

ACT No. XXI OF 1857.



PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

*(Received the assent of the Governor General on the 10th July 1857.)*

AN ACT to make better provision for the order and good government of the Suburbs of Calcutta and of the Station of Howrah.

WHEREAS Acts have been passed for regulating the Police and for the  
Preamble. Conservancy and improvement of the Town of Calcutta  
and of the other Presidency Towns; and whereas large  
portions of the Suburbs of the said Town of Calcutta and of the Station of  
Howrah are not less populous than parts of the said Town, and it will conduce  
to the order and good government of the said Suburbs and Station that some  
of the provisions of the said Acts, with certain necessary modifications, should  
be extended to the said Suburbs and Station: It is enacted as follows:—

I. Whoever is charged with having committed any of the offences  
Cases under this Act mentioned in this Act within the limits of the said Sub-  
by whom to be tried. urbs or Station, as described in the Schedule hereunto  
annexed, may be tried for any such offence by the Magistrate within whose  
jurisdiction the offence is alleged to have been committed, and on conviction,  
may be sentenced by such Magistrate to the punishment hereinafter prescribed  
for the offence.

II. *Clause 1.*—Whoever has in his possession, or conveys in any man-  
Possession of stolen ner, any thing which may be reasonably suspected of  
property by one who fails being stolen or fraudulently obtained, shall, if he fail to  
to account satisfactorily account satisfactorily how he came by the same, be liable  
for the possession. to a penalty not exceeding one hundred Rupees, or to imprisonment, with  
or without hard labor, for any term not exceeding three months.

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*Clause 2.*—If

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Clause 2.—If any person, charged with having or conveying any thing stolen or fraudulently obtained, shall declare that he received the same from some other person, or that he was employed as a carrier, agent, or servant, to convey the same for some other person, the Magistrate may cause every such other person, and also, if necessary, every former

Power to summon persons declared to have had possession of stolen property within the jurisdiction of the Magistrate.

or pretended purchaser or other person through whose possession the same shall have passed (provided that such other person shall be alleged to have had possession of the same within the jurisdiction of such Magistrate) to be brought before him and examined, and shall examine witnesses touching the

Penalty if such possession fraudulent.

same; and if it appear to such Magistrate that any person so brought before him had possession of such thing, and had reasonable cause to believe the same to have been stolen or unlawfully obtained, such person shall be liable to a penalty not exceeding one hundred Rupees, or to imprisonment, with or without hard labor, for any term not exceeding three months.

III. Any person found, between sun-set and sun-rise, armed with any dangerous or offensive instrument whatsoever, with intent to commit any offence against the person or property of another; any reputed thief found, between sun-set and

Apprehension and punishment of reputed thieves, &c.

sun-rise, on board any vessel or boat, or lying or loitering in any bazar, street, road, yard, thoroughfare, or other place, who shall not give a satisfactory account of himself; any person found, between sun-set and sun-rise, having his face covered or otherwise disguised, with intent to commit any such offence as aforesaid; any person found, between sun-set and sun-rise, in any dwelling-house or other building whatsoever, without being able satisfactorily to account for his presence therein; and any person having in his possession, without lawful excuse (the proof of which excuse shall be on such person), any implement of house-breaking, shall be liable to imprisonment, with or without hard labor, for a term not exceeding three months; and any such person may be taken into custody by any Police Officer without a warrant.

IV. Whoever, not being a soldier or sailor in the Army or Navy of the Queen or the East India Company, or a Police Officer, goes armed with any sword, spear, gun, or other offensive weapon, in any street, thoroughfare, or public place, unless by leave of the Magistrate,

Penalty for carrying arms without authority.

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Magistrate, shall be liable to be disarmed by any Police Officer; and the weapon so seized shall be forfeited to the Government, unless redeemed by payment of a fine, at the discretion of the Magistrate, not exceeding ten Rupees.

V. If any person, having sufficient means, neglects or refuses to maintain his wife or any legitimate or illegitimate child unable to maintain himself, it shall be lawful for the Magistrate, upon due proof thereof, to order such person to make a monthly allowance for the maintenance of his wife or such child as aforesaid, at such rate, not exceeding fifty Rupees in the whole, as to the Magistrate shall seem reasonable; and if such person shall wilfully neglect to comply with the said order, the Magistrate may, by warrant, direct the amount due to be levied in the manner in which fines may be levied, or may order him to be imprisoned, with or without hard labor, for any term not exceeding one month. Provided always that any such person shall be at liberty to apply to the Magistrate, from time to time, for a reduction of such monthly allowance, on proof of an alteration in the circumstances of himself, his wife, or child, justifying such reduction.

