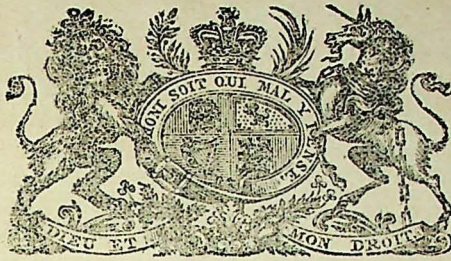


THE



Bombay Government Gazette.

Published by Authority.

THURSDAY, 11TH JULY 1867.

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

PART IV.

ACTS PASSED BY THE GOVERNMENT OF INDIA.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 26th June 1867, and is hereby promulgated for general information:—

Act No. XXXI. of 1867.

To render penal certain offences committed by servants of Railway Companies.

WHEREAS it is expedient to extend certain provisions of the Indian Penal Code relating to public servants to persons in the employment of Railway Companies; it is hereby enacted as follows:—

1. In this Act "Railway Company" means the proprietors for the time being of every railway or tramway situate in the territories vested in Her Majesty or her successors under the Statute 21 & 22 Vic., Cap. 106 (*an Act for the better government of India*), or (so far only as regards British subjects within

the dominions hereinafter mentioned) situate in the dominions of Princes and States in the East Indies in alliance with Her Majesty or her successors, and the lessees, representatives, and assigns of such proprietors.

2. Every officer and servant of a Railway Company shall be deemed a public servant within the meaning of Sections 161, 162, 163, 164, and 165 of the Indian Penal Code.

3. In the definition of legal remuneration contained in the said Section "Government" to include a Railway Company. 161 the word 'Government' shall for the purposes of this Act, be deemed to include a Railway Company.

Short Title.

4. This Act shall be called "The Railway Servants' Act, 1867."

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

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 13th June 1867, and is hereby promulgated for general information:—

Act No. XXIX. of 1867.

An Act to explain and amend Act No. XXI. of 1867.

WHEREAS it is expedient to explain and amend
Preamble. Act No. XXI. of 1867 (for the licensing of Professions and Trades); It is hereby enacted as follows:—

1. Sections 10 and 11 of the said Act are hereby repealed, and in lieu thereof respectively shall be substituted the following (that is to say):—

“10. The Collector shall from time to time determine what persons are liable to take out licenses under this Act, and under which of the classes mentioned in Schedule A to this Act annexed every such person shall be assessed.

“11. As soon as may be after the first day of May 1867, and the same day in every subsequent year, the Collector shall prepare a list of the persons to be licensed under this Act in the district or place aforesaid, and may from time to time alter and add to the said list. Such list shall state—

(1.)—The profession or trade of each of the persons therein named.

(2.)—The class under which he is assessed, and

(3.)—The sum to be paid for his license.

Such list shall be filed in the office of the Collector, and the list, or such part or parts thereof as he shall think fit, shall be filed in such other places as the Collector shall direct, and shall be open to public inspection at all reasonable times without the payment of any fee.”

2. In lieu of the first sentence of Section 12 of the said Act, the following shall be substituted (that is to say): “Any person named in such list, and objecting to the class under which he is assessed, or denying his liability to be assessed under this Act shall be at liberty, if before the 15th day of June 1867 he shall have paid the sum in which he has been assessed under this Act, within thirty days of the said 15th day of June 1867, or if he pay such sum after the said 15th day of June 1867, then within thirty days from such payment, to apply by petition to the Collector in order to establish his right to have his name transferred to another class or removed from the list.” And Schedule C to the said Act annexed shall be read as if, for the words “persons licensed,” the words “persons to be licensed” were substituted, and as if the following words were added thereto (that is to say), “[or that his name may be removed from the said list.]”

Amendment of Schedule C.

3. Section 15 of the said Act is hereby repealed, except as to offences committed and liabilities incurred before the passing of this Act, and in lieu thereof shall be substituted the following (that is to say):—

“15. If the Collector shall have caused a notice to be served on any person stating the class under which he has been assessed, and requiring him within seven days from the date of the service to take out a license and to pay for the same the sum (mentioning it) payable therefor under the provisions of this Act, and if the person so served shall not within the period specified in the said notice have taken out a license and paid for the same as required by the said notice, he shall, on conviction before a Magistrate, be subject to a penalty not exceeding Rupees five hundred, and not less than the sum mentioned in such notice. Every such notice shall be deemed to be sufficiently served if left at the residence or usual place of business of the person to whom it is addressed.”

4. The first two sentences of Section 19 of the said Act are hereby repealed, and in lieu thereof the following shall be substituted (that is to say): “On and after the 1st day of May 1867 every Trading Company or Association in British India, whose stock or funds is or are divided into shares and transferable, whether such Company or Association be incorporated or not, and whether its principal place of business be situate in British India or not, shall take out a license and pay for the same such annual sum as is mentioned in Schedule B to this Act annexed. Provided that if any such Company or Association satisfy the Collector that the payment to which it is liable under this section, exceeds two per cent. of its profits during the year ending on the thirtieth day of April preceding the year of assessment from its operations in British India, then the Collector shall grant a license to such Company or Association upon payment of the sum of two per cent. on such profits: Provided also that for any such license which shall be granted between the first day of November in each year and the thirtieth day of April next ensuing, there shall be paid only one-half of such annual sum, or of such sum of two per cent. on such profits.”

5. The provisions of the sections respectively substituted by this Act for Sections 10, 11, and 15 of the said Act apply to Trading Companies and Associations under Section 19 of the same Act, as amended by this Act. Provided that the maximum penalty to which a Trading Company or Association shall be subject on conviction under the Section substituted by this Act for Section 15 of the said Act, shall be Rupees two thousand.

