

MILITARY CANTONMENTS

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SECTION.

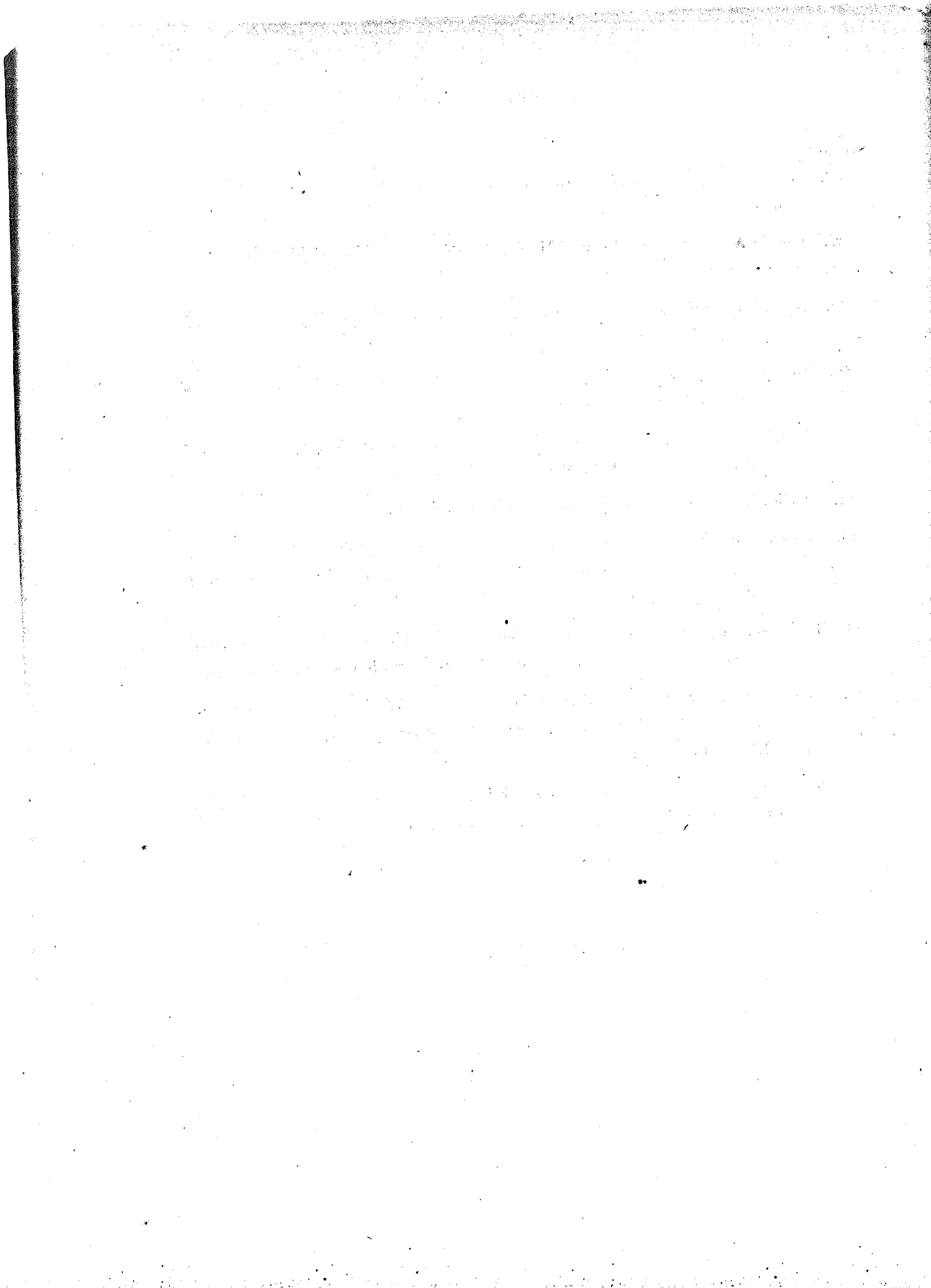
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ACT No. XXII OF 1864.

