



SUPPLEMENT
TO THE
BOMBAY GOVERNMENT GAZETTE,
CONTAINING
ACTS FINALLY PASSED.

Published by Authority.

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ACT PASSED BY THE GOVERNMENT OF BOMBAY.

The following Act of the Governor of Bombay in Council received the assent of the Right Honorable the Governor of Bombay on the 7th May 1867, and the assent of His Excellency the Governor General on the 1st June 1867. and is published for general information:—

BOMBAY.

Act No III. of 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*.

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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, 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 Presi-

dency; *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 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 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.

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.

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.

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.

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 this Section IX. of Rules and Regulations 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 transfers 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 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 necessities, 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.

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

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.

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.

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 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.

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

Proviso.

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 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

Spirituous liquor, &c., to be confiscated in certain cases.

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

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

Penalty on certain persons having in their possession within Cantonments more than a certain quantity of spirituous liquor, &c., without a permit. 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 any person subject to the provisions of this Act

Arrest of persons committing offence under Section XXI. or Section XXIII. and seizure of spirituous liquor, &c., in their possession. 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

Confiscation of intoxicating liquor, &c. in respect of which there may be a conviction, or which may be in possession of the party convicted. 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

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

XXVII. The foregoing Sections shall not

Saving of articles sold or supplied for medicinal purposes. apply to the sale or supply of any article for medicinal purposes by recognized Medical Practitioners, Chemists, or Druggists.

XXVIII. All acts done previously to the passing of this Act by

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

XXIX. From the date on which any

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

XXX. This Act is not applicable to the Application of Act. City of Bombay.

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 pun-

ishing 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.

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

By order of the Right Honorable the Governor in Council,

Poona, 22nd June 1867.

N. DANIELL,
Acting Under Secretary to Government.