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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Revenue DEPARTMENT

G.O. No. / B.P. No: 3262	Press. / Mis.
Dated 17.11.1877	197 .

Not to be folded or roughly handled

Archives I—S.806—24-2-78.

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

17th November 1877, No. 3,262.

Read the following paper:—

No. 173. From the Hon. P. O'SULLIVAN, Acting Advocate-General, to the Chief Secretary to Government, Fort St. George, dated 15th November 1877.

WITH reference to the Orders of Government, dated the 14th November 1877, No. 3,247, I have the honor to forward herewith, for the consideration of His Grace in Council, a draft Bill to make further provision for the punishment of fraudulent practices in breach of the Salt Laws in the Presidency of Fort St. George.

2. The Bill ought, I think, to be sent to the Board of Revenue for consideration. It may be that it goes too far, and that it ought to contain some proviso or qualification by which salt-earth or swamp-salt may be possessed within a certain quantity without incurring the penalty provided.

3. I have drawn a distinction between swamp-salt and salt-earth. The collection or possession of swamp-salt is itself an offence under Section 3, but in the case of salt-earth, the collection or possession for the purpose of making or manufacturing salt is the offence stated. Whether this distinction ought to be maintained is a matter for consideration.

Original Memoranda and Notes of Members of Government.

The papers noted in the margin are returned herewith.

ENCLOSURE No. 1.—Draft Bill.

No. 174. ORDER THEREON, 17th November 1877, No. 3,262.

Separate Revenue, No. 18.
Salt.

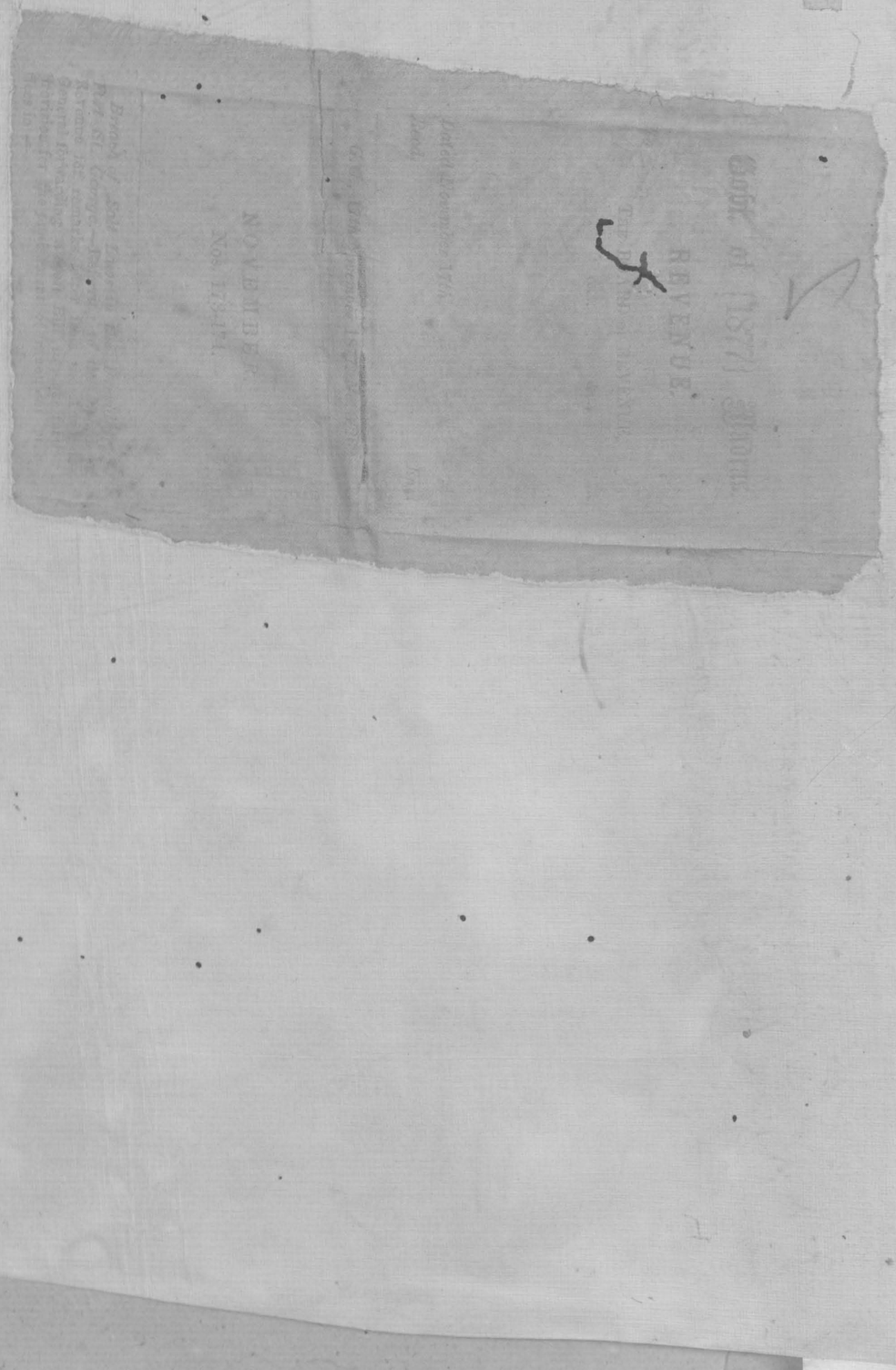
REFERRED for the remarks of the Board of Revenue.