Magistrate may make order for maintenance of wives or children.

VI. Whoever wilfully harbours or conceals any seaman or apprentice belonging to a merchant vessel, knowing, or having reason to believe, such seaman or apprentice to be a deserter, shall be liable to a fine not exceeding one hundred Rupees.

Penalty for harbouring and concealing deserters from merchant vessels.

VII. On the complaint of three or more householders, that a house in their immediate neighbourhood is used as a common brothel or lodging-house for prostitutes or disorderly persons of any description, to the annoyance of the respectable inhabitants of the vicinity, the Magistrate may summon the owner or tenant of the house to answer the complaint; and on being satisfied that the house is so used, and is therefore a source of annoyance and offence to the neighbours, may order the owner or tenant to discontinue such use of it; and if he shall fail to comply with such order within five days, may impose upon him a fine to the extent of twenty-five Rupees for every day thereafter that the house shall be so used.

Brothels.

VIII. Except

VIII. Except as hereinafter provided, no license shall be granted by the Collector for the sale by retail of any spirituous or fermented liquors in any Hotel, Tavern, Punch-house, Ale-house, Arrack or Toddy Shop, or other place of public resort and entertainment, without the concurrence of the Magistrate.

Licenses for retail sale of spirituous or fermented liquors to be granted with concurrence of Magistrate.

If a difference should arise between the Collector and the Magistrate respecting the grant of any such license, the case shall be reported to the Commissioner of Revenue and Circuit; and the decision of the Commissioner, subject to the orders and control of the Lieutenant-Governor of Bengal, shall be final.

IX. Whenever any person, being the keeper of any such house or place of public resort and entertainment as aforesaid, is convicted of any of the offences specified in Section XLV Act XXI of 1856, the Magistrate may, if he think proper, apply to the Collector to revoke the license granted by him to such person; and upon such application the Collector shall forthwith revoke such license.

Revocation of license.

X. Whoever, being the owner or occupier, or having the use of any house, room, or place, keeps or uses the same as a common gaming-house; and whoever, being the owner or occupier of any house or room, knowingly and wilfully permits the same to be kept or used by any other person as a common gaming-house; and whoever has the care or management of, or in any manner assists in conducting, the business of any house, room, or place so kept or used; and whoever advances or furnishes money for the purpose of gaming with persons frequenting such house, room, or place—shall be liable to a fine not exceeding two hundred Rupees, or to imprisonment, with or without hard labor, for any term not exceeding three months.

Penalty for owning or keeping, or having charge of, a gaming-house, &c.

XI. Whoever is found in any such house, room, or place, playing or gaming with cards, dice, counters, money, or other instruments of gaming, or is found there present for the purpose of gaming, whether playing for any money, wager, stake, or otherwise, shall be liable to a fine not exceeding one hundred Rupees, or to imprisonment, with or without hard labor, for any term not exceeding one month; and any person found in any common gaming-house during any gaming or playing therein, shall be presumed, until the contrary be proved, to have been there for the purpose of gaming.

Penalty for being found playing in a gaming-house.

XII. If

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XII. If the Magistrate, upon information on oath, and after such enquiry as he may think necessary, has reason to believe that any house, room, or place is used as a common gaming-house, he may, by his warrant, give authority to any superior Officer of Police to enter, with such assistance as may be found necessary, by night or by day, and by force if necessary, any such house, room, or other place ; and to take into custody all persons whom he finds therein, whether or not then actually gaming ; and to seize all instruments of gaming, and all monies, and securities for money, and articles of value, reasonably suspected to have been used or intended to be used for the purpose of gaming, which are found therein ; and to search all parts of the house, room, or place which he shall have so entered, when he has reason to believe that any instruments of gaming are concealed therein, and also the persons of those whom he so takes into custody ; and to seize and take possession of all instruments of gaming found upon such search.

XIII. On conviction of any person for keeping any such common gaming-house, or being present therein for the purpose of gaming, all the instruments of gaming found therein shall be destroyed by order of the Magistrate, who may also order all or any of the securities for money, and other articles seized, not being instruments of gaming, to be sold and converted into money, and the proceeds thereof, with all monies seized therein, to be forfeited ; or, in his discretion, may order any part thereof to be returned to the persons appearing to have been severally thereunto entitled.

