

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1432

Press

Mis

574-575

Dated

31-7-19 1863

Not to be folded or roughly handled

1863

*Proceedings of the Madras Government, Revenue Department,
31st July 1863.*

No. 574. Read the following Proceedings of the Madras Government in the Military
Department:—

Approving certain measures proposed by His Excellency the
Commander-in-Chief for extending the Military limits of } (Here enter 21th July 1863, No. 2,391.)
the Cantonment of Cannanore.

No. 575. ORDER THEREON, 31st July 1863, No. 1,452.
Communicated to the Board of Revenue for information.
(True Extract.)

(Signed) P. P. HUTCHINS,
Acting Deputy Secretary to Government.

To the Board of Revenue with Proceedings Military Department, No. 2,391.

Exd. S. T. Augustin.

MILITARY DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following letter :—

From the Quarter Master General, Bangalore, 13th July 1863, No. ³⁰/₅₈₂₉; to the Secretary to Government, Military Department, Fort Saint George.

I have the honor, by desire of His Excellency the Commander-in-Chief, to forward, for submission to Government, a Plan, recently executed, shewing the Military limits of the Cantonment of Cannanore, and a second Plan, in pencil, marked A, shewing certain alterations which, it is proposed, should be made to increase the Military Limits; and for this change, the sanction of Government is requested.

2. These alterations have been agreed upon by the Collector of Malabar, and the Officer Commanding Malabar and Canara, and are as follows :—

1st. The boundary to follow the course of the Nullah, from *F to G, and include in Cantonment limits the quadrangular piece of land, now shewn as without the boundary.

2nd. To extend the boundary, as shewn from A to B—this ground is contiguous to the Sepoys' Lines, and affords shelter to a system of gambling, and the Brigadier strongly urges its being brought under Military Authority.

3rd. For similar reason, the Brigadier further recommends the extension of the Military limits from B to C, and again from D to E.

† 3rd February 1863.

3. In reference to these proposed changes, the Acting Sub-Collector, thus addresses† the Collector of Malabar.

† From F to G, in pencil Map A.

“ There is no difficulty in extending the limits of the Cantonment over the spot marked X, † alluded to in 3rd paragraph of the Brigadier's letter, as the land belongs to Government.”

“ The new line should follow the stream, as indicated by me in pencil, in the enclosed Map.”

“ Further additions are now suggested in the vicinity of the Native Infantry Lines, but, in these cases, the land is not the property of Government, and is so covered with houses and gardens, that the expense of purchasing, would be enormous.”

“ There can be no doubt, that houses situated in these places, are resorted to by Sepoys for gambling and drinking, and that the Military Authorities, with a resident Magistrate on the spot, could exercise a repression much more effectual, than is now exercised from the Taluq, 15 or 20 miles off; and it is simply a question of whether Government should extend over them the Cantonment jurisdiction, and place them on the same footing as private lands now within the Cantonment.”

4. The Collector of Malabar conveys his assent to these changes, in the following words, in his letter of 19th idem to Brigadier Babington :—

“ The additions to the Cantonment limits at X, and within A, B, C, (on the Plan now sent) appear to me desirable. Where the ground is the property of Government, planting could be prohibited and objectionable trees removed. Where it is private property, the effect of the change would simply be, to bring it under the jurisdiction of the Cantonment Joint Magistrate. I would also suggest, that the Cantonment boundary be similarly extended at D, and E.”

5. Mr. Ballard, and the Brigadier, have both signed the pencil Plan, and should Government sanction these changes, the specification of the Cantonment limits shall be then submitted for publication in the Gazette.

ORDER, No. 2391, 24th July 1863.

The Governor in Council sees no objection to the measure proposed in the foregoing le
(True Extract.)

Wm. Millard
Deputy Secretary to Government

To the Quarter Master General.

„ Revenue Department, for information. *W. H. Macpherson*

MILITARY CANTONMENTS ACT.

ARRANGEMENT OF SECTIONS.

Section.