(True Extract.)

(Signed) C. G. MASTER,
Secretary to Government.

To the Board of Revenue, with Bill.
,, the Advocate-General.

E. F. R. Bantleman.



a Bill to make further provision for the punishment of fraudulent practices in breach of the Salt Laws in the Presidency of Fort Saint George.

Whereas it is expedient to make further provision for the punishment of fraudulent practices in breach of the Salt Laws in the Presidency of Fort Saint George be enacted as follows:—

1. This Act shall come into force on the day of 1878; and it shall apply to such districts and places within the Presidency of Fort Saint George, as the Governor in Council, by notification published in the Fort Saint George Gazette, may, from time to time, declare.

2. Interpretation Clause.

"Swamp-salt" means salt spontaneously produced in swamps and such like places.

"Salt-earth" means earth naturally impregnated with salt.

3. In every district or place within the Presidency of Fort Saint George, to which this Act shall be applied, every person who shall collect, or have in his possession swamp-salt or who shall collect or have in his possession salt-earth for the purpose of making or manufacturing salt, shall be deemed to have committed an offence against this Act and on conviction before a Magistrate shall be liable to the punishment provided in Section 18 Regulation I of 1805.

4. This Act shall be read with and taken to be part of Regulation I of 1805.

Revenue Department

Proceedings of the Madras Government

Read the following letter:

Madras 15th Novr 1877

From

The Honorable P. O'Sullivan
Acting Advocate General.

To

The Chief Secretary to Govt
Fort St George

Sir,

With reference to the order of Govern-
-ment dated the 14th November, 1877 No 3247,
I have the honor to forward herewith
for the consideration of His Grace in
Council a draft Bill to make further
provision for the punishment of fraudulent
practices in breach of the Salt laws in
the Presidency of Fort Saint George.

The Bill ought, I think, to be
sent to the Board of Revenue for
consideration. It may be that it
goes too far, and that it ought to

Contains

contain some proviso or qualification by which salt-earth or swamp-salt may be possessed within a certain quantity without incurring the penalty provided.

I have drawn a distinction between swamp-salt and salt-earth the collection or possession of swamp-salt is itself an offence under section 3 but in the case of salt-earth the collection or possession for the purpose of making or manufacturing salt is the offence stated. Whether this distinction ought to be maintained is a matter for consideration.

The papers noted in the margin are returned herewith.

I have the honor &c.

(Sgd) P. O'Sullivan.
Ag. Advocate General

Original Memorandum and notes of members of Govt

Order

Sch Rev. Act 18 Salt

Order thereon 17th Nov 1877 No 3262

Referred for the remarks of the Board of Revenue.