XIV. The Magistrate may direct any portion, not exceeding one-fourth, of any fine which shall be levied under Sections X and XI of this Act, or any part of the monies, or proceeds of articles seized, and ordered to be forfeited under Section XIII, to be paid to an informer.

XV. A Police Officer may apprehend without warrant any person found gaming with cards, dice, counters, money, or other instruments of gaming, in any public street, place, or thoroughfare ; and such person shall be liable to a fine not exceeding twenty Rupees,

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or to imprisonment, with or without hard labor, for any term not exceeding one month; and such instruments of gaming and money shall be forfeited.

**XVI.** If any property regarding which written or printed information shall be given by any Police Officer to any pawn-broker, or dealer in second-hand property, or money-changer, as having been stolen, embezzled, or fraudulently obtained, shall then be or thereafter come into the possession of or be offered in pawn or for sale or change to such pawn-broker, dealer, or money-changer, he shall, without unnecessary delay, give information at the nearest Police Office, that certain property, answering the description of the said property, was offered to him, or is in his possession, and shall also state the name and address given by the party by whom the same was offered, or from whom the same was received, under a penalty not exceeding fifty Rupees for each and every such neglect or offence; provided always that, in the case of wearing apparel or other articles, which it may be difficult for such pawn-broker or dealer to trace out and identify, no fine shall be exigible in respect of not reporting such articles, unless it shall appear to the Magistrate that such articles had been knowingly concealed by such pawn-broker or dealer.

Pawn-brokers and money-changers to report stolen property under a penalty for neglect.

**XVII.** If any pawn-broker or dealer in second-hand goods, or worker in gold or silver, after receiving information of the theft, or the embezzling, or the fraudulent disposal of any metals, goods, or articles of whatsoever description, melts, alters, defaces, or puts away the same, or causes the same to be melted, altered, defaced, or put away, without having previously received the permission of the Magistrate, and it shall be found that such metals, goods, or articles were stolen, embezzled, or fraudulently disposed of by the person from whom such pawn-broker, dealer, or worker received the same, or by any other person, then and in such case it shall be held that such pawn-broker, dealer, or worker knew that such metals, goods, or articles were stolen, embezzled, or fraudulently disposed of; and such pawn-broker, dealer, or worker shall be proceeded against according to law as a receiver of stolen goods, or as being a party to the fraud, and punished accordingly; and no other evidence of his guilt shall be necessary than evidence of such melting, altering, defacing, or putting away, after receiving information as aforesaid.

If stolen articles be altered or defaced by broker, after information of the theft, he shall be deemed a receiver of stolen goods.

**XVIII.** Whoever

XVIII. Manufacture or possession of Gunpowder. Whoever manufactures Gunpowder, or without a license from the Magistrate has in his possession, in any house, shop, warehouse, or other building, at any one time, a greater quantity of Gunpowder than ten pounds, shall be liable to a fine not exceeding two hundred Rupees, and also to forfeit such Gunpowder so manufactured or possessed, together with the vessel or receptacle in which it may be contained.

XIX. Licenses by Magistrate for sale and deposit of Gunpowder, &c. The Magistrate may grant to any person a license for the sale or keeping in deposit of any quantity of Gunpowder not exceeding fifty pounds, on such conditions, and for such term not exceeding one year, as shall be specified in the license; and any person, who shall be guilty of a breach of any of such conditions, shall be liable to a fine not exceeding one hundred Rupees, and to forfeit all Gunpowder so kept in deposit contrary thereto, and the vessels containing it, and also to forfeit his license.

XX. Penalty for drunkenness, or riotous or indecent behaviour in public. Whoever is found drunk and incapable of taking care of himself or is guilty of any riotous or indecent behaviour in any street or thoroughfare or in any place of public amusement or resort, and whoever is guilty of violent behaviour in any Police Office, shall be liable to a fine not exceeding twenty Rupees, or to imprisonment, with or without hard labor, for a term not exceeding fourteen days.

XXI. Penalty for committing a nuisance in streets. Whoever wilfully and indecently exposes his person, or commits a nuisance by easing himself in or by the side of or near to any public street or thoroughfare or place, shall be liable to a fine not exceeding ten Rupees, or, in default of payment thereof, to imprisonment, with or without hard labor, for a term not exceeding fourteen days.

