

ACT No. XIII. OF 1849.

*Passed by the Hon'ble the President of the Council of India
in Council, on the 18th of August 1849, with the assent
of the Most Noble the Governor General of India.*

To prevent the Smuggling of Salt into Calcutta.

FOR preventing the smuggling of Salt into Calcutta, It is enacted as follows :

I. The Governor of Bengal may establish as many Chokies as he shall deem necessary for preventing the smuggling of alimentary salt into the Town of Calcutta, and upon that part of the River Hooghly, which lies within the local Jurisdiction of the Supreme Court, and such Chokies shall be under the charge of an Officer to be styled "The Superintendent of Salt Chokies," who, in the exercise of his functions, shall be subject to the control of the Board of Customs, Salt and Opium.

II. The Superintendent may appoint Darogahs, Mohurrers, Jemadars, Burkundauzes, and other Officers to assist him in the discharge of his duties ; and the Officers so appointed, beside their ordinary respective designations, shall be styled "Officers of Salt Chokies."

III. Excepting .

III. Excepting salt imported by sea, and stored under bond, as provided by Act No. XXV. 1836, it shall not be lawful to import alimentary Salt into the Town of Calcutta, or to carry such Salt within the said Town, or upon the River Hooghly, as aforesaid, in excess of the quantity of ten seers of eighty tolahs to the seer, or to store such Salt within the said Town in quantities exceeding one maund, except under a Rowannah, or Special pass, from the Board of Customs, Salt and Opium, or a Charchittee, or Pass from the said Superintendent, to be granted under such rules, and on the payment of such fees, as the said Board shall direct.

IV. All alimentary Salt, found within the said Town, or upon the River Hooghly, as aforesaid, in contravention of this Act, shall be deemed contraband and liable to seizure and confiscation; and if several persons shall be found carrying Salt, unprotected by a Rowannah, or Charchittee, as aforesaid, in gangs, or companies, which Salt shall exceed in the whole quantity ten seers, such Salt shall be deemed contraband; but no Salt, found in store in any house or warehouse, shall be deemed to be contraband, unless, when the search is made, there shall be found more thereof than one maund, and the owner or person in charge shall be unable to account, satisfactorily, for the manner of its being found in his possession.

V. If any person shall carry, or attempt to carry, within the said Town, or upon the River Hooghly, as aforesaid, under a Rowannah, or Charchittee, a greater quantity of salt than shall be therein specified, the excess shall be deemed contraband, and if such excess is found to be more than one-fortieth part of the quantity so specified, the whole quantity shall be deemed contraband, and liable to seizure and confiscation; and the gomastah, or other person in charge of the Salt shall be liable to a fine of ten Rupees for every maund of Salt in excess of the quantity specified in the said document: and the excess shall be calculated

ated upon the whole despatch as provided in Section II., Regulation V. 1832, of the Bengal Code.

VI. The provisions contained in Sections XXXVI. to XLVII., both inclusive, Regulation X. 1819, and in Regulation IV. 1832, of the Bengal Code, as to the preparation, currency, renewal, production, endorsement, delivering up and falsifying of Rowannahs, or other protective documents, shall be applicable within Calcutta, and on the River Hooghly as aforesaid.

VII. Whenever any Salt shall be seized as contraband, the vessels, packages and coverings, in which such Salt shall be found, and the animals and conveyances used in carrying it, shall also be liable to seizure and confiscation.

VIII. All persons in whose possession Contraband Salt shall be found, except in the case provided for by Section V. of this Act, shall be liable to a fine, calculated at a rate, not exceeding five Rupees for each pound, upon the quantity so found; and each one of a party of smugglers, or of the parties to the fraud on the Revenue, shall be liable to the whole fine.

IX. The Superintendent of Salt Chokies, and any of his Subordinate Officers, and any Officer of any other Department, whom the Governor of Bengal shall authorize in that behalf, may stop and detain any person removing, or carrying any Salt, without a Rowannah or Charchittee, or otherwise liable to confiscation under this Act; and may seize the Salt, with the vessels, packages and coverings, in which the Salt is found, and the animals and conveyances used in carrying it.