True Extract

(Sgd) C. G. Masters
Secretary to Govt

Dft L.c 14 To Bd of Revenue 8/12-77
3a Advocate General

Entered

Revenue Department

Memo for Orders.

Read Endorsement from the Chief Secretary dated September 1877 furnishing copy of Proceedings of the High Court of Judicature at Madras annulling the convictions of the accused in Cases Nos 17, 18, 19 & 20 on the file of the 1st Class Deputy Magistrate of Ganjam and directing that the fines levied be refunded to the accused persons.

This decision of the High Court that the collecting of earth-salt from Salt swamps or the being in possession of salt-earth for the purpose of making Salt is not an offence against the Salt Laws is very important in its bearing on the Salt Revenue and it is submitted that legislation is

so necessary to meet the
difficulty.

2. The Right Court say
that the acts charged viz -
"collecting salt-earth from
"salt swamps, or of being
"in possession of salt-earth
"for the purpose of making
"salt illicitly, might be
legally dealt with under
the Madras Excise (Act
VI of 1871) but it is not
clear that such would
be the case unless the
preparation and collection
of salt i.e. manufacture
(sec. 2) or 'attempt to manu
facture' (Section 4) or
'attempt to fraudulently
make' (section 15) could
be held to include 'col
lecting earth-salt from
Swamps'

swamps which is the
'offence' commonly prevalent

3. Reference that may
be the Salt Excise Act
is not in force except in
Malabar and Canara
and it is not proposed
at present to extend
it to [illegible]

4. When it was pro
posed to consolidate
the laws relating to Salt
the Draft Bill was sent
to the Coast Districts
It was remarked by the
Collector of Vizagapatam
that the Act appears to fail
to provide for suppressing
what is the curse of [illegible]
loss to Salt Revenue [illegible] the
Dist

× See enclosure to Board's Proc.
29th March 1871 No. 1389

"District viz the collecting of
"Salt-earth from the swamps
"with a view to the illicit manu
"facture of salt ... I do not
"think that it would be
"a hardship in exact Districts
"to render the gathering of
"Salt-earth illegal." The
Collector of Madura also
observes "I would also pro-
"hibit the possession of any
"material for the manufacture
"of salt such as salt-earth.
"It is a well known fact
"that in this as well as in
"other districts salt is
"illicitly manufactured
"from salt-earth". The
Collector of South Canara
read the Bill as rendering "illegal
"the

"the use of salt-earth for
"domestic consumption.
"The necessity of altering the
"old law in this respect
"has been fully shewn in
"the former correspondence
"on the subject ... I think
"it would be advisable to
"define salt to include
"saline earth."

5. The Bill (sec: 3) in
defined "earth-salt" to
mean "salt manufactured
"from earth impregnated
"with salt". Mr Carmichael
in a note on the Bill
observed

observed that this was wrong and that "earth-salt is earth impregnated with salt." He proposed also that in Section 4 the words "manufacture and use of salt made from earth salt," (i.e. earth impregnated with salt) should be read for "manufacture and use of earth-salt"

Mr Sim on this observed:

"I do not see how we can declare salt-earth to be earth-salt. We may however render the possession of salt-earth

"in any quantity illegal taking such possession to be prima facie evidence of intent to make salt."

6. Section 4 of the Bill did prohibit "the possession of materials for making salt and this might be taken to include salt-earth.

7. The Bill was ordered to lie over (G.O. 11 March 1875 No 401 RD).

8. There seems to be no question about the advisability

advisability of some pro-
= hibition of the kind and
as the High Court have
now declared the procedure
heretofore adopted to
be illegal, it is necessary
to devise a remedy.

3262
/10

Memo for Orders

(3)

Proceedings of the High Court of Judicature at Madras annulling the conviction of certain persons accused of collecting salt earth from salt swamps for making Sweeps for making Salt - thereby &c

Statement of Objects and Reasons.

REVENUE DEPARTMENT.

No. 4228

Dated 1st October 1877.

FOR ORDERS.