XXII. Beggars. Whoever in any public road, street, thoroughfare, or place, begs or applies for alms, or exposes or exhibits any sores, wounds, bodily ailment, or deformity, with the object of exciting charity or of obtaining alms; or whoever seeks for or obtains alms, by means of any false statement or pretences—shall be liable to imprisonment, with or without hard labor, for any term not exceeding one month.

XXIII. Whoever

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XXIII. Whoever, in any public street, road, thoroughfare, or place of public resort, commits any of the following offences, shall be liable to a fine not exceeding twenty Rupees:—

Penalty for the following offences in public streets, &c.

1. Whoever drives or rides any animal, or drives any vehicle, in a manner so rash or negligent as to indicate a want of due regard for the safety of others.

Furious or negligent driving or riding.

2. Whoever negligently lets loose any horse, or suffers to be at large any ferocious dog without a muzzle, or sets on or urges any dog or other animal to attack, worry, or put in fear any person, horse, or other animal.

Letting loose horses, ferocious dogs, &c.

3. Whoever being in charge of a cart, carriage, or horse, leaves it at such a distance as not to have the same under due control.

Leaving cart, &c., without control.

4. Whoever fastens any animal so as to cause obstruction or danger to passengers.

Obstruction to passengers by fastening animals.

5. Whoever cruelly beats, abuses, or tortures any animal.

Ill-treating animals.

6. Whoever sets fire to or burns any straw or other matter, or lights any bon-fire, or wantonly discharges any fire-arm or air-gun, or lets off or throws any fire-work, or sends up any fire-balloon.

Lighting fires and discharging guns, fire-works, &c.

XXIV. Within such parts of the said Suburbs or Station as shall be from time to time defined by the Magistrate with the sanction of the Lieutenant Governor of Bengal, whoever beats a drum or tom-tom, or blows a horn or trumpet, or beats or sounds any metal instrument or utensil, between the hours of ten at night and four in the morning, in any public street, road, or thoroughfare, so as to disturb the repose of the inhabitants, except when permitted by the Magistrate on occasions of festivals and ceremonies, shall be liable to a fine not exceeding twenty Rupees.

Beating drums, tom-toms, &c.

XXV. Whoever



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XXV. Whoever deposits, or permits his servants to deposit, any dust, dirt, dung, ashes, garden, kitchen or stable refuse, or filth of any kind, or any animal matter, or any broken glass or earthen-ware, or other rubbish, in any street, or on any public quay, jetty, ghaut, or landing place, except in such places and in such manner and at such hours as shall be fixed by the Magistrate; or throws or puts, or permits his servants to throw or put, any such substances into any public sewer or drain, or into any drain communicating therewith—shall be liable to a fine not exceeding ten Rupees.

XXVI. Whoever causes or allows the water of any sink or sewer, or any other offensive liquid matter, belonging to him or being on his land, to run, drain, or be thrown or put upon any street; or causes or allows any offensive matter from any sewer or privy to run, drain, or be thrown into a surface drain in any street—shall be liable to a fine not exceeding ten Rupees.

XXVII. Whoever builds any wall, or erects or sets up any fence, rail, post, or other obstruction or encroachment, in any public street or road, or in or over any open drain, sewer, or aqueduct along the side of any such street or road after the passing of this Act, shall be liable to a fine not exceeding one hundred Rupees; and the Magistrate shall have power to remove any such obstruction or encroachment; and the expense of such removal shall be paid by the person erecting the same, and shall be recoverable as hereinafter provided.

XXVIII. Whoever displaces, takes up, or makes any alteration in the pavement or other materials, or in the fences or posts of any public street, without the consent in writing of the Magistrate, or without other lawful authority, shall be liable to a fine not exceeding fifty Rupees.

XXIX. The Magistrate may give notice in writing to the owner or occupier of any house or building to remove or alter any projection, encroachment, or obstruction, which, after the passing of this Act, shall be erected or placed against

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or in front of such house or building, if the same overhangs, or juts into, or in any way projects or encroaches upon, or is an obstruction to the safe and convenient passage along any public street, or obstructs or projects, or encroaches into or upon any uncovered aqueduct, drain, or sewer in such street; and such owner or occupier shall, within fourteen days after the service of such notice upon him, remove such projection, encroachment, or obstruction, or alter the same in such manner as shall have been directed by the Magistrate; and in default thereof, shall be liable to a fine not exceeding two hundred Rupees; and the Magistrate in such case may remove such projection, encroachment, or obstruction; and the expense of such removal shall be paid by the owner or occupier so making default, and shall be recoverable as hereinafter provided.

