

ACT NO. XVIII. OF 1853.

*Passed by the Governor General of India in Council, on  
the 2nd December 1853.*

*An Act for Regulating the Sale of Spirituous Liquors, &c.,  
in Cantonments.*

WHEREAS it is expedient to regulate the sale of spirituous liquors, wine and intoxicating drugs within Military Cantonments, It is enacted as follows:

I. If within any Military Cantonment or within any limits around the same to which the Provisions of this Act shall be extended by an order of Government to be publicly notified any person not amenable to 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 Soldiers' wife without a written license from the Officer Commanding at the Station, or from some person having sufficient authority from the Commanding Officer 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 before a Magistrate, to a fine not exceeding Fifty Rupees, or, in the discretion of the Magistrate, to imprisonment, with or without hard labour, for any period not exceeding one calendar month.

II. If any person convicted of an offence under Section I. of this Act shall be convicted under that Section of an offence subsequently committed, he shall be liable, to a fine not exceeding One Hundred Rupees, or to imprisonment, with or without hard labour, for any period not exceeding three calendar months; and in such case any

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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.

III. If any Camp follower or Military pensioner or the wife or 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 seer or 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 labour, for any term not exceeding three calendar months.

IV. Section III. of this Act shall not apply to any liquor brought into a Cantonment for the private use of any Commissioned Officer.

V. If any person, subject to the provisions of this Act, shall be found committing any offence contrary thereto, any Police Officer, authorised under this Act, 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 a Magistrate or other Officer having jurisdiction to punish the offender.

VI. Any person, who shall obstruct any Police Officer in making any arrest, or seizure, under this Act, and any Police Officer, who shall not, without unreasonable delay, take the person, or thing so arrested, or seized, before a Magistrate, or other Officer having jurisdiction to punish the offence, shall be liable, on conviction before a Magistrate, to a fine, not exceeding One Hundred Rupees.

VII. Any Police Officer, who, under color of this Act, shall, without probable cause, make any arrest, or seizure, without a warrant, shall, on conviction before a Magistrate, be liable, to a fine not exceeding One Hundred Rupees, which fine or any part of it may be ordered by the Magistrate to be paid to the person aggrieved.

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VIII. No Police Officer shall be competent to act under the provisions of Section V. of this Act, unless he shall have a general, or special authority so to do, granted to him in writing by the Commanding Officer, or other Officer empowered by him to grant the same, or by the Officer in the immediate charge of the Police.

IX. In case of a conviction for any offence under this Act, the convicting Magistrate 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 any thing 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.

X. A Magistrate may order any thing seized under the provisions of this Act, in respect of which any person shall be charged with an offence, 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, the things so seized shall be restored; if he shall be convicted, such of the things only, if any, as shall not be adjudged by a Magistrate to be confiscated, shall be restored; the remainder shall be dealt with as confiscated.

XI. No appeal shall lie from any order or conviction under the provisions of this Act.

XII. European British subjects shall be amenable to the jurisdiction of a Magistrate for any offence against the provisions of this Act.

XIII. Within the Presidency of Bombay the Superintendent of bazars may punish any person for any offence against the provisions of this Act in the same manner and to the same extent as he is now authorized to do in any of the cases mentioned in Clause 3, Section XXVI., Regulation XXII. of 1827, of the Bombay Code.

XIV. This Act shall not apply to the sale, or supply of any article for medicinal purposes, by recognized medical practitioners, chemists, or druggists.

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XV. In the construction of this Act the word "Cantonment" shall include a "Fortress, or Garrison" or *Military bazar station*; the word "Soldier" shall include any Non-Commissioned Officer; the word "Magistrate" shall include a Joint Magistrate, or any person lawfully exercising the powers of a Magistrate, or a Justice of the Peace, the words "spirituous liquor" shall include toddy in a state of fermentation, or after it has been fermented. Words in the singular number shall include the plural, and words denoting the masculine gender shall include the feminine.

XVI. This Act shall not come into operation before the 1st day of January 1854, and shall not take effect within any limits around a Cantonment which shall be specified in any order of Government before the expiration of one month from the date of the notification of such order, and any order for extending the provisions of this Act to any limits around a Cantonment may from time to time be varied, altered or suspended by Government.

GEO. PLOWDEN,  
*Offg. Secy. to the Govt. of India.*

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