6. This Act shall be read with and taken as part of the said Act No. XXI. of 1867, and shall have effect as from the eighth day of March 1867.

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

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 19th June 1867, and is hereby promulgated for general information :—

Act No. XXX. of 1867.

An Act to amend Act XIX. of 1861 (to provide for a Government Paper Currency.)

WHEREAS under Section 8 of Act XIX. of 1861

Preamble.

(to provide for a Government Paper Currency),

the Promissory Notes of the Government of India issued under that Act are payable only at the Office, or Offices, or Agencies of Issue of the city or town from which they are severally issued, and at the Presidency town of the Presidency within which such city or town is situated: And whereas it is expedient to empower the Governor General of India in Council to declare that for the purposes of the said Act any such city or town, other than a Presidency town, shall be deemed to be situated within such Presidency as he shall from

time to time declare by Notification in the *Gazette of India*; It is hereby enacted as follows :—

1. It shall be lawful for the Governor General of India in Council from time to time to declare by Notification in the *Gazette of India* that any city or town (other than a Presidency town) from which Promissory Notes of the Government of India are or shall be issued under the said Act, shall, for the purposes of such Act, be deemed to be situated within such Presidency as shall be specified in that behalf in the said Notification; and thereupon such city or town shall, for the purposes of the same Act, be deemed to be situate within the Presidency so specified.

2. This Act shall be read with and taken as part of the said Act No. XIX. of 1861.

This Act to be read with Act XIX. of 1861.

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

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ACTS 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*.

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 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 Superintend-

ents 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 Superintendents of Bazaars abolished. 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

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

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

Administration of Police within Cantonments. 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

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

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

Government may make Rules and Regulations to provide for certain matters hereinafter mentioned; the same to be general or special.

to make Rules and Regulations not inconsistent with the provisions of this Act or of any other law in force, to provide within

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

For what matters under 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 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

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

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

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.

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 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.

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 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

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

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

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

in whose possession the same shall have been seized shall be convicted or acquitted of the offence charged. If the person shall be

How to be disposed of. 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.

Practitioners, Chemists, or Druggists.

XXVIII. All acts done previously to the

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

XXIV. in respect of which any person shall be charged with an offence, may be detained until the person

acquitted, anything so seized shall be

restored; if he shall be convicted, such of the things only as shall not be adjudged to be

apply to the sale or supply of any article for medicinal purposes by recognized Medical

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

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

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.

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,

N. DANIELL,

Acting Under Secretary to Government.

Poona, 22nd June 1867.

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 8th June 1867, and is published for general information :—

BOMBAY.

Act No. IV. of 1867.

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

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

I. Section 47 of Act No. II. of 1865
(Bombay Municipal
Amended Section for Act) is hereby re-
House Rate. pealed, 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 Bom-
bay, and shall be payable by the owners
thereof in quarterly instalments in the fol-
lowing 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 instal-
ments, that is to say, the first instalment
for the year shall be due and leviable on
the 1st January, and the second instal-
ment on the 1st July of each year: Pro-
vided that no warrant

Proviso. for the recovery by
distrain 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

Proviso. the Governor in
Council, on a Reso-
lution 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,

II. Section 227 of Act. II. of 1865
(Bombay Municipal
Section repealed. Act) is hereby re-
scinded.

III. To provide for the annual expense
Police Rate. 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 Jus-
tices upon the occupiers of all houses,
buildings, and lands in the city, which shall
be assessed and levied in the manner here-
inafter 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
Annual value of liable to the Police
houses, &c. liable to Rate, shall be the
Police Rate how to be annual value as as-
determined. certain under Section 58 of Act II. of
1865 (Bombay Municipal Act).

V. Every occupier shall be liable to
the Police Rate for
Occupier liable to the the time of his occu-
rate for time of occupa- pation, and when any
tion. 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 re-
funds shall be given
Proviso. for any broken period of a month.

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

VII. When any house, building, or
land is sublet in apart-
Owner to furnish list ments, flats, or por-
of his tenants. tions 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 there-
upon 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.

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.

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.

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.

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.

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.

XIII. Section 52 of Act II. of 1865 (Bombay Municipal Act) is hereby repealed.

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.

ed, 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.

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.

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.

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

XVIII. Section 53 of Act II. of 1865 (Bombay Municipal Act) is hereby repealed.

XIX. Section 54 of Act II. of 1865 (Bombay Municipal Act) is hereby repealed.

shall be liable to pay House rate on the valuation of the whole flat.

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.

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.

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.

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 employes 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

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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 to impose such fine on the recusant tenant and not on the owner: 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, Service of Summonses and Notices, 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 Bom-

bay: 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 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.

XXVII. Sections 254, 255, and 256 of Act II. of 1865, shall

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

apply to all loans borrowed by the Justices under the preceding Section.

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"

XXIX. This Act shall be read as and Extended application taken to be part of this Act. 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	Yearly.
Every practising Architect and Civil Engineer	
Every practising Physician and Surgeon	50 Rs.
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	
Every Contractor	
Every owner or farmer of a private or public Market	
Every owner of Screws for the pressure of Cotton, Hide, or other things.	
Every Auctioneer	
Every owner of a Printing Press, Hotel-keeper, Boardinghouse-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) 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 Merchandize, 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	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 estimated 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 private 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.

By order of the Right Honorable the Governor in Council,

N. DANIELL,

Acting Under Secretary to Government.

Poona, 22nd June 1867.