**XXX.** The Magistrate may cause any such projection, encroachment, or obstruction erected or placed against or in front of any house or building, in any public street before the passing of this Act, to be removed or altered as he shall think fit; provided that he give notice of such intended removal or alteration to the occupier of the house or building against or in front of which such projection, encroachment, or obstruction shall be, thirty days before such alteration or removal is begun; and if such projection, encroachment, or obstruction shall have been lawfully made, he shall make reasonable compensation to every person who suffers damage by such removal or alteration.

*Removal of existing projections from houses.*

*Notice of removal.*

*Compensation when to be made.*

**XXXI.** When any house or building, any part of which projects beyond the regular line of a public street, or beyond the front of the house or building on either side thereof, has been taken down in order to be re-built or altered, the Magistrate may require the same to be set back to or towards the line of the street or the line of the adjoining houses or buildings, and shall make reasonable compensation to the owner of any such house or building for any damage he may thereby sustain. If any dispute shall arise touching the amount of compensation to be allowed under this or the preceding Section, the same shall be settled in the manner provided by the laws in force for the settlement of disputes respecting compensation for lands taken for public purposes.

*Houses projecting beyond line of street when taken down to be set back.*

**XXXII.** The

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XXXII. The Magistrate may give notice to the owner or occupier of any land to cut and trim any hedges and trees overhanging any public road or street, so as to obstruct the passage or to cause damage thereto ; and in the event of such notice not being complied with within eight days from the date thereof, the Magistrate may cause the said hedges and trees to be cut and trimmed in the manner required ; and the expense incurred by the Magistrate in respect thereof shall be paid by the owners, and shall be recoverable as hereinafter provided.

Power to trim hedges and trees bordering roads.

XXXIII. If, in any street, any house, building, or wall, or any thing affixed thereon, be deemed by the Magistrate to be in a ruinous state or likely to fall, or in any way dangerous to the inhabitants of such house or building, or to the neighbouring houses or buildings, or the occupiers thereof, or to passengers, he may cause notice in writing to be given to the owner, if he be known and resident within the limits of his jurisdiction, and may also cause such notice to be put on the door or other conspicuous part of the said premises, or otherwise to be given to the occupier thereof (if any), requiring such owner or occupier forthwith to take down, secure, or repair such house, building, wall, or thing affixed thereon, as the case shall require ; and if such owner or occupier do not begin to repair, take down, or secure the same within three days after such notice, and complete such work with due diligence, the Magistrate may cause all or so much of such house, building, wall, or thing, as he shall think necessary, to be taken down, repaired, or otherwise secured ; and all the expenses shall be paid by the owner of the premises, and shall be recoverable from him as hereinafter provided.

Houses in a ruinous and dangerous state.

XXXIV. If any such house, building, or wall, or any part of the same, be pulled down by virtue of the powers aforesaid, the Magistrate may sell the materials thereof, or of so much of the same as shall be taken down, and apply the proceeds of such sale in payment of the expenses incurred, and shall restore any overplus arising from such sale to the owner of such house, building, or wall on demand. The Magistrate, although he sell such materials for the purposes aforesaid, shall have the same remedies for compelling the payment of so much of the said

Sale of materials of ruinous houses.

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said expenses as may remain due after the application of the proceeds of such sale, as by this Act are given to him for compelling the payment of the whole of the said expenses.

**XXXV.** Whoever, being the occupier of a house in or near any street, keeps or allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any dirt, dung, bones, ashes, night-soil, filth, or any noxious or offensive matter, in or upon the roof of such house, or in any out-house, yard, or ground attached to and occupied with such house, or suffers such receptacle to be in a filthy or noxious state, or neglects to employ proper means to remove the filth therefrom, and to cleanse and purify the same, shall be liable to a fine not exceeding fifty Rupees.

Penalty on occupier of a house not removing filth.

**XXXVI.** Whoever, being the owner or occupier of any house, building, or land, in or near any street, whether tenantable or otherwise, suffers the same to be in a filthy and unwholesome state, or overgrown with rank and noisome vegetation, shall be liable to a fine not exceeding fifty Rupees, and to a fine not exceeding five Rupees for every day after conviction for such offence during which the offence is continued.