1. Madras Act, No. IV of 1865, repealed.
2. Interpretation.
Section.
Number.
Gender.
3. Criminal jurisdiction of a Cantonment Magistrate.
4. Cantonment Magistrate to be deemed a Magistrate in charge of a Division of a District.
5. Assistant Cantonment Magistrate.
6. Punishment for breaches of standing orders or of special duties.
7. Small Cause Courts may be established in Cantonments.
8. Act XI of 1865, to apply to all such Courts.
9. Act III of 1859 and Act XI of 1841 suspended in Cantonments where Cantonment Magistrates are made Small Cause Judges.
10. Assistant Cantonment Magistrate may be invested with powers of a Small Cause Court Judge up to fifty Rupees.
11. Cantonment may be declared a Sub-District under Registration Act.
12. Act XXIV of 1859, applicable to Police employed in Military Cantonments.
Administration of Police within Cantonments.
13. Extension of Section 48 of Act XXIV of 1859, to Military Cantonments.
14. Soldiers or Public Followers serving with the Army not to be taken out of the service for debts less than Rupees 300, or for breach of agreement.
15. Arrest in certain Military Cantonments how to be conducted.
Not to apply to summonses, &c.
16. Service and execution, through Cantonment Magistrate, of process issued by Commanding Officers.
17. Rules and Regulations to provide for certain matters specified.
18. Rules to be confirmed by Governor General in Council.
19. What rules may provide for.
20. Trial

[PRICE : ANNAS.]

Section.

20. Trial of breaches of such Rules and Regulations.
21. Levy of fines imposed.
22. Imprisonment in case of amount not being recoverable as above.
23. Imprisonment to be where.
24. Prosecutions, &c., under other Regulations, &c., not barred by this Act.
25. Limits of Cantonments and bazaars how to be defined and established.
Power to alter the limits.
26. For protection of health, Rules and Regulations made under Clause 7, Section 19, may be extended beyond limits of Cantonments for certain purposes.
27. In such case, penalties may be imposed for breach of Rules in extended limits.
28. Courts, &c., to take judicial notice of Rules passed under this Act.
29. Effect of Rules, &c., passed under Section 17 of this Act in respect of Regulations, &c., previously in force.
Proviso.
30. Unauthorized sale of liquor to Military persons in Cantonments, how punishable.
31. Consequence of second conviction of offence under last preceding Section.
32. Camp-followers and others having possession of liquor beyond certain quantity without permit, how punishable.
33. Arrest of persons committing offence under Section 31 or 32.
34. Confiscation of liquor in respect of which conviction may be had, or which may be in possession of party convicted.
35. Things seized under Act may be detained until party charged with offence is acquitted.
How to be disposed of.
36. Saving of articles sold or supplied for medicinal purposes.
37. Act not to interfere with jurisdiction of Courts-Martial, &c.
Proviso.
38. Acts done by Cantonment Magistrates and others before passing of this Act legalized.
39. What authority to exercise powers of High Court in respect of Small Cause Courts established in a Non-Regulation place or places out of British India.
40. Commencement and scope of Act.
41. Repeal of the Act and Regulation named in the Schedule.

MADRAS.

ACT No. I of 1866.

PASSED BY THE GOVERNOR OF FORT ST. GEORGE IN COUNCIL.

[Received the assent of the Governor on the 17th January 1866, and of the Governor General on the 31st January 1866.]

An Act to repeal Madras Act No. IV of 1865, and to make provision for the Administration of Military Cantonments in the Presidency of Fort Saint George.

WHEREAS in Madras Act IV of 1865, (An Act to make provision for the administration of Military Cantonments in the Presidency of Fort Saint George), reference is made to Act XLII of 1860, and it is enacted that the Courts of Small Causes, the establishment whereof is therein provided for, shall be deemed to be established under the provisions of the said Act XLII of 1860, and whereas the said Act XLII of 1860 had been repealed by Act XI of 1865 (An Act to consolidate and amend the law relating to Courts of Small Causes beyond the local limits of the ordinary original Civil jurisdiction of the High Court of Judicature) before the aforesaid Act IV of 1865 had received the assent of the Viceroy and Governor General, and whereas it is expedient to repeal the said Act IV of 1865, and to substitute an Act in lieu thereof, 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 in the Presidency of Fort Saint George, and for laying down local Rules and Regulations to be enforced within such limits, it is enacted as follows:—

Madras Act No. IV of
1865 repealed.

1. Madras Act, No. IV of 1865, is hereby repealed.

2. The

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

Interpretation.

"Section."

The word "Section" denotes a Section of this Act.

Number.

