

ACT No. XXIV. OF 1852.

*Passed by the Governor General of India in Council, on
the 14th May, 1852.*

*For amending and explaining Act XIV., 1839, and for the better
prevention of Crimping.*

FOR the amending and better understanding of Act XIV., 1839, and for the better prevention of the offence of crimping as hereinafter defined, It is declared and enacted as follows :

I. Any person who by force or fraud, unlawfully detains in any place or decoys to any place any Native of India, with intent to force or prevail upon him to enter into any service, or contract for service to be performed out of the Territories under the Government of the East India Company into which he was not minded to enter, without such force or fraud, or who, by means of false imprisonment, intoxication, intimidation, force or fraud, causes any Native of India to enter into any such service or contract for service, or who attempts, by force or fraud or by any false promise, pretence or representation, to cause any Native of India to depart either by land or water from the Territories under the Government of the East India Company, is a crimp, and guilty of crimping, within the meaning of this Act.

II. The departure of any person out of the Territories under the Government of the East India Company, by land or water, is Emigration from the said Territories within the meaning of Act XIV., 1839, and of this Act.

III. After

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III. After the passing of this Act no person shall be liable to the penalties of Act XIV. 1839, for making, in good faith, any contract with any Native of India, for labor to be performed in any Foreign Settlement on the mainland of India, or for knowingly abetting or aiding any Native of India in emigrating from the said Territories to any such Foreign Settlement. Provided that if any person shall make any contract with any Native of India for service or labor to be performed by such Native out of the Territories under the Government of the East India Company, or cause any Native of India to depart from the Territories under the Government of the East India Company, or knowingly aid or abet such Native of India in emigrating from the said Territories to any such Foreign Settlement with intent that such Native shall afterwards depart from India, such person shall be deemed to be a crimp and guilty of crimping within the meaning of this Act, and proof of the subsequent departure of such Native from India, from any place out of the Territories under the Government of the East India Company within the period of six months from the time of the departure of such Native from the said Territories under the Government of the East India Company, shall be *primâ facie* evidence of such intent.

IV. Every crimp within the meaning of this Act is liable to be imprisoned for a term not exceeding six calendar months, and to pay a fine not exceeding five hundred rupees.

V. Every person who shall, by means of intoxication, false imprisonment, or intimidation, or by means of any false promise, pretence or representation, force or decoy any Native of India out of the Territories under the Government of the East India Company, or fraudulently cause any such Native to depart from the said Territories shall be liable to be imprisoned for a term not exceeding three years.

In every case in which under this Act imprisonment may be awarded for any offence it shall be lawful for the Court, who may award such

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such imprisonment, to sentence the offender to be kept to hard labor during the whole or such period or periods of such imprisonment as to such Court shall seem meet.

VII. In every case in which an offender shall be liable to be imprisoned under Section II., Act XIV., 1839, such offender shall be liable to be imprisoned, or imprisoned and kept to hard labor for a term not exceeding three months for every Native contracted with, provided that such imprisonment shall not in any case exceed six months for any one offence.

VIII. In every case in which any person shall commit an offence under Section II., Act XIV., 1839, as explained and amended by this Act, after having been previously convicted, either before or after the passing of this Act, of an offence under that Section, such person shall be liable, upon conviction before a criminal Court of competent jurisdiction, to be imprisoned, or imprisoned and kept to hard labor for any period not exceeding one year, and in every indictment, information or other proceeding for such an offence committed after such previous conviction, it shall be sufficient, after describing the offence, to state that the offender was at a certain time and place convicted of an offence under Section II., Act XIV., 1839, without otherwise describing such previous offence or conviction, and a certificate of the previous conviction, purporting to be signed by the Officer having the custody of such previous conviction, or by the deputy or legally authorized Assistant of such Officer, shall, with proof of the identity of the person of the offender, be sufficient *primâ facie* evidence of the first conviction, without proof of the signature or official character of the person appearing to have signed such certificate.

IX. The term "Magistrate" in Act XIV., 1839 shall extend to Joint Magistrates and persons lawfully exercising the powers of a Magistrate.