Filthy houses, &c.

**XXXVII.** Whoever, being the owner or keeper of any Cattle, Sheep, or Pigs, suffers the stall, pen, or place in which they are kept, in or near any street, to be in a filthy or noxious state, or neglects to employ proper means to remove the filth therefrom, shall be liable to a fine not exceeding twenty Rupees.

Penalty for keeping sheep-pen, &c., in a filthy state.

**XXXVIII.** The Magistrate may license such necessaries for public accommodation as he, from time to time, may think proper; and whoever keeps any public necessary without such license, or, having a license for a public necessary, suffers the same to be in a filthy or noxious state, or neglects to employ proper means for cleansing the same, shall be liable to a fine not exceeding fifty Rupees; and the license may be cancelled.

Licensing of public necessaries.

**XXXIX.** Whoever, being the owner of any private drain, privy, or cesspool, neglects or refuses, after warning from the Magistrate, to keep the same in a proper state, shall be liable to a fine not exceeding fifty Rupees.

Penalty for keeping private drain, &c., in improper state.

**XL.** Whoever

**XL.** Whoever bathes in any public tank, the water of which shall have been declared by the Magistrate to be appropriated to the domestic use of the inhabitants ; or washes, or causes to be washed therein, any horse, dog, or other animal, or any wool, cloth, or wearing apparel, or any utensils for cooking or other purposes, or leather, or the skin of any animal, or other foul or offensive thing ; or throws, puts, or casts, or causes to enter therein, any animal, or any gravel, stone, dust, or rubbish, or any dirt, filth, or other noisome or offensive matter or thing ; or causes or suffers to run, drain, or be brought thereunto, the water of any sink, sewer, drain, engine, or boiler, or any other unwholesome or offensive liquid matter or thing belonging to him or flowing from any house or building or from any ground occupied by him ; or does any thing whatsoever whereby any such water shall be in any degree fouled or corrupted—shall be liable to a fine not exceeding fifty Rupees.

*Fouling water by—  
Bathing.  
Washing.*

*Throwing rubbish,  
&c.*

*Allowing drain water  
to flow into a public  
tank.*

**XLI.** When any tank or other excavation containing waste or stagnant water, the same being within any private enclosure, appears to the Magistrate to be injurious to health, or to be offensive to the neighbourhood, it shall be lawful for the Magistrate to require, by notice in writing, the owner of the premises to cleanse or fill up such tank or excavation ; and if he do not begin to cleanse or fill up the same within one week after such notice, and do not complete such work with due diligence, the Magistrate, his officers, and workmen, may enter into the said premises and do all necessary acts for the purpose aforesaid as he shall think fit ; and the expense incurred thereby shall be paid by the owner of such premises, and shall be recoverable as hereinafter provided.

*Power to fill up un-  
wholesome tanks on  
private premises.*

**XLII.** The Magistrate may, from time to time as he shall see fit, drain off into any sewers, and cleanse and fill up, or otherwise abate, any stagnant pool, ditch, tank, pond, or other receptacle of water (the same not being within any private enclosure) which shall appear to him to be useless or unnecessary, or likely to prove injurious to the health of the inhabitants, whether the same be the private property of any person or otherwise.

*Power to drain off  
and cleanse stagnant  
pools in open places.*

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**XLIII.** No person intending to build, or take down, alter, or repair any building, shall deposit any building materials, or make a hole in any street, without the permission of the Magistrate ; and when such permission is granted to any person, he shall, at his own expense, cause such materials or such hole to be sufficiently fenced and enclosed until the materials are removed, or the hole is filled up or otherwise made secure, and shall cause the same to be sufficiently lighted during the night ; and whoever deposits materials or makes a hole without such permission, or fails to fence or enclose and light such materials, or hole, or does not remove such materials or fill up such hole when the permission has been withdrawn, shall be liable to a fine not exceeding fifty Rupees, and a further fine not exceeding fifty Rupees for every day while the offence is continued after twenty-four hours' notice from the Magistrate.

Penalty for not lighting deposits of building materials or excavations.