Proc: Board of Revenue

I think we must pass the Bill suggested for Madras being in a similar position as regards the collection of swamp salt or salt earth for the purpose of making salt - or the protection

I don't see any Act VI 1871 should be applied to Malabar specially

Bill

I don't think because in Madras the Board of Revenue have control over the Salt Department they should therefore be entrusted with powers of legislation

leaving of salt-earth from salt Swamps, or being in possession

Memo for Bd

(3)

Proceedings of High Court of Judicature at Madras annulling Convictions of certain

of Salt earth for said purpose.

The case admits of no delay. altho' the advent of the H. C. moreover tile temporarily check action under the H. Ct Ruling to the Amendment of the Enactment [illegible]

8/10/77

A short act must at once be passed

To Sir W. R & the [illegible]

Bd C. 3/10

R.C. 5/10/77 R. 9 Oct. 77
C. 2d Oct. 77 R 4/10/77 R.C. 31 Oct 77 R [illegible]

Statement of Objects and Reasons

For the [illegible] of the [illegible]

For [illegible] the [illegible] act I say [illegible] Expedient to amend the Law relating to Salt: It is enacted as follows.

Any person who shall (1) collect swamp salt or salt earth for the purpose of use or for the manufacture of salt (2) or be found in possession of such [illegible] or material without a licence as shall be held to have committed an offence under Sect 18 of [illegible] 1852

Provided in Sect. 3 of Act VI of 1871

It wd be better

[...] High Court having [...] possession of [...] ings to the con[...] [...] ing in possession [...] for the admit[...] [...] making salt [...] aging in a [...] d fraudulent [...] th respect to [...] an illicit [...] having stated [...] t the collecting of salt-earth from salt-swamps, or being in possession of

Memo for Bill

(3)

Proceedings of
High Court of Judica
at Madras annulling

No 228

FOR ORDERS.

Transmit the papers
to the Secretary
draft the Bill
27/6 GRD

R.C. 3/10/77 R 13/11/77
C 3d Qr. 1/77 R 21/10/77

R.C. 5/10/77 R 9 Qr. 1/78
C 2d Qr. 1/77 R 4/10/77 R.C. 3/10/77 R 2/11/77

Statement of Objects and Reasons.

The High Court having ruled in contravention of previous rulings to the contrary - that being in possession of salt-earth for the admitted purpose of making salt is not an engaging in a clandestine and fraudulent transaction with respect to making salt in an illicit manner, and having stated their opinion that the collecting of salt-earth from salt swamps, or being in possession

Pro: High Court 18th Sept: 77 No 2117

of salt-earth for the purpose
of making salt, does not come
within any of the terms of
Sec: 18 of Reg. I of 1805, the Board
of Revenue recommend, (Proc
1st Oct. 1877 No. 4581) to obviate
the loss to the salt-revenue
which such a reading of
the law will inevitably en-
tail that a short Act should
be passed declaring that
such proceedings are offences
within the meaning of the
Section quoted.

The correspondence
which has passed with
reference to the injury done
to the salt revenue in Tipperah
by the construction

Bd. Pro: 16th Oct. 1875 No. 6555
" " 10th June 1876 No. 2643
" " 8th Dec. 1876 No. 4968
Paras: 36 & 37 of Mr. Thornhill's
report dt. 5th April 1872 and
paras: 8 of G.O thereon 17th
April 72 No. 621 R.D.
From G. of I. 23rd May 1872 No. 351
To " " 25th Oct. 1872 No. 1479 Rev:
Bd. Pro: 7th May 1872 No. 728
" " 1st June 1872 No. 882
" " 15th June 1872 No. 1010
" " 1st July 1872 No. 1155
Papers recorded in G.O 11th
August 1873 No. 833 R.D.

use of salt-earth, while ex-
emplifying the evils arising
from unrestrained employ-
ment of materials from
which salt can be made,
sufficiently shews that un-
less empowered by law to
intervene, the local authori-
ties will be quite unable
to check the illicit manu-
facture of salt and conse-
quent loss to the Monopoly.