PASSED BY THE GOVERNOR-GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor-General on the 1st April 1864.)

An Act to make provision for the Administration of Military Cantonments.

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:—

Preamble.

I. 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.

The words "British India" denote the Territories which are or may become vested in Her Majesty by the Statute 21 and 22 Victoria, Chapter 106, entitled "*An Act for the better Government of India*," except the settlement of Prince of Wales' Island, Singapore, and Malacca:

"British India."

The words "Local Government" denote the person or persons authorized by law to administer Executive Government in any part of British India:

"Local Government."

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

"Section."

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

Number.

Words importing the masculine gender include females.

Gender.

II. The

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II. The Act and the parts of the Regulations in the Schedule hereunto annexed set forth, are hereby repealed to the extent in the said Schedule declared.

Act and parts of certain Regulations repealed.

III. When any person shall be invested by the local 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, 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.

Criminal jurisdiction of a Cantonment Magistrate.

IV. 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.

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

V. When any person shall be invested by the local 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.

Assistant Cantonment Magistrates.

VI. The local 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 III of Act XLII of 1860 (*for the establishment of Courts of Small Causes beyond the local limits of the jurisdiction of the Supreme Courts of Judicature established by Royal Charter*), and the Cantonment Magistrate, if there be a Cantonment Magistrate, shall be the Judge of the Court so established within his jurisdiction. The local Government shall from time

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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.

VII. Every Court of Small Causes established under this Act shall be deemed to be a Court established under the said Act XLII of 1860, 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.

VIII. Whenever a Court of Small Causes is established in any Military Cantonment under the provisions of Section VI, 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 so much of any Act as authorizes the Commanding Officers of Stations or Cantonments to convene Military Courts of Requests for the trial of actions of debt and other personal actions as aforesaid, shall cease to have effect within the limits of such Cantonment.

IX. The local 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 VI: provided that no Assistant Cantonment Magistrate shall have jurisdiction to try suits for an amount exceeding fifty Rupees.

X. Any Military Cantonment may be declared by the local 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.

XI. The Police Force employed in any Military Cantonment shall be deemed to be part of the General Police Force under the local Government in whose Territories such Cantonment is situate, within the meaning of Section II, Act V of 1861 (*for the Regulation of Police*), and all the provisions of the said Act shall be applicable

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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.

Administration of Police within Cantonments.

XII. The local Government may extend Section XXXIV of the said Act V of 1861 to any Military Cantonment situated in the Territories under such Government.

Extension of Section XXXIV, Act V of 1861, to Military Cantonments.

XIII. 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 Officer of a Cantonment.

XIV. It shall be lawful for the local Government to extend the provisions of Act XX of 1856 (*to make better provision for the appointment and maintenance of Police Chowkeydars in Cities, Towns, Stations, Suburbs, and Bazars in the Presidency of Fort William in Bengal*), to any Military Cantonment to which a Cantonment Magistrate may be appointed, and the Cantonment Magistrate of any Military Cantonment to which the said Act shall be so extended may exercise all the powers vested in a Magistrate by that Act subject only to the control of the Magistrate of the District and the local Government. If there be no Cantonment Magistrate, the Magistrate of the District shall carry out the provisions of the said Act when so extended as aforesaid.

Local Government may extend Act XX of 1856 to any Military Cantonment.

XV. It shall be lawful for the local Government to order that any Military Cantonment to which the provisions of the said Act XX of 1856 shall be extended be divided into any number of Cantonment divisions, and to determine the nature of the tax to be levied in each such division according to Section X of the said Act.

And may order division of Cantonments, &c.

XVI. The local Government may prescribe rules for regulating the expenditure for the general purposes of this Act, of any funds raised under the said Act XX of 1856. Such funds may be expended for the purpose of carrying out any measures under

And may prescribe rules for regulating expenditure of funds raised.

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under any of the Rules and Regulations made under Section XVII of this Act in addition to or in lieu of the purposes described in Section XXXVI of the said Act XX of 1856.