Words importing the singular number include the plural number, and words importing the plural number include the singular number.

Gender.

Words importing the masculine gender include females.

Criminal jurisdiction of a Cantonment Magistrate.

3. When any person shall be invested by the Government, under the provisions of Section 23 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 situated, of any person charged with any offence triable before the Court of Session, 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.

Cantonment Magistrate to be deemed a Magistrate in charge of a Division of a District.

4. The Cantonment Magistrate shall be considered a Magistrate in charge of a Division of a District within the meaning, and for the purposes, of the Code of Criminal Procedure.

Assistant Cantonment Magistrate.

5. When any person shall be invested by the Government, under the provisions of Section 23 of the Code of Criminal Procedure, with the powers of a Subordinate Magistrate of the first or second 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 Court.

Punishment for breaches of standing orders or of special duties.

6. All public followers attached to, or serving with, any part of the Army and receiving public pay drawn by an Officer in charge of any Department appertaining to the Army, and all Artificers and laborers belonging to the Army or Military Arsenal, or to the Commissariat or Medical Department, shall be liable

liable to be tried by the Cantonment Magistrate or by the Assistant Cantonment Magistrate, for all breaches of Standing Orders, or of their respective duties, and shall be punished with imprisonment of either description as defined by the Indian Penal Code not exceeding one month, or with fine not exceeding one hundred Rupees, or with lashes not exceeding fifty with a cat-of-nine tails, or shall be liable to any two of the above punishments.

7. The Government may, within the limits of any Military Cantonment, establish a Court of Small Causes for the trial of suits of the nature described in Section 6 of Act XI of 1865 (*An Act to consolidate and amend the law relating to Courts of Small Causes beyond the local limits of the ordinary original Civil Jurisdiction of the High Courts of Judicature*), and the Cantonment Magistrate, if there be a Cantonment Magistrate, shall be the Judge of the Court so established within his jurisdiction. The Government shall, from time to time, declare the pecuniary limit of the jurisdiction of every Court established under this Section, but such limit shall in no case exceed five hundred Rupees.

Small Cause Courts may be established in Cantonments.

8. Every Court of Small Causes established under this Act shall be deemed to be a Court established under the said Act XI of 1865, and all the provisions of the said Act shall be applicable to every such Court, and to all suits instituted in any such Court, except as is herein otherwise provided.

Act XI of 1865 to apply to all such Courts.

9. Whenever a Court of Small Causes is established in any Military Cantonment under the provisions of Section 7, the jurisdiction exercised in such Cantonment by any Officer under Act III of 1859 (*for conferring Civil jurisdiction in certain cases upon Cantonment Joint Magistrates, and for constituting those Officers-Registrars of Deeds*), shall cease and determine; and Act XI of 1841 (*for consolidating and amending the Regulations concerning Military Courts of Requests for Native Officers and Soldiers in the service of the East India Company*) shall cease to have any effect within the limits of such Cantonment; provided that nothing in this Act contained shall be held to affect so much of the said Act XI of 1841 as declares that, in places beyond the frontier of the Territories of the East India Company, actions of debt and other personal actions may be brought before the Military Courts therein mentioned, against persons so amenable as therein mentioned, for any amount of demand; provided also, that nothing in this Act contained shall be held to affect the jurisdiction of any Court of Requests convened under the hundred and third Section of the Statute 27 Victoria, Cap. 3, or the corresponding

Act III of 1859 and Act XI of 1841 suspended in Cantonments where Cantonment Magistrates are made Small Cause Judges.

responding 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 assemble such Courts.

10. The Government may invest any Assistant Cantonment Magistrate with the powers of a Judge of a Court of Small Causes, to try suits instituted in any Court which is established under Section 7: provided that no Assistant Cantonment Magistrate shall have jurisdiction to try suits for an amount exceeding fifty Rupees.

Assistant Cantonment Magistrate may be invested with powers of a Small Cause Court Judge up to fifty Rupees.

11. Any Military Cantonment may be declared by the Government to be a Sub-District for the purposes of Act XVI of 1864, (to provide for the Registration of Assurances). The Cantonment Magistrate of any Cantonment so declared shall be the Deputy Registrar thereof.

Cantonment may be declared a Sub-District under Registration Act.

