority to require all village servants in whatever capacity ordinarily employed, to aid him in performing the duties entrusted to him; and it shall be the duty of the Village Revenue Accountant, whether hereditary or stipendiary, to frame all written returns and proceedings for the Police Patel.

His authority over Village servants

VIII. The Police Patel shall dispose of the Village Establishment so as to afford the utmost possible security against robbery, breach of the peace, and acts injurious to the public and to the village community, and shall report to the Magistrate to whose jurisdiction he is immediately subordinate all instances of misconduct or neglect committed by any member of the said Establishment.

Precautions to be taken by him against robbery &c.

IX.

IX. Any Police Patel or member of a Village Establishment liable to be called on for the performance of Police duties who shall be careless or negligent in the discharge thereof, shall be liable to be fined under the order of any Full Power Magistrate to any amount not exceeding his estimated average official emoluments for three months. If he shall be guilty of any violation of duty or breach of rule, or of other misconduct or offence requiring a heavier punishment, he may be dismissed by the said Magistrate, or he may be proceeded against and punished as a public servant under the provisions of the Indian Penal Code, and in case of conviction he will be liable also to dismissal. Provided that in no case shall a person of the rank of Patel be dismissed under this Section without the sanction of the Police Commissioner.

X. If a crime shall have been committed within the limits of the village, and the perpetrator of the crime has escaped or is not known, the Police Patel shall forward immediate information to the Police Officer in charge of the District Police Station within the limits of which his village is situated, and shall himself proceed to investigate the matter, obtaining all procurable evidence relating to it which he shall forward to the said Officer.

XI. *Clause 1.*—If any unnatural or sudden death occur, or any corpse be found, within the bounds of any village, the Police Patel shall forthwith assemble an inquest, to be composed of two or more intelligent persons belonging to the village or neighbourhood, who shall investigate the causes of death and all the circumstances of the case, and make a written report of the same, which the Police Patel shall cause to be forthwith delivered to the Police Officer in charge of the District Police Station within the limits of which the village is situated.

Clause 2.—Any person who on being called upon by the Police Patel to serve as a member of such inquest shall without justifiable cause refuse or neglect to do so shall be liable, on conviction before a Magistrate, to punishment not exceeding

Penalties for neglect of duty, &c.

Information to be forwarded to Officer in charge of District Police Station when perpetrator of a crime in a village has escaped or is not known.

Inquest to be assembled in cases of unnatural or sudden death, or corpse found within a village.

Punishment for refusing or neglecting to serve on such investigation.

ing fifty Rupees fine, or in default of payment to imprisonment for one month.

Clause 3.—If the results of the inquest afford reason for supposing that death has been unlawfully occasioned, the Police Patel shall give immediate notice to the Officer in charge of the District Police Station within the limits of which his village is situated, and if the corpse can be forwarded without the risk of putrefaction by the way, shall at once forward it to the nearest Civil Surgeon or other Medical Officer appointed by Government to examine corpses under such circumstances, who shall endeavour to ascertain the cause of death. Should the Police Patel be unable to forward the corpse without the risk of putrefaction rendering examination useless or dangerous, he shall nevertheless prevent the burning or burying of such corpse until the Police Officer in charge of the District Police Station within the limits of which the village is situated, or one of his subordinates deputed by him or a Magistrate, shall have assented thereto.

Corpse when to be forwarded to nearest Civil Surgeon, &c., for examination.

When that is impossible, burning of corpse may be delayed till Officer in charge of Police Station has assented thereto

XII.—Clause 1.—The Police Patel shall apprehend any person within the limits of his village who he may have reason to believe has committed any serious offence, and shall forward such person, together with all articles likely to be useful as evidence, to the Police Officer in charge of the Police Station within the limits of which his village is situated.

Police Patel may apprehend any person he believes has committed any serious offence elsewhere.

Person apprehended to be forwarded within 24 hours to District Police Station.

Clause 2.—Every person so apprehended shall be forwarded within twenty-four hours to the District Police Station within the limits of which the village is situated.