**XLIV.** If any building, tank, well, or hole, or other place, be, for want of sufficient repair, protection, or enclosure, dangerous to passengers, the Magistrate shall cause the same to be repaired, protected, or enclosed, so as to prevent danger therefrom ; and the expenses of such repair, protection, or enclosure, shall be paid by the owner of the property so repaired, protected, or enclosed, and shall be recoverable as hereinafter provided.

Places dangerous to passengers to be repaired or enclosed.

**XLV.** No place, which is not used as a slaughter-house at the time of the passing of this Act, shall be so used without a license in writing from the Magistrate ; and whoever uses as a slaughter-house any place not so used at the time of the passing of this Act, without such license, shall be liable to a fine not exceeding one hundred Rupees, and a fine not exceeding fifty Rupees for every day after the conviction for such offence during which the said offence is continued.

Penalty for establishing a slaughter-house without license, after passing of Act.

**XLVI.** Every owner or occupier of any slaughter-house, or of any market or shop for the sale of butcher's meat, fish, or vegetables, shall keep the same in a cleanly and proper state, and shall admit at all reasonable hours any person authorized by the Magistrate to enter and inspect the same ; and the owner or occupier of any such slaughter-house, market, or shop, which shall not be kept in a cleanly and proper state, shall be liable for every default to a fine not exceeding twenty Rupees.

Penalty for keeping slaughter-house in improper state.

**XLVII.** Within

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**XLVII.** Within the limits which shall be prescribed for the purposes of this Section by the Lieutenant-Governor of Bengal, no place shall be newly used, except under license from the Magistrate, for any of the following purposes, namely, for melting tallow—or for boiling offal or blood—or as a soap-house—oil-boiling house—dyeing house—tannery—brick, pottery, or lime kiln—sago manufactory—or other manufactory or place of business from which offensive or unwholesome smells arise—or as a yard or depôt for hay, straw, wood, or coal; and whoever, without a license, uses any such place for such purpose, shall be liable to a fine not exceeding two hundred Rupees, and a fine not exceeding fifty Rupees for every day after the conviction for such offence during which the said offence is continued.

Penalty for establishing offensive and dangerous trades within certain limits.

**XLVIII.** No burial or burning ground, whether public or private, shall be made or formed after the passing of this Act, otherwise than by or under the authority of the Lieutenant-Governor of Bengal, without a license from the Magistrate; and whoever shall bury or burn, or cause, permit, or suffer to be buried or burned, any corpse in any burial or burning ground, made or formed without such license, shall be liable to a fine not exceeding two hundred Rupees.

No burial or burning place henceforth to be constructed without leave of Magistrate.

**XLIX.** If, upon the evidence of competent persons, it shall appear to the Magistrate that any burial or burning ground is in such a state as to be dangerous to the health of persons living in the neighbourhood thereof, and also that a convenient place for interment or burning, as the case may be, exists within a convenient distance and is available, the Magistrate, with the sanction of the Lieutenant-Governor of Bengal previously obtained, may, by notification to be affixed on some conspicuous part of the ground, appoint a time, not being less than two months, for the closing of such burial or burning ground; and whoever, after the time so appointed, buries or burns, or causes or permits to be buried or burned, any corpse therein, shall be liable to a fine not exceeding one hundred Rupees.

Magistrate may order certain burial or burning places to be closed.

Penalty for burying or burning in such places.

**L.** It shall be lawful for the Magistrate, by order in writing to be affixed at the principal Police Stations and also to be published in some public newspaper, to appoint from time to time certain

Stray dogs.

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certain periods within which any dogs, found straying in the streets or beyond the enclosures of the houses of the owners of such dogs, may be destroyed.

Police Officer may arrest without warrant on view of offence.

LI. Any Police Officer may arrest without a warrant any person committing in his view any offence against this Act, if the name and address of such person be unknown to him.

Police Officer may take into custody, without warrant, persons charged with aggravated assault recently committed.

LII. Any Police Officer may take into custody, without a warrant, any person who is charged with committing an aggravated assault, in every case in which he shall have good reason to believe that such assault has been committed, although not in his view, and that, by reason of the recent commission of the offence, a warrant could not have been obtained for the apprehension of the offender.

Persons taken into custody by a Police Officer without warrant may be detained in Police Office until brought before a Magistrate or bailed.

LIII. Every person taken into custody without a warrant by a Police Officer under this Act shall be taken to the nearest Police Office, in order that such person may be detained until he can be brought before the Magistrate, or until he shall enter into recognizances, with or without sureties, for his appearance before the Magistrate. Any person so detained and not entering into recognizances shall be carried before the Magistrate within twenty-four hours from the time of his being taken into custody.