X. If the Superintendent has good reason to believe, either from information given by any of his Subordinate Officers or other person, to
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be taken down in writing, or from his own knowledge, or from the proceedings in any other case, that Contraband Salt, exceeding in quantity one maund, is stored in any place, it shall be lawful for him, between sunrise and sunset, but always in the presence of a Constable, or other Officer of the Peace, to enter into every such place where any such Contraband Salt as aforesaid, is suspected to be stored, and to seize and carry away the same; and, in case of resistance, to break open any door, and to force and remove any other obstacle to such entry, search, seizure or removal as aforesaid; and to arrest and detain the owner or occupant of the premises, with all parties whom he suspects to be concerned in the unlawful storing whom he shall find on the premises: and if the Superintendent shall not be able to proceed in person to make the seizure he may, by warrant under his hand, empower any Officer of Salt Chokies, above the rank of a Jemadar of Peons, to make the same; and the Officer so authorized shall proceed in the same manner, and with the same powers, as above provided in respect of the Superintendent himself. Provided that, where there is ground to suspect that such Contraband Salt as aforesaid is concealed in any zenana, the Superintendent or Officer authorized as aforesaid, shall follow, as closely as may be the rules for the seizure of property so concealed, adopted by the Supreme Court of Judicature at Fort William.

XI. All Constables, and other Ministerial Officers of the Peace, are required to help the Superintendent and his Subordinate Officers, and other Officers authorized to make a seizure of Salt, in the due execution of this Act, upon notice given or request made by the Superintendent, or any such Officer. Any Officer, who, without lawful excuse, shall refuse or neglect to help as aforesaid, on being required to do so, shall be liable to a fine, not exceeding five hundred Rupees.

XII. Whenever a seizure of Salt in store, in any place, shall be made by the Superintendent, the facts of the seizure shall be recorded in

in an Official proceeding to be placed on record in his Office ; and if the seizure shall be made by a Subordinate Officer, such Officer shall report the circumstances, within twenty-four hours, to the Superintendent.

XIII. Every person, who shall maliciously give false information against any person for importing or transporting, or in respect of there being in any house or shop any Salt, in contravention of this Act, shall be liable to a fine, not exceeding five hundred Rupees, or to imprisonment in the Common Jail for a period, not exceeding six months, or both.

XIV. Every person, who shall obstruct or molest the Superintendent, or any Officer of Salt Chokies, or any Officer of another Department duly authorized to make a seizure of Salt, or any person acting in aid of the Superintendent, or any Officer, as aforesaid, in the due execution of this Act, shall be liable to a fine, not exceeding five hundred Rupees : and such person shall be further liable, if an affray or breach of the peace shall happen in consequence of his resistance, on conviction of the same before a competent tribunal, to such punishment as is prescribed by law for cases of affray and breach of the peace, in addition to the penalty above prescribed for resistance of process.

XV. Any Officer of Salt Chokies, or any Officer of another Department, duly empowered to make a seizure of Salt, who, without reasonable cause, shall delay carrying any person arrested, or any illicit articles seized, under this Act, to the Superintendent, or neglect to report the particulars of an arrest, seizure or search, within twenty-four hours thereafter, shall be liable to a fine, not exceeding two hundred Rupees.

XVI. Any Officer of Salt Chokies, or any Officer of another Department, as aforesaid, who shall vexatiously and unnecessarily seize the goods or chattels of any person, on the pretence of seizing or searching for

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for Contraband Salt, or who shall vexatiously or unnecessarily arrest any person, or commit any other excess, not required for the execution of his duty, shall be liable to a fine, not exceeding five hundred Rupees.

XVII. Any Officer employed in the Salt Chokie Department, or any Officer of another Department, as aforesaid, who shall connive at the smuggling of Salt, or unlawfully release or connive at the escape of any person arrested under this Act, or act in a manner inconsistent with his duty, for the purpose of enabling any person to do any thing, whereby any of the provisions of this Act may be evaded or broken, or the revenue derived from Salt defrauded, shall be liable to a fine, not exceeding five hundred Rupees.

XVIII. Any Officer employed in the Department of Salt Chokies, or any Officer of another Department, as aforesaid, who shall ask or take any gratuity, not authorized by any law, or order of Government, or of the Board of Customs, Salt and Opium, in consideration of doing or of omitting to do any act in his official capacity, and any person, who shall offer a bribe to any such Officer, in order to induce such Officer to act in a manner inconsistent with his duty, shall be liable, for every such offence, to a fine, not exceeding five hundred Rupees.

XIX. Whenever the Superintendent shall arrest any person, or shall seize any Contraband Salt, he shall, with all convenient despatch, carry the person arrested, with the Salt, and any other chattels liable to confiscation, seized therewith, before any Justice of the Peace for the Town of Calcutta, and if the arrest or seizure shall be made by any of his Subordinate Officers, or other Officer duly empowered, such Officer shall immediately carry the person arrested, and the articles seized, to the Superintendent, who shall thereupon proceed as if the arrest, or seizure had been made by himself. Provided, that nothing in this section shall be construed to prevent the Superintendent from releasing any persons arrested,

or property seized, when he considers such persons or property have been improperly arrested or seized.