XIII. Clause 1.—The Police Patel in making any inquiry coming within the scope of his duty, not being a case in which it is competent for him to inflict punishment, shall have authority to call and examine witnesses, and record their evidence on solemn affirmation, and to search for concealed articles

May in certain cases call and examine witnesses.

Record their evidence. Search for concealed articles

Butina dwelling-house between sunset and sunrise only on urgent occasion.

ed articles, taking care that no search be made in a dwelling house between sunset and sunrise without urgent occasion.

Clause 2.—He
May enter limits of other Villages.

thereof, who shall immediately responsible for continuing the search or pursuit.

shall also have authority in carrying out any search or any pursuit of supposed criminals, to enter and act within the limits of other villages, being bound however to give immediate information to the Police Patel thereof, who shall afford him all the assistance in his power, and be immediately responsible for continuing the search or pursuit.

XIV.—The Police Patel empowered to try and punish any person for petty assault or abuse.

The Police Patel shall have authority to try and, on conviction, to punish with confinement in the village chowry, for a period not exceeding 24 hours, any person charged with committing within the limits of the village petty assault or abuse : provided the charge be laid within eight days of the offence having been committed.

XV. Clause 1.—The Commissioner of Police may authorize the Magistrate of the District to issue a commission to Police Patel to try for certain offences.

And persons charged with resistance of orders of Police Patel.

It shall be lawful for a Commissioner of Police by an order in writing to authorize any Magistrate of a District to issue a commission to any person exercising the office of a Police Patel, empowering such Police Patel to try any person charged with any of the following offences committed within the limits of the village in which he is Police Patel—that is to say: mischief, or petty theft, when the estimated value of the property stolen, or of damages sustained, does not exceed two Rupees ; resistance or refusal to obey a lawful order issued by such Police Patel personally.

Clause 2—And
Punishment

to be awardable only on a failure to pay a fine,

it shall be lawful for a Police Patel so empowered to sentence any person convicted before him of any of the above acts, to punishment by fine, not exceeding Rupees five, or confinement in the village chowry for a period not exceeding forty-eight hours ; the confinement, in cases of resistance or refusal to obey a lawful order, to be awardable only on a failure to pay a fine,

XVI. The Police Patel, when and as long as he shall be empowered under Section XV. Clause 1, shall also have authority to punish by a fine not exceeding one Rupee, or in default of payment by confinement in the village chowry, for a period not exceeding twelve hours, any person committing any of the nuisances or disorderly acts below described, and to forbid the continuance or repetition of such nuisances or acts ; that is to say :—

Punishment for certain nuisances and disorderly acts stated below.

Beating, &c. any animal

1. Any person who wantonly or cruelly beats, ill-uses, or tortures any animal.

Bathing, washing in, or defiling any, well, &c.

2. Any person who bathes or washes in, or otherwise defiles, or causes to be defiled, any public well, tank, or reservoir, so as to render it less fit for any purpose for which it is set apart.

Depositing dirt, &c. in forbidden places

3. Any person who deposits in forbidden places any dirt, filth, or rubbish.

Committing nuisance by easing himself

Or from intoxication, &c, riotous, or incapable of taking care of himself

4. Any person who on any public street, passage, or thoroughfare, commits nuisance by easing himself, or who is from intoxication riotous, disorderly, or incapable of taking care of himself.

Accumulating offensive matter in cesspools, &c.

5. Any person who without sufficient cause wilfully allows to accumulate any offensive matter in cesspools, dung-heaps, or the like, so as to cause annoyance to the neighbouring residents or to passengers, or who without sufficient cause wilfully allows any offensive matter to issue on to any public thoroughfare from any house, factory, stable, privy, or the like, or who deposits the bodies of dead animals, or refuse, or filth of any description, either in channels which in the rainy season feed any tank or reservoir set apart for drinking, or in other places where to deposit such is offensive to the community.

Causing offensive matter to issue on to any public thoroughfare from any house, stable, privy, &c.

