

ACT No. XVII OF 1859.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 16th July 1859.)

An Act to amend the law for the realization of Revenue from Abkaree in the Island of Bombay.

WHEREAS it is expedient to raise the taxes chargeable in respect of licenses for drawing liquor from Cocoanut Brab or Date Trees in the Island of Bombay, and to prohibit the manufacture in the Island of Bombay of any spirituous liquor except from the juice of Cocoanut Brab or Date Trees ; It is enacted as follows :—

Preamble.

I. From and after the commencement of this Act, Regulation X. 1833 of the Bombay Code (*prescribing Rules for the realization of revenue from Abkaree in the Island of Bombay*) shall be repealed, except as to any act or offence which shall have been done or committed, or to any money which shall have become due, or to any fine or penalty which shall have been incurred, or to any proceedings which shall have been commenced before this Act shall come into operation.

Repeal of Regulation.

II. The collection of Revenue from the Abkaree in the Island of Bombay shall be conducted by the Collector of Bombay, or under a farming management subject to the control of the Collector.

Collection of Abkaree Revenue.

Collector.

III. No

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III. No spirituous liquor whatever shall be manufactured in any part of the Island of Bombay except from the juice drawn from
Manufacture of spirituous liquors in Bombay. Cocoanut Brab or Date Trees, and in the manufacture of spirituous liquor from the juice of Cocoanut Brab or Date Trees, no Moura Dates Rice or other material whatever shall be used.

IV. Any person who shall manufacture spirituous liquor contrary to any of the provisions of the preceding Section shall, on
Penalty for prohibited manufacture. conviction before a Police Magistrate or Justice of the Peace, be liable to a penalty not exceeding five hundred Rupees for each offence ; and all stills and other implements and all materials whatever used in such illicit manufacture, shall be seized and confiscated.

V. No person shall draw liquor toddy or juice from any Cocoanut Brab or Date Tree, or make or distil any spirituous
License for making spirituous liquors. liquors from the juice of such trees, or use keep or have in his possession any still or other utensil or apparatus for making or distilling any spirituous liquors in the Island of Bombay, except under the authority of a license from the Collector, to be granted in such form, and for such period, and subject to the payment of such fee or duty as the Governor of Bombay in Council may from time to time appoint.

VI. Any person who shall contravene any of the provisions of the preceding Section shall be liable to a penalty not exceeding five hundred Rupees for each offence, and all stills
Penalty for making spirituous liquors without license. and other implements and other materials used in such illicit manufacture shall be seized and confiscated.

VII. The Collector with the sanction of Government may prescribe
Grant of license. such rules relative to the granting of licenses, to the number size and description of the stills, to the situation where the stills may be kept or worked, and to the inspection and supervision of the distillery or other place where such stills may be kept or worked, as may from time to time be deemed expedient.

VIII. Every

VIII. Every license, when granted, shall specify the number and description of Trees to be drawn, the place at which the liquor is to be distilled or manufactured, and where the still or other apparatus is to be kept or used, the length of time for which such license is to be in force, the amount of fee or duty to be levied in respect of each Tree included in the license, and any other conditions or terms which the Governor of Bombay in Council may from time to time deem it expedient to require.

IX. The fee or duty aforesaid shall be paid at such periods as the Collector may deem expedient, the same being specified in each respective license.

X. The Collector may recover any arrear of fee or duty due on account of any license granted under this Act, by distress or sale of the goods and chattels of the person from whom the same is due, or by any other process which now is or hereafter may be in force for the recovery of arrears of rent or revenue due from tenants or farmers of land within the Island of Bombay.

XI. Any person who shall draw any liquor toddy or juice from a Coconut Brab or Date Tree in the Island of Bombay not included in such license as aforesaid, or contrary to the terms of the license granted in respect of any such tree, shall be liable to a penalty not exceeding one hundred Rupees for each offence.

XII. The Collector may cancel any license granted under this Act if the fee or duty therein specified be not duly paid or in case of the violation of any other condition thereof.

XIII. Every fine or penalty leviabie under this Act shall be recovered by summary proceedings before any Justice of the Peace or Police Magistrate for the Town and Island of Bombay upon information exhibited by or by order of the Collector, and all confiscations under this Act shall be adjudicated by such Magistrate or Justice and sold under his warrant.

XIV. All

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XIV. All fines and confiscations levied under this Act shall belong to Appropriation of Government, but a moiety of any fine may at the discretion of the Collector be paid to the person, or divided among the persons if more than one, through whose means the offence may have been detected, in such proportions as the Collector may think fit.

XV. The words "Island of Bombay" in this Act shall include all places within the local limits of the jurisdiction of Her Majesty's Supreme Court of Judicature at Bombay.

Interpretation.