12. The Police Force employed in any Military Cantonment shall be deemed to be part of the General Police Force within the meaning of Section 8, Act XXIV of 1859, (for the better Regulation of Police within the Territories subject to the Presidency of Fort Saint George,) and all the provisions of the said Act shall be applicable to such Force. 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, subject to the general control and direction of the Commanding Officer of such Cantonment.

Act XXIV of 1859 applicable to Police employed in Military Cantonments.

Administration of Police within Cantonments.

Extension of Section 48 of Act XXIV of 1859 to Military Cantonments.

13. The Government may extend Section 48 of the said Act XXIV of 1859 to any Military Cantonment situated in the Territories under such Government.

14. No Soldier or other Public Follower serving with any part of the Army, and receiving public pay drawn by an Officer in charge of any Department appertaining to the Army other than a Commissioned Officer, shall be liable by any process whatever to be taken out of Her Majesty's Service by any writ, summons, warrant, order, judgment, execution, or any process whatsoever, issued by, or by the authority of, any Court of Law, or any other authority whatsoever, for any original debt not amounting to Rupees 300, or for the breach

Soldiers or Public Followers serving with the Army not to be taken out of the service for debts less than Rupees 300, or for breach of agreement.

of any contract, covenant, agreement, or other engagement whatever by parol or in writing, and all writs, summonses, warrants, orders, judgments, execution, and other process on account of any of the matters for which it is herein declared that a soldier or other person as aforesaid is not liable to be taken out of Her Majesty's Service, shall be utterly illegal, and null and void, to all intents and purpose;— and any Judge of any such Court may examine into any complaint made by a soldier or by his superior officer, and by warrant under his hand discharge such soldier, without fee, he being shown to have been arrested contrary to the intent of this Act, and shall award reasonable costs to such complainant, who shall have for the recovery thereof the like remedy as would have been applicable to the recovery of any costs which might have been awarded against the complainant in any judgment or execution as aforesaid, or a writ of *Habeas Corpus ad subjiciendum* shall be awarded or issued, and the discharge of any such soldier out of custody shall be ordered thereupon: provided that any plaintiff, upon notice of the cause of action first given in writing to any soldier or left at his last quarters, may proceed in any action or suit to judgment, and have execution other than against the body or Military necessities or equipments of such soldier.

15. 1st.—Whenever it may be necessary to execute, within the limits of a Military Cantonment, any process issuing from any Civil or Criminal Court, against any person of the Military class, or attached to, or serving with the Army, the Officer charged with the execution of such process of arrest shall carry it to the Commanding or Staff Officer of the Regiment or Detachment, or to the Officer in charge of the Department of the Army to which the person against whom the process is issued may belong, and such Officer shall immediately endorse it with his signature, and use his utmost endeavours to cause the person therein named, if within the limits of the Cantonment, to be served or delivered up, according to the exigency of the process, to the Officer charged with the execution thereof unless such process shall have been issued in contravention of the preceding Section.

Arrest in certain Military Cantonments how to be conducted.

2nd.—But nothing contained in the foregoing clause of this Section shall be construed to prevent the direct service, in the usual way, of notices, summonses, subpoenas, or other processes on any person not Military, or attached to or serving with the Army, or to require any communication to the Officer designated in the foregoing clause, or any endorsement by him on such notice or process not involving personal arrest.

Not to apply to summonses, &c.

16. The

16. 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 Officers.

17. 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 in the Territories under the Government of Fort Saint George, or special for any one or more of such Cantonments, according as the Government shall direct.

Rules and Regulations to provide for certain matters specified.

18. 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.

Rules to be confirmed by Governor General in Council.

19. The Rules and Regulations made under Section 17, may provide.

What rules may provide for.

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 condition 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 immovable property within the limits of the Cantonment, and for providing for the registration of transfers of such property.

3rd.—For

3rd.—For regulating the manner in which lands and 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 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 of 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 births, marriages, and 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 17, 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 labor.

20. Breaches of any Rule or Regulation made under Section 17 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 powers to

Trial of breaches of such Rules and Regulations.

to try such breaches, and may authorize such person to exercise such powers independently of the Cantonment Magistrate. The Magistrate of the District shall in regard to such cases, have no control over the Cantonment Magistrate, or over any Assistant Cantonment Magistrate, or any other person invested with such powers as herein aforesaid.