Depositing bodies of dead animals or filth in channels feeding any tanks, &c set apart for drinking

XVII. The proceedings under Sections XIV., XV., and XVI. shall be oral, and held in presence of the parties, and it shall be optional with the complainant to withdraw his complaint at any time before conviction is recorded. The Police Patel shall record the names of the parties, the finding, sentence, or order, or the withdrawal of the charge, with the date of proceedings, and shall forward the same to the Magistrate to whom he is immediately subordinate, in such form and through such channel, and at such times, as the Magistrate of the District shall prescribe.

XVIII. It shall be lawful for the Magistrate of a District with the sanction of the Commissioner of Police, by an order in writing, to cancel either in whole or in part any commission issued under Section XV. of this Act.

XIX. The Police Patel shall take charge of all unclaimed property found within his village, or made over to him under the provisions of the Bombay District Police Act of 1867, and shall forthwith make a report to the Magistrate to whom he is subordinate, and act thereafter as he may be directed by the said Magistrate; unless the property be of a description coming within the provisions of Act, III. of 1857 (*an Act relating to trespasses by cattle*), in which case the Police Patel shall be guided by that Enactment.

XX. Nothing contained in this Act shall be construed to prevent the prosecution of any person under any other Regulation or Act for any offence made punishable by this Act, or from being liable under any other Regulation or Act to any other or higher penalty or punishment than is provided for such offence by this Act; provided that no person shall be punished twice for the same offence.

XXI. In case of the Police Patel being unable to attend to his duty, owing to urgent absence from the village, sudden illness, or other cause, he shall place a competent kinsman, or failing a competent kinsman, some other competent person

person in charge of his office, making an immediate report to the Magistrate to whom he is immediately subordinate, and the person so placed in charge shall, until the receipt of instructions to the contrary, continue to act for the Police Patel in all his duties except those which involve the trial and punishment of offenders.

XXII. The term "District Police Station" in this Act shall include the villages or places within the limits of the charge of a Police Officer in charge of a Station.

XXIII. This Act or any portion thereof may from time to time be applied to the Province of Sind by Notification by Government, and the application of the same or of any portion thereof to the said Province may from time to time by the same authority and in like manner be revoked.

Short Title. XXIV. This Act may be cited as the "Bombay Village Police Act, 1867."

BOMBAY.

ACT No. IX. OF 1867.

PASSED BY THE GOVERNOR OF BOMBAY IN COUNCIL.

[Received the assent of the Governor of Bombay on the 4th November 1867, and of the Governor General on the 12th December 1867, and published by the Governor of Bombay on the 28th December 1867.]

An Act to amend the law relative to the Sale of Spirituous and Fermented Liquors in the City of Bombay.

WHEREAS it is expedient to regulate the sale of spirituous and fermented liquors in the City of Bombay; It is enacted
Preamble. as follows:—

I.—Act V. of 1842 (*an Act concerning payment on account of Licenses for the sale of Spirits in the Islands of Bombay and Colaba*) and so much of Sections XI., XII., and XIII. of Act XLVIII. of 1860 (*an Act to amend Act No. XIII. of 1856, for regulating the Police of the Towns of Calcutta, Madras, and Bombay, and the several stations of the Settlement of Prince of Wales' Island, Singapore, and Malacca*) as relates to the sale of spirituous and fermented liquors in the City of Bombay, are hereby repealed.

II.—For the purposes of this Act, all places where spirituous or fermented liquors are sold in the City of Bombay shall be divided into the following classes:—
Liquor shops or places where Liquors are sold to be divided into classes.

CLASS I.—Places of business or godowns of merchants, where spirituous or fermented liquors are sold only in casks or packages as imported, and where no smaller quantity is sold, excepting as *bonâ fide* samples.

CLASS II.—Shops or other places of business where spirituous or fermented liquors are sold in quantities not less than one dozen quart bottles.

19 c

[Price Two and Half Annas.]

CLASS III.

CLASS III.—Shops or other places of business where spirituous or fermented liquors are usually sold only in quantities not less than one dozen quart bottles, but where occasionally smaller quantities, not less than one quart bottle, are sold between the hours of sunrise and sunset.