XVII. The local 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 Regulation. The Rules and Regulations made under this Section may be general for all Military Cantonments in the Territories under the local Government making the same, or special for any one or more of such Cantonments, according as the local Government shall direct.

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

XVIII. 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 local Government or the Commanding Officer may direct.

Rules and Regulations to be confirmed by Governor-General in Council.

For what matters Rules and Regulations may provide.

XIX. The Rules and Regulations made under Section XVII 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

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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 maintainance 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 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 XVII, 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.

XX. Breaches of any Rule or Regulation made under Section XVII shall be triable by the Cantonment Magistrate when there is such an Officer: but the local Government may invest any Assistant Cantonment Magistrate, or any other person, with powers to try such breaches, and may authorize such person to exercise such powers independently of the Cantonment Magistrate. The Magistrate of the

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the District shall have no control over the Cantonment Magistrate, or over any Assistant Cantonment Magistrate, or any other person invested with such powers as herein aforesaid.

XXI. In every case in which an offender is sentenced to a fine for the breach of any Rule or Regulation made under Section XVII, 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.

Amount of fine imposed how to be levied.

XXII. 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 month.

Imprisonment in case of amount not being levied.

XXIII. The imprisonment under Section XIX or Section XXII may be, if without labour, in the Civil Jail; and if with labour, in the Criminal Jail of the District.

Place of imprisonment.

XXIV. Nothing in this Act nor in any Rule or Regulation made under Section XVII 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.

XXV. 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 General of India 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 XIX, 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.

For protection of the health of the troops, Rules and Regulations made under the 7th Clause of Section XIX may be extended beyond limits of Cantonments.

XXVI. Whe

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XXVI. 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 General of India in Council to provide in the manner described in Clause 11 of Section XIX 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.

How penalties may be imposed and enforced for breach of Rules and Regulations in extended limits.

XXVII. All Courts and Magistrates shall take judicial notice of all Rules and Regulations made under Section XVII or Section XXV.

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

XXVIII. Whenever in any Military Cantonment, Rules and Regulations have been made under Section XVII, 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 said Section XVII, 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., made under Section XVII of this Act in respect of Regulations, &c., previously in force.

Proviso.

XXIX. If within any Military Cantonment, or within any limits around such Cantonment prescribed by the local 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

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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 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.

XXX. 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.

XXXI. 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 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 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.

XXXII. If any person subject to the provisions of this Act shall be found committing any offence contrary to Section XXX or Section XXXI 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.

XXXIII. In

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XXXIII. In case of a conviction for any offence under Section XXX or Section XXXI 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 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.

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

XXXIV. Anything seized under Section XXXII 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.

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

How to be disposed of.

XXXV.—The foregoing Sections shall not apply to the sale or supply of any article for medicinal purposes, by recognized Medical Practitioners, Chemists, or Druggists.

Saving of articles sold or supplied for medicinal purposes.

XXXVI. 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 in the East Indies, 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 been

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been vested by the local Government with power within the limits of any Military Cantonment to dispose of cases under any Rule or Regulation made under Section XVII, it shall not be competent to the Commanding Officer to exercise the powers described in Article 84 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 XVII, 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 84 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.

XXXVII. All Acts done previously to the passing of this Act by Cantonment Joint Magistrates, or by persons acting under their authority or otherwise in any Military Cantonment in pursuance of an order of Government, or which shall have been or shall be ratified by the Executive Government, are hereby confirmed and made valid; and all such Officers and persons as aforesaid are hereby indemnified and discharged from liability in respect of such Acts.

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

XXXVIII. This Act shall, save as hereinafter is provided, extend only to the Presidency of Fort William in Bengal.

Place of operation of this Act.

XXXIX. The provisions of this Act may be extended by order of the Governor-General of India in Council to any place under the immediate administration of the Government of India, and to any place in India but not in British India in which British Troops are cantoned.

Operation of this Act may be extended by order of the Governor-General in Council to certain other places.

XL. The provisions of this Act may be extended by order of the Governor of Madras in Council, or by order of the Governor of Bombay in Council, and by order of the Lieutenant-Governor of the Punjab to any part of the territories subject to their respective Governments.