21. In every case in which an offender is sentenced to a fine for the breach of any Rule or Regulation made under Section 17, the amount may, in case of non-payment, be levied by distress and sale of any movable property of the offender which may be found within the limits of the Cantonment.

Levy of fines imposed.

In prisonment in case of amount not being recovered as above.

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

Imprisonment to be without labor.

23. The imprisonment under Section 19 or Section 22 may be, if without labor, in the Civil Jail, and if with labor, in the Criminal Jail of the District.

24. Nothing in this Act nor in any Rule or Regulation made under Section 17 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, &c., under other Regulations, &c., not barred by this Act.

25. It shall be lawful for the Government to declare, that any place in which any detachment of the Army may be quartered shall be a Military Cantonment within the meaning of this Act, and the limits of such Cantonment, including the Military bazaars attached thereto, shall be marked out, and plans thereof shall be prepared, and whenever the Government shall declare any place to be a Military Cantonment, a Notification of such declaration and of the limits of the Cantonment shall be published in the Fort Saint George and District Gazettes. Provided always that it shall be lawful for the Government from time to time to alter the limits of such Cantonment, or to declare that it shall no longer be a Military Cantonment, and thereupon such alteration or declaration shall be notified as above directed.

Limits of Cantonments and Bazaars how to be defined and established.

Power to alter the limits.

26. Whenever

26. Whenever it shall appear necessary for the protection of the health of the Troops in any Military Cantonment, it shall be lawful for the Governor in Council 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 19, 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. Provided always that such additional Rules and Regulations shall be subject to the confirmation of the Governor General of India in Council.

For protection of health, Rules and Regulations made under Clause 7, Section 19, may be extended beyond limits of Cantonments for certain purposes.

27. When such Rules and Regulations, with any additional Rules or Regulations made as above, shall be extended under the last preceding Section to any place outside the limits of such Cantonment, it shall be lawful for the Governor in Council to provide, in the manner described in Clause 11 of Section 19, 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.

In such case, penalties may be imposed for breach of Rules extended thereto.

Courts, &c., to take judicial notice of Rules extended under this Act.

28. All Courts and Magistrates shall take judicial notice of all Rules and Regulations made under Section 17 or Section 26.

29. Whenever, in any Military Cantonment, Rules and Regulations have been made under Section 17, 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 17, 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, &c., passed under Section 17 of this Act in respect of Regulations, &c., previously in force.

Provided.

30. 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

Prohibition of sale of liquor to Military persons in Cantonments, how punishable.

or intoxicating drug, to or for the use of any European Soldier, or to 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 labor, for any period not exceeding three months, or in lieu of such fine or imprisonment to the punishment of whipping, as prescribed by Section 10 of Act VI of 1861 (to authorize the punishment of whipping in certain cases), subject to all the provisions of that Act.

31. 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.

32. 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 imperial quart, without a permit to be signed by the Officer in Command, or such other Officer as may be 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 labor, for any term not exceeding three calendar months: provided that nothing in this Section contained shall apply to any liquor brought into a Cantonment for the private use of any Commissioned Officer.

33. If any person subject to the provisions of this Act shall be found committing any offence contrary to Section 31 or Section 32 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 anything used for the purpose of removing, conveying, or

Consequence of second conviction of offence under last preceding Section.

Camp-followers and others having possession of liquor beyond certain quantity without permit, how punishable.

Arrest of persons committing offence under Section 31 or 32.

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.

34. In case of a conviction for any offence under Section 31 or Section 32 of this Act, the Cantonment Magistrate or other Officer may adjudge any liquor, wine, or intoxicating drug, in respect of which the party shall be convicted, and any other spirituous liquor, wine, or intoxicating drug which shall be 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 or parts of any fine imposed under this Act to be paid, as soon as the same shall be realized, to the person upon whose information such conviction shall take place, or to the Officer who shall have apprehended the offender or seized any of the goods adjudged to be confiscated.

35. Any thing seized under Section 33, in respect of which any person shall be charged with an offence, may be ordered to 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, any thing so seized shall be restored; if he shall be convicted, such of the things only, if any, as shall not be adjudged by the Cantonment Magistrate or other Officer to be confiscated, shall be restored; the remainder shall be dealt with as confiscated.

36. Sections 30 to 35, inclusive, shall not apply to the sale or supply of any article for medicinal purposes, by recognized Medical Practitioners, Chemists, or Druggists.