CLASS IV.—Shops or places where spirituous or fermented liquors are sold by retail under the regulations for the time being in force for the control of Retail Liquor shops.

III.—No licenses under this Act shall be required in respect of Classes I. and II. as defined in Section II.

Licenses not required in respect of Classes I. and II.

IV.—In respect of Class III., as defined in Section II., the Commissioner of Police may, at his discretion, issue to respectable persons annual licenses, as in Schedule A to this Act annexed, dated from 1st January. For every such license a fee of twenty-five rupees shall be paid in advance.

Licenses under Class III. to be issued by the Commissioner of Police, according to Schedule A to this Act.

Fee for each License.

V.—In respect of Class IV., as defined in Section II., the Commissioner of Police may issue licenses for periods not exceeding one year under the regulations hereinafter specified, and for every such license shall charge such fee as shall be fixed from time to time with the sanction of Government.

Licenses under Class IV. to be issued by the Commissioner

Fee for License.

VI.—The Commissioner of Police shall annually on 1st September, or as soon after as convenient, submit to Government, through the Collector of Bombay, a list of the places under Class IV., as defined in Section II., theretofore licensed for the retail sale of spirituous or fermented liquors, and shall submit at the same time the number and localities of the shops and other places for which he proposes to issue licenses for the ensuing year, and the number and localities of such shops and other places, as fixed by Government, shall be adopted by the Commissioner.

The Commissioner of Police to submit on 1st September a list of places under Class IV.

VII.

VII.—Every license granted under Section V. of this Act shall be in the form of either License No. 1, or License No. 2, or License No. 3, as in Schedule B to this Act annexed. In issuing licenses, the Commissioner of Police shall determine which of the forms under Schedule B shall be granted.

Fee for License granted under Section V.

VIII.—It shall be lawful for Government from time to time, by notification, to vary or modify the terms of the licenses to be granted under the preceding Section, and the Forms of licenses so varied or modified shall be taken as the Forms in Schedule B to this Act annexed.

Licenses under the preceding Section may be varied or modified by Government by notification.

IX.—In the event of any license granted under Sections IV. and V. of this Act being subsequently forfeited or revoked, in consequence of the misconduct of the licensee or his servant, as proved to the satisfaction of any Magistrate of Police, the amount paid by the licensee for the license shall be absolutely forfeited.

Forfeiture of the money paid for a License.

X.—A breach of any of the conditions of a license granted under Section IV. or V. of this Act shall be punishable by fine not exceeding two hundred Rupees, and such fine shall be recovered from the person licensed, notwithstanding that such breach may have been owing to default or carelessness of a servant of the licensee, or of a person in charge of such shop. Provided always, that it shall be lawful for the Commissioner of Police, and he is hereby empowered, for any such breach as aforesaid to revoke the license of the person so convicted, notwithstanding that a fine shall have been imposed under the provisions of this Section.

Penalty for breach of conditions of the License.

Proviso.

XI.—Whoever, in the City of Bombay, keeps a shop or place of the description mentioned under Class III. as defined in Section II. of this Act, without a license from the Commissioner of Police, shall be liable, on each conviction, to a fine not exceeding five hundred Rupees.

Penalty for selling Liquor without a License in the manner described in Class III., Section II., of the Act

XII.

XII.—Whoever, in any place within the City of Bombay, sells illicitly by retail any spirituous or fermented liquor, shall be liable, for each act of sale, to a fine not exceeding five hundred Rupees. Provided that nothing in this Section shall apply to the sale of spirituous or fermented liquors in any druggist's or chemist's shop for medicinal purposes only.

Penalty for selling Liquor by retail without a License

XIII.—This Act shall be construed as part of, and supplemental to, Acts No. XIII. of 1856 and No. XLVIII. of 1860, and all fines and penalties under this Act may be imposed and levied by and under the same authority, and in the same manner, as fines and penalties imposed and levied thereunder, and all the means and provisions contained therein for enforcing the payment of such fines and penalties shall be applicable to fines and penalties under this Act.

Act to be regarded as part of Act No XIII of 1856 and Act XLVIII of 1860 Levy of fines and penalties.