Procedure on information or complaint laid before the Magistrate of an offence against this Act.

LIV. Upon any information or complaint laid before the Magistrate of any offence committed against this Act, the Magistrate may summon the person charged to appear at a time to be mentioned in the summons; or, if he see sufficient cause for so doing, may issue a warrant for his apprehension. The provisions of the general Regulations of the Bengal Code and Acts of the Government of India for the time being in force, relative to the issue and service of summonses and warrants, to the summons, attendance, and examination of witnesses, and generally to the trial of cases, to the recovery of fines and penalties, and to appeals against orders and sentences passed by a Magistrate, shall be applicable to all cases under this Act. Provided that, in all



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all cases of offences punishable with fine only, if after due service of summons the person charged shall not appear in pursuance thereof, the Magistrate, at his discretion, may hear and determine the case in his absence. Provided also that no appeal shall lie from any order of a Magistrate passed with the sanction of the Lieutenant-Governor of Bengal, under Section XLIX of this Act.

LV. In all cases where any costs or expenses are by this Act directed to be paid, the amount of the same shall be ascertained and determined by the Magistrate; and the Magistrate may, for that purpose, summon the parties, and examine them and the witnesses on their behalf; and such amount, together with the costs of the enquiry, shall be recoverable in the same manner as fines may be recovered.

LVII. Any Joint Magistrate or Deputy Magistrate duly authorized to exercise the powers of a Magistrate, and any Assistant vested with special powers, may, in cases referred to him by the Magistrate, exercise all the powers vested in a Magistrate by this Act.

LVIII. All fines imposed and levied under this Act shall be applied in aid of any fund applicable to Police and Conservancy purposes in the said Suburbs or Station; and all costs and expenses which the Magistrate is hereby authorized to incur, shall be paid from and repaid to such fund; or, if there be no such fund, all such fines as aforesaid shall be applied by the Magistrate to the cleansing or otherwise improving of the said Suburbs or Station.

LX. With respect to all matters expressly provided for by this Act, and within the limits subject to the same, the provisions of this Act shall be held to supersede the provisions of Act XXI of 1841.

LXI. In the construction of this Act, words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number; words importing the masculine gender shall include females.

SCHEDULE

SCHEDULE

*Of Places included in the Suburbs of Calcutta and Station of Howrah.*

SUBURBS OF CALCUTTA.

The Villages composing the Government Estate of Panchanogram, and all lands belonging to any other Estate which are situate within the general limits of the said Government Estate.

Garden Reach or Moocheekhola.

Ramnugger.

Singeratee.

Indree.

Sonaie.

Borrberiah.

Rajahrampoor.

Bhookylas.

Dukhin Sherepoor.

Kidderpoor.

Bykantpoor.

Adee Gunga Chur.

Ramehunderpoor.

Ekbalpoor.

Mominpoor.

Balrampoor.

Alleepoor.

Jeeraut.

Radhanuggur.

Gopalnuggur.

Doorgapoor.

Chetlah.

Jarool.

Dowlutpoor.

Sonadanga.

Manjrat.

Moyapoor.

Shurhurpoor.

STATION

STATION OF HOWRAH.

Howrah, (including)

Punchanuntolla.

Jolapara.

Chandmarry (with Tandal Bagan).

North Bettra.

South Bettra.

Ichapoor.

Saunpoor.

Gholadanga.

Ramkistopoor.

Khoorut (with Kasondia).

Chuckerbair.

Santragatchee.

Sathghurra.

Godar Hât (with Kinkur Chatterjea's Hât).

Battore.

Seebpoor (with Baje Seebpoor, Majairhat, Bhurpara, Battatolla,  
Sreehurrynowpara, Bishop's College, and Company's  
Botanical Garden).

Puddopookhur.

South Baxara.

North Baxara.

Sulkeah, including

Bandaghat (with Hurrogunge and Banerjeaparah).

Ghoosery (with Bhat Bagan).

Malipanchghura.

Barrackpoor.

Belloore.

Nukshah.

Chuckpara.

Nellooah.

Belgatchia (with Paikan Belgatchia).

Bamungutchee.

Chowrasta (with Dhurmtolla, Goghatta, and Baboodanga.)

Golabarry (with Pheelkana).