37. Nothing in this Act shall interfere with the jurisdiction of Courts Martial, or of Commanding Officers of Cantonments, or of Regiments, Corps, or Detachments, under Act XXIX of 1861, (to consolidate and amend the Articles of War for the Government of the Native Officers and Soldiers in Her Majesty's Indian Army), or under Act V of 1863 (to amend Act XXIX of 1861), or with the provisions of any Statute for punishing mutiny and desertion of Officers and Soldiers in the Service of Her Majesty, and the Cantonment Magistrate shall exercise no jurisdiction in respect of such offences. Provided that, when a Cantonment Magistrate or other Officer not being the Commanding Officer shall have

Confiscation of liquor in respect of which conviction may be had, or which may be in possession of party convicted.

Thing seized under Act by the detained until party charged with offence is acquitted.

How to be disposed of.

Exemption of Articles sold or procured for medicinal purposes.

Act not to interfere with jurisdiction of Courts Martial, &c.

Proviso.

have been vested by the Government with power within the limits of any Military Cantonment to dispose of cases under any Rule or Regulation made under Section 17, it shall not be competent to the Commanding Officer to exercise the powers described in Article 81 of the said Act, XXIX of 1861, in respect of any case arising under such Rule or Regulation, when such Rules and Regulations have been passed for such Cantonment under Section 17, and penalties shall have been laid down for their infringement. The said Rules and Regulations shall be held to be the Rules and Regulations mentioned in the said Article 81 of the said Act XXIX of 1861, and so much of the said Article as declares the penalties which may be inflicted for breach of Cantonment Regulations shall cease from that time to have any effect in such Cantonment.

38. All acts done previously to the passing of this Act by Cantonment Joint Magistrates, Assistant Cantonment Joint Magistrates, or Judges of Courts of Small Causes appointed under the provisions of the Madras Act IV of 1865, 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.

What authority to exercise powers of High Court in respect of Small Cause Courts established in a Non-Regulation place or places out of British India.

39. If a Court of Small Causes shall be established under Section 7 in any Military Cantonment in the territories not subject to the General Regulations, the Governor in Council shall declare what authority shall exercise the powers vested in the High Court by the provisions of the said Act XI of 1865.

Commencement and scope of Act.

40. This Act shall come into operation only in such Military Cantonments, and from such dates as the Governor in Council shall declare by Notification in the Fort Saint George and District Gazettes.

Repeal of the Act and Regulation named in the schedule.

41. From the date at which this Act shall have come into operation in any Military Cantonment, and within the limits of such Cantonment, the Regulation and the Act named in the Schedule shall cease to have effect to the extent therein stated, except so far as they repeat the whole or any part of any other Regulation, and except as to any act or offence which shall have been done or committed, or as to any fine or penalty which shall have been incurred, or as to any proceedings which shall have commenced before this Act shall have been in force.

SCHEDULE.

SCHEDULE.

Number and date of Act or Regulation.	Title.	Extent of Repeal.
Regulation VII of 1822.	A Regulation for rescinding Regulation VI of 1821, and Regulation IV of 1827, and in lieu thereof enacting Rules for the better order and discipline of Military bazaars, the more effective administration of Justice and of the Police at the Stations where such bazaars were established, and at certain other Military Stations, and in Military Forces in the field; the extension of the powers of Courts-Martial; and the more effectual prevention of the undue use of Spirituous and Fermented Liquors and Intoxicating Drugs by the European Troops under this Presidency.	The whole Regulation.
Act XVIII of 1853.	An Act for regulating the sale of Spirituous &c., in Cantonments.	The whole Act, so far as it relates to the Madras Presidency.

Permanence 1863 (Sept 11)
of Govt for duty

Re-1432.

Proceedings of the
Judicial Committee of
the Privy Council

Communicated to the
Board of Revenue for information
-line

Sept 21st 3rd Aug 1863.
Revenue 29923

Re-2391-

First Lt. General
31st Aug 1863

147

Pro. W. Sept 30 Oct 1863
Revenue 2650

Appropriation of Revenue

5 to the 18th of June
with the 18th of June 1863

Revenue Collection
of the 18th of June 1863
Pro. W. Sept 30 Oct 1863
Revenue 2650

Re-1432. of duty

to William Cecil