

ACT No. III. OF 1852.

*Passed by the Hon'ble the President of the Council of India
in Council, on the 16th January 1852, with the assent
of the Most Noble the Governor General of India.*

*An Act to amend the law relating to spirituous and intoxicating liquors,
drugs, and preparations within the Territories subordinate to
the Presidency of Bombay.*

WHEREAS Chapters XI. and XII. of Regulation XXI. of 1827 of the Bombay Code have been found to be difficult of application in some parts of the territories subordinate to the Presidency of Bombay, owing to local and peculiar causes, It is enacted as follows :

I. The Governor of Bombay in Council may introduce into any part of the said territories such arrangements for the assessment and collection of the revenue derivable from the manufacture and retail sale of spirits as local circumstances in each case, in the judgment of the said Governor in Council, may require, the same not being inconsistent or incompatible with the provisions of this Act.

II. The licences mentioned in Section LVIII., Clause 1, Regulation XXI. of 1827 of the Bombay Code may be granted by the Collector at his
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discretion, for the manufacture of spirits at any place within his Collectorate, whether a sudder distillery be there established or not.

III. It shall not be imperative on the Collector to accept the highest offer for the farm of the Abkaree duties under Section LX., Clause 2, Regulation XXI. of 1827 of the said Code, but the Collector shall be at liberty to use his discretion as to the tender he will accept under the general instructions of Government.

IV. No person shall directly or indirectly retail in the said territories spirits, however or wheresoever manufactured, except under the authority of a licence from the Collector, to be granted in the form of Appendix I. to the said Regulation XXI. of 1827, or in such form, and after payment of such fee, as Government may from time to time appoint.

V. Spirits may be manufactured in the said territories for exportation or removal under a licence from the Collector, but not otherwise; and such licence, when granted, shall specify the spirit so authorized to be manufactured, the place at which, and the period for which the manufacture may be carried on, and that the same is permitted for the purpose of removal or exportation only.

VI. Spirits manufactured under the last Section shall not exceed the strength which may, from time to time, be declared by public notification in each district, and shall be liable to the payment of such duty as the Governor in Council shall, from time to time, impose. Liquor found to exceed the prescribed standard shall be liable to double duty, or confiscation, at the discretion of the Collector.

VII. Spirits manufactured under the fifth Section of this Act, shall not be removed from the place of manufacture, except under a pass from the

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the Collector, certifying the payment of the aforesaid duty, and specifying the name of the person exporting or removing the same, the quantity of spirits, their destination, the route by which they are to be conveyed, and the dates from and to which the pass shall be in force, which pass shall exempt the spirits lawfully removed under it from the payment of any further duty in their progress through the same territories, excepting always such import or Customs duty, if any, as may be payable at the place of their destination under any Act or Regulation now or hereafter to be in force.

VIII. The Collector may place such establishments on the premises where the manufacture of spirits for exportation or removal is permitted, and may adopt such other precautions as may be necessary to give effect to the provisions of this Act having reference thereto.

IX. Spirits imported by land from any part of the territories of the East India Company, whether subordinate to the Government of Bombay or not, into any other part of the said territories subordinate to the said Government, shall be liable on importation to the same rate of duty, under the same circumstances and rules as are provided in Section XX. of Act No. I. of 1852, for amending the Customs laws of the Bombay Presidency with respect to spirits imported by sea.

X. It shall not be lawful, in any part of the territories subject to the Government of Bombay, to manufacture or prepare for sale, or sell directly or indirectly, any intoxicating drugs or materials, or any intoxicating drink or preparation manufactured from Bhang, Ganja, Grain, Opium or other materials, of what nature or description soever, except under a licence from the Collector of the Zillah, and it shall be competent to the Collector to refuse or to re-call such licence whenever he shall deem it expedient, and every such licence when granted shall specify the name of the

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the drug, material, drink, or preparation so authorized to be manufactured or sold, the place or district of manufacture or sale, and the length of time for which such licence is to run, and any other terms or conditions which the Governor of Bombay in Council may from time to time deem it expedient to require, and such fees shall be demanded from time to time, on the grant of such licences, as the said Governor in Council may sanction.

XI. It shall not be lawful to mix any noxious drug or material in, or by other process to adulterate spirits manufactured under the provisions of the said Regulation XXI. of 1827, or of this Act.

XII. All persons offending against, or aiding others in offending, directly or indirectly, against any of the provisions of this Act, or committing a breach of any of the conditions of a licence to be granted under this Act, or obstructing Officers or others in the execution of their duties connected with any of its provisions, shall be punished by fine not exceeding Rupees five hundred, to be commuted, in default of payment, to imprisonment not exceeding six months; and any person having in his possession intoxicating drinks or preparations manufactured contrary to the provisions of this Act, or for which he is unable satisfactorily to account, shall be deemed to be possessed of them illegally, and shall be subject to the penalties above specified.

XIII. The powers conferred on the Collector by Chapter XIII. of the said Regulation XXI. of 1827, shall extend and be applicable to the provisions of this Act, so far as the same are capable of being so applied.

XIV. The Collector shall have full powers to seize and destroy all unlicensed liquor, preparations, drugs, or materials, and all unlicensed stills, and to sell the same, if deemed expedient, on behalf of Government.

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XV. The duties, powers, and authorities hereby vested in the Collector shall devolve upon, and may be lawfully exercised by the officer specially appointed under Section LV. of the said Regulation XXI. of 1827, for the purposes herein mentioned.

XVI. The powers vested in the Collectors of Land Revenue by Chapter XIII. of the said Regulation XXI. of 1827, and by Sections XII., XIII. and XIV. of this Act, may be exercised by Mamlutdars and Mahalkurrees; provided always, that those Officers shall not be authorized to adjudge any fine exceeding Rupees fifteen in amount, commutable, in default of payment, to twenty days' imprisonment; and provided further, that any order passed by a Mamlutdar or Mahalkurree in virtue of this Act shall be subject to appeal to the Collector or his Assistants, within one month from its date, and that no suit for damages shall be instituted in a Civil Court by persons deeming themselves aggrieved by any proceeding of a Mamlutdar or Mahalkurree under the authority of this Act, unless they shall first have made an appeal to the Collector or his Assistants.

XVII. In all actions or civil suits which may be brought against Collectors, Magistrates, or others for acts done by them in carrying out the provisions of this Act, or the provisions of the said Regulation XXI. of 1827, if it shall appear at the trial that the act complained of was done *bonâ fide*, and that there were reasonable and probable grounds for the same, the plaintiff shall be nonsuited with full costs to be paid by him.

XVIII. This Act shall not have effect within the local jurisdiction of Her Majesty's Supreme Court.