Read 1st

Cl

Statement of Objects and Reasons

(Salt-Earth)

Draft of Bill.

Whereas it is expedient to define more particularly certain offences in connection with some of the fraudulent practices respecting salt, punishable under the Salt laws relating to the Madras Presidency, it is hereby enacted as follows:

I Definitions.

(A) Salt-earth shall mean earth naturally impregnated with salt.

This Section compiled and dealt with to meet objections taken to Sec. 2 (1) (a)

Swamp-salt

(B) Swamp-salt shall mean salt spontaneously produced in swamps and such like places.

II In any District to which this Act shall be applied by Notification of Govt in the Fort St George Gazette, any person engaging in the illicit collection of Salt earth or Swamp-salt, or

or being in possession of salt-earth for the purpose of making salt illicitly; or illicitly manufacturing salt from salt-earth, shall be held to have committed an offence within the meaning of Section 18, Regulation of 1805.

Draft of Bill

(~~Earth~~ Salt
Salt - Earth)

Copied

Note. It was decided in Council that a short Bill should be prepared carrying out the principles of the old law

C.

C. 2 Oct. 1877 R. 29/10/77. R.C. 31/10/77. R. 13/11/77
C. 2nd Oct. 1877 R. 4/11/77

A Bill to make further provision for the punishment of fraudulent practices in breach of the Salt laws in the Presidency of Fort Saint George.

Whereas it is expedient to make further provision for the punishment of fraudulent practices in breach of the Salt laws in the Presidency of Fort Saint George: be it enacted as follows:

1 This Act shall come into force on the day of 1878; and it shall apply to such districts and places within the Presidency of Fort Saint George as the Governor in Council, by notification published in the Fort Saint George Gazette, may, from time to time, declare.

2 Interpretation Clause.

"Swamp-salt" means salt spontaneously produced on swamps and such like places.

"Salt-earth" means earth naturally impregnated with salt.

3 In every district or place within the Presidency of Fort Saint George, to which this Act shall be applied every person who shall collect, or have in his possession, swamp-salt, or who shall collect or have in his possession salt-earth for the purpose of making or manufacturing salt, shall be deemed to have committed an offence against this Act, and on conviction before a Magistrate shall be liable to the punishment provided in

Section 18 Regulation I of 1805.

4 This Act shall be read with and taken to be part of Regulation I of 1805.

Madras 15th November, 1877.

From

The Honorable P. O'Sullivan

Acting Advocate General.

To

The Chief Secretary to Government.

Fort Saint George.

Sir,

With reference to the order of Government dated the 14th November 1877 No. 3247 I have the honor to forward herewith for the consideration of His Grace in Council a draft Bill to make further provisions for the punishment of fraudulent practices in trade if the said laws in the Presidency of Fort Saint George.

The Bill ought, I think, to be sent to the Board of Revenue for consideration. It may be that it goes too far, and that it ought to contain some proviso or qualification by which saltearth or saltpetre &c. &c. may be possessed within a certain quantity without incurring the penalty provided

I have drawn a distinction between Swamp-Salt and Salt-earth. The collection or possession of Swamp Salt is itself an offence under Section 3: but in the case of Salt-earth the collection or possession for the purpose of making or manufacturing Salt is the offence stated. Whether this distinction ought to be maintained is a matter for consideration.

The papers noted in the margin are returned herewith.

Original Memoranda Notes of members of Govt.

I have the honor to be

Sir

Your Most Obedient Servant

P. Sullivan

Acting Advocate General.

20

Rec.d 14 Nov 1877 No. 139 - 40.
" 15 Nov 1877 - 6359 Mis.

Revenue 1877 Departt.

From No 4806

The Acting Advocate Genl

To

The Chief Secy. to Govt.

Fort St. George.

Dated 15th November.
Rec.d 15th do Ez

Forwarding draft Bill for the punishment of fraudulent practices in breach of the Salt laws.

(P 17-11-77) No. 3262

Referred to the Revenue Board (P 11-77)

No. 3262

Sent Rec.d 12 Sala

Copies