XIV.—All money realised, collected, or obtained by the issue of licenses, or by forfeitures, or by imposition or infliction of fines and penalties under this Act, shall be carried to the credit of the Municipal Fund of the City of Bombay, for Municipal purposes.

Money obtained under this Act to be credited to Municipal Fund

XV.—CLAUSE 1.—Every shop or place in which spirituous or fermented liquors are sold in any quantity less than a quart bottle, or by the bottle, except in places under Classes I. or III., Section II., of this Act, shall be held to be a retail liquor shop within the meaning and intent of Class IV. as defined in Section II. of this Act.

Definition of retail dealers under Class IV., Section II., of this Act

CLAUSE 2.—And any sale of spirituous or fermented liquors in any quantity less than a quart bottle, or by the bottle, except under the provisions of this Act, shall be held to be an illicit sale by retail under Section XII.

Commencement of Act.

XVI.—This Act shall commence and take effect from the 1st January 1868.

SCHEDULE A.

Z 231
A 867
12 4934

SCHEDULE A.

Form of License to sell Liquor under Clause III., Section II., of Act IX. of 1867.

Under the provisions of Section IV. of Act IX. of 1867, I hereby authorize _____ to sell Spirituous and Fermented Liquors in his shop or place of business situated in _____ from this date until the 31st day of December next ensuing, on the following conditions:—

- 1st.—That the quantity sold at one time to one person be not less than a quart bottle.
- 2nd.—That no Spirituous or Fermented Liquor, in quantity less than one dozen quart bottles, be sold between sunset and sunrise.
- 3rd.—That this License be produced to the Commissioner, or Deputy Commissioner, or Superintendent of Police, or any Magistrate of Police demanding it.
- 4th.—That any breach of these conditions involves absolute forfeiture of this License, in addition to any penalty to which the holder is otherwise liable.

SCHEDULE B.

Form 1.—Hotel License.

Under Section V. of Act IX. of 1867, I hereby grant to _____ this License, to sell in an Hotel Spirituous and Fermented Liquors from the _____ until the 31st December next ensuing, on the following conditions:—

- 1st.—That his Hotel be situated in the house of _____ assessed No. _____ in _____ and that he be therein resident.
- 2nd.—That the business of the said Hotel shall be carried on by the said _____ and that no person shall act or officiate _____ for _____

for him in conducting the said business, without the knowledge and sanction of the Commissioner of Police; such sanction to be duly endorsed on the reverse of this License.

3rd.—That he produce this License to the Commissioner, or Deputy Commissioner, or Superintendent, or any Magistrate of Police demanding it.

4th.—That he do not adulterate any of the Liquors authorised to be sold by him; and that, on demand by the Commissioner, or Deputy Commissioner, or Magistrate of Police, he shall deliver up a sufficient quantity of such Liquors for analyzation.

5th.—That he shall not permit drunkenness nor gaming, or common prostitutes, or disorderly characters of any description therein.

6th.—That he shall give immediate information to the Commissioner of Police, or the nearest Police Officer, of all suspected persons who may resort to his Hotel, and of all irregularities tending to disturb the public peace.

7th.—That the Police shall at all times have free access to his Hotel for Police purposes.

8th.—That he shall not sell or give Spirituous or Fermented Liquors to any European or Native Soldier below the rank of Non-Commissioned Officer, or Police Officer below that rank, nor shall he permit such persons to frequent his Hotel.

Any breach of the above conditions is punishable by fine not exceeding two hundred Rupees, and also, at the discretion of the Commissioner of Police, with forfeiture of License.

Given under my hand and Seal this day of 186 .

Commissioner of Police.

Form 2.

Form 2.—Tavern License.