XX. Whenever any Salt, or other chattels shall be seized by the Superintendent, or other duly authorized Officer, as liable to confiscation under this Act, such seizure shall, upon information exhibited by the Superintendent, be heard and determined in a summary way by such Justice of the Peace as aforesaid; and such Justice shall cause the persons to whom such Salt, or other chattels belong, to be summoned to appear before him, and, upon their appearance or default, shall examine into the cause of the seizure thereof, and give judgment; and upon conviction thereof shall issue his Warrant to the Superintendent for the disposal thereof, according to the orders of the Board of Customs, Salt and Opium.

XXI. Whenever any Salt, or other chattels shall be seized, as aforesaid, and no person shall appear before the Superintendent, within a calendar month, to claim the same, the Justice shall examine into the cause of the seizure, at a place and time of which notice shall have been given by the Superintendent in the *Calcutta Gazette*, and give judgment for the confiscation of such Salt and other chattels, as, upon examination, shall appear to him confiscable; and, upon confiscation thereof shall issue his Warrant for the disposal of them, as if the persons had been summoned to attend the said Justice.

XXII. All fines, leviable under this Act, shall be adjudged by any Justice of the Peace for the Town of Calcutta, and the said Justice, upon information exhibited before him by the Superintendent, shall, with all convenient despatch, and not later than three calendar months after the date at which the fine may be demandable, summon the parties accused, and upon their appearance or default, shall examine into the matter, and give judgment on the proof made thereof, by the voluntary confession of the parties,

or by the oath or solemn affirmation, in cases wherein a solemn affirmation is receivable by law instead of an oath, of one or more credible witnesses, shall give judgment accordingly; and, in default of payment of any fine to which an offender is adjudged, he shall be liable, by order of the said Justice, to imprisonment in the Common Jail of Calcutta for a period not exceeding six months, or until the fine is sooner paid.

X^{THIS} **XXIII.** Whenever any person shall be convicted before any Justice, of an offence against this Act, after having been previously convicted of a like offence, he shall be liable, in addition to the penalty attached to such offence, to imprisonment in the Common Jail, for a period not exceeding six months; and a like punishment of imprisonment, not exceeding six months, shall be incurred, in addition to the punishment, which may be inflicted for a first offence, upon every subsequent conviction after the second.

XXIV. One-half of all fines levied from persons convicted of the illicit importation, transportation or storing of Salt, and of the proceeds from sale of articles confiscated, shall, upon adjudication of the case, be awarded to the Officer, or Officers Subordinate to the Superintendent, or other duly authorized Officer of another Department, who apprehended the offender or seized the illicit articles; and the other half of all such fines and proceeds shall be given to the Informer; and if no fine is realized, the Board of Customs, Salt and Opium may grant such reasonable reward, not exceeding the sum of two hundred Rupees, as may appear to them fit; and such Officers and Informers shall further be entitled to the rewards specified in Section IV., Act No. IX. of 1835. Provided, that the Board of Customs, Salt and Opium may direct, by General Order, what classes of Officers of Salt Chokies shall receive rewards, and what classes shall have no title to share in them.

XXV. All

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XXV. All fines, levied under this Act, the disposal of which is not specially provided for, shall belong to Government; but the Board of Customs, Salt and Opium may grant any portion thereof, not exceeding one-half, as rewards to Informers, or as compensation to parties injured by any proceedings under this Act.

XXVI. No Writ of *Certiorari* shall be issued at the suit of any party, out of the Supreme Court of Judicature, to supersede, stay, remove or in any wise affect any information, or judicial proceeding before any Justice of the Peace, in pursuance of this Act; and no judgment thereupon shall be quashed, except for error of law apparent on the face of the judgment.

XXVII. When any penalty or confiscation shall be adjudged by a Justice of the Peace under this Act, the Board of Customs, Salt and Opium, within one month after judgment given, may call for the proceedings of the case, (with which requisition the Justice of the Peace shall be bound to comply) and, if they shall see cause, may direct that the seizure, or any part thereof be restored, and remit, or mitigate the penalty and discharge the party.

XXVIII. All actions and prosecutions to be commenced against the Superintendent, or any Officer of Salt Chokies, or any Officer of another Department duly empowered to seize Contraband Salt, or any person acting in aid of the Superintendent, or other Officer, as aforesaid, for any thing done in pursuance of this Act, shall be commenced within three calendar months after the fact committed, and not afterwards; and notice in writing of such action, and of the cause thereof, shall be given to the Defendant, one calendar month at least before the commencement of the action; and no Plaintiff shall recover, in any such action, if tender of sufficient amends shall have been made before such action brought,

brought, or if after action brought a sufficient sum of money shall have been paid into Court, with costs, by or on behalf of the Defendant.

XXIX. The term alimentary Salt as used in this Act shall be held to include and apply to Noonchye, Puckwah, and every other kind of salt substance, used as a seasoning for food.

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