To what places the operation of this Act may be extended by the Governments of Madras, Bombay or the Punjab.

XLI. The provisions of this Act may be extended by order of the Lieutenant-Governor of Bengal, or by order of the Lieutenant-Governor of the North-Western Provinces, to any part of the territories under their respective Governments not within the Presidency of Fort William in Bengal.

To what places the operation of this Act may be extended by the Government of Bengal, or of the North-Western Provinces.

XLII. Every

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XIIII. Every order issued under Sections XXXIX, XL or XLI shall be published in the Official Gazette.
Publication of Orders extending the operation of this Act.

XLIII. If in the Territories not subject to the general Regulations, or in any part of India not subject to the British Government, any person be invested with the powers of a Cantonment Magistrate within the limits of any Cantonment situated in any district or place in which there is no person exercising the powers of a Court of Session, the Governor-General of India in Council may direct to what authority the commitments shall be made and by what authority the appeals from the sentences and orders passed by such Cantonment Magistrate shall be heard and determined, and such commitments and appeals shall be heard and determined by such authority in the same manner as if the commitments had been made, or the sentences or orders appealed from had been passed, by a Magistrate within the jurisdiction of a Court of Session. The Governor-General of India in Council may also direct by what authority appeals from the sentences and orders passed in cases committed by such Cantonment Magistrate shall be heard and determined; and such appeals shall be heard and determined by such last mentioned authority in like manner as if the sentences and orders appealed from had been passed by a Court of Sessions.

XLIV. If a Court of Small Causes shall be established under Section VI in any Military Cantonment in the Territories not subject to the general Regulations, or in any part of India not subject to the British Government, the Governor-General of India in Council shall declare what authority shall exercise the powers vested in the Sudder Court by the provisions of the said Act XLII of 1860.
In certain cases powers vested in the Sudder Court under Act XLII of 1860 to be exercised by such authority as the Governor-General in Council shall declare.

XLV. If any Military Cantonment in any part of India not subject to the British Government shall be declared by the Governor-General of India in Council to be a Sub-District for the purposes of Registration under Act XVI of 1864, the Governor-General of India in Council shall declare what authorities shall be deemed to be the District Registrar and the Registrar General respectively with reference to such Military Cantonment and the Deputy Registrar thereof.
* In certain cases for purposes of Registration under Act XVI of 1864, the Governor-General of India in Council to declare what authorities to be deemed to be the District Registrar and the Registrar General.

XLVI. From

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XLVI. From the date on which any Cantonment Magistrate shall begin to exercise jurisdiction under this Act in any Cantonment in the Territories subject to the Government of Madras, or to the Government of Bombay, or to the Lieutenant-Governor of the Punjab, so much of the Regulations and Acts for the time being in force in such part of the said Territories 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.

Regulations and Acts inconsistent with this Act when to cease to have effect in Cantonments in Madras, Bombay, and the Punjab.

SCHEDULE.

Number and date of Regulations.	What Code.	Title.	Extent of Repeal.
Regulation III. 1809...	Bengal Code..	For the support of the Police in the Cantonments and Military Bazars; for defining the powers of the Civil and Military Officers in the performance of that duty; and for fixing the local limits of the said Cantonments and Bazars..	Sections II and III.
Regulation XX. 1810...	Bengal Code..	For subjecting persons attached to the Military Establishments to Martial Law in certain cases, and for the better government of the retainers and dependants of the Army receiving public pay on fixed Establishments, and of persons seeking a livelihood by supplying the Troops in Garrison, Cantonment, and Station Military Bazars, or attached to Bazars of Corps ...	So much of Section XII as declares that the persons therein mentioned shall be liable to be tried by a Native Court Martial for the offence stated. Also Sections XIII, XIV, XV, XVI, XVII, XVIII, and XXI.
Number and date of Act.		Title.	Extent of Repeal.
Act XVIII of 1853	For regulating the sale of spirituous liquors, &c., in Cantonments. ...	The whole Act so far as it relates to the Bengal Presidency.