Under Section V. of Act IX. of 1867, I hereby grant to
 this License to keep a Tavern, and therein sell Spirituous
 and Fermented Liquors from the _____ until the 31st December
 next ensuing, on the conditions hereunder written :—

- 1st.—That his Tavern be situated in the house of
 assessed No. _____ in _____
 and that he be therein resident.
- 2nd.—That the business of the said Tavern shall be carried on by the
 said _____ and
 that no person shall act or officiate for him in conducting the said
 business, without the knowledge and sanction of the Commissioner
 of Police; such sanction to be duly endorsed on the reverse of
 this License.
- 3rd.—That he produce this License to the Commissioner, or Deputy
 Commissioner, or Superintendent of Police, or any Magistrate
 of Police demanding it.
- 4th.—That he do not adulterate, deteriorate, or fraudulently dilute any
 of the Liquors authorised to be sold by him, and that, on demand
 by the Commissioner, or Deputy Commissioner, or Magistrate of
 Police, he shall deliver up a sufficient quantity of such Liquors
 for analyzation.
- 5th.—That he shall not permit drunkenness nor gaming, or common
 prostitutes, or disorderly characters of any description therein.
- 6th.—That he shall give immediate information to the Commissioner of
 Police, or the nearest Police Officer, of all suspected persons who
 may resort to his Tavern, and of all irregularities tending to
 disturb the public peace.
- 7th.—That the Police shall at all times have free access to his Tavern
 for Police purposes.

8th.—That he shall not receive any ornaments, or other property, in barter or pawn, for the Liquors he is hereby licensed to sell.

9th.—That he shall not sell or give Spirituous or Fermented Liquors to any European or Native Soldier, or Police Officer, nor shall he permit such persons to frequent his Tavern.

10th.—That he shall not open his Tavern before sunrise, or keep it open after 11 P.M., after which hour it shall be closed, and kept closed, and no further sale of Liquors shall take place therein.

11th.—That he shall close his Tavern during any hours ordered by the Commissioner of Police, and of his own accord during riot and disturbance, in the neighbourhood.

12th.—That he shall cause to be painted in English, in letters two inches in length, publicly legible and visible on a board, to be placed over the door of the House or Premises, his name, the number of his License, and the words "Licensed Tavern."

13th.—That the designation of his Tavern shall be the

Any breach of the above conditions is punishable by fine not exceeding two hundred Rupees, and also, at the discretion of the Commissioner of Police, with forfeiture of License.

Given under my hand and Seal this day of 186 .

Commissioner of Police.

Form 3.—Retail Liquor Shop License.

Under Section V. of Act IX. of 1867, I hereby grant to this License to keep a retail shop, and therein sell Spirituous and Fermented Liquors from the until the 31st December next ensuing, on the conditions hereunder written :—

1st.—That his Shop be situated in the house of
assessed No. in
and to which there shall be only one door.

2nd.

- 2nd.*—That the business of the said Shop shall be carried on by the said _____, and that no person shall act or officiate for him in conducting the said business, without the knowledge and sanction of the Commissioner of Police ; such sanction to be duly endorsed on the reverse of this License.
- 3rd.*—That he produce this License to the Commissioner, or Deputy _____, Commissioner, or Superintendent of Police, or any Magistrate of Police demanding it.
- 4th.*—That he do not adulterate, deteriorate, or dilute any of the Liquors authorised to be sold by him, and that, on demand by the Commissioner, or Deputy Commissioner, or Magistrate of Police he shall deliver up a sufficient quantity of such Liquors for analysis.
- 5th.*—That he shall not permit drunkenness nor gaming, or common prostitutes, or disorderly characters of any description therein.
- 6th.*—That he shall give immediate information to the Commissioner of Police, or the nearest Police Officer, of all suspected persons who may resort to his Shop, and of all irregularities tending to disturb the public peace.
- 7th.*—That the Police shall at all times have free access to his Shop for Police purposes.
- 8th.*—That he shall not receive any ornaments or other property, in barter or pawn, for the Liquors he is hereby licensed to sell.
- 9th.*—That he shall not sell or give Spirituous or Fermented Liquors to any European Soldier, or any Native Solider in uniform, or any Police Officer in uniform, nor shall he permit such person to frequent his Shop.
- 10th.*—That he shall not open his Shop before sunrise, or keep it open after 9 P.M. ; after which hour it shall be closed, and kept closed and no further sale of Liquors shall take place therein.

