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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

REVENUE DEPARTMENT

G.O. No.	941	Press.
B.P. No.		Mis.
Dated	21-6-1876	197

Not to be folded or roughly handled

941
1
GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

21st June 1878, No. 941.

Read the following paper:—

No. 253. Proceedings of the Board of Revenue, dated 8th June 1878, No. 1,533.

Read the following letter from H. W. BLISS, Esq., Commissioner of Salt Revenue, to C. A. GALTON, Esq., Acting Secretary to the Board of Revenue, dated Madras, 1st June 1878, No. 197:—

As I understand that the Government Pleader is incapacitated by an accident from at once attending to the request made in the Board's Proceedings, No. 881, dated the 2nd April 1878, that he would draft an Act for the establishment of the Salt Department on its new footing, I have the honor to submit for approval a draft Act which I have prepared myself.

2. I have taken advantage of this opportunity to submit, for consideration as parts of the proposed Act, certain improvements of the law as to which I trust there may be no difference of opinion. Should they be, I fear they must be omitted for want of time to discuss and meet objections. I am sure that if my suggestions are approved and adopted they will greatly facilitate the working of the new department.

3. I have also provided a remedy for a curious error (as I venture to think it) in "The Earth Salt Act, 1878." This Act has been declared by Government to be applicable to South Canara and Malabar, but is really of none effect there because of its providing that offences under it shall be punishable under Regulation I of 1805 and Act XVII of 1840, which have been repealed as regards those districts by the introduction therein of (Madras) Act VI of 1871.

4. I have thrown such other remarks as I desire to submit on my draft Act into the form of a marginal commentary.

5. As the Board are aware I have had but little time for the preparation of this Act. It is too probable therefore that I may have made mistakes, and particularly that I may have unnecessarily repeated some portions of existing laws. If so, I request that these repetitions at least may be excused. They will at all events do no harm, and to strike them out without a reconsideration of the whole Act might tend to nullify portions which they affect and which it is desired to retain.

ENCLOSURE No. 1.—Draft Bill.

SUBMITTED to Government with reference to G.O., dated 18th March 1878 No. 414.

2. The draft Bill prepared by Mr. Bliss seems very complete, and the Board have but few modifications to suggest:—

1st.—To Section 7 a clause should be added providing for the usual appeal to the Board and Government from the Commissioner's orders. This may be effected by a proviso in the terms of Regulation VII of 1822. "Provided that all such appointments, transfers, and punishments shall be subject to such rules and orders as the Governor in Council in his discretion may from time to time see fit to issue."

- 2nd.—With reference to the proviso to Section 14 (b) the Board would exclude the jurisdiction of Magistrates of the 3rd-class only in the case of persons who have been *more than once* convicted of a breach of the rules, as the powers of punishment vested in Magistrates of that class will be generally sufficient for the disposal of a second offence, and it is not desirable to hamper the magistracy more than is necessary.
3. With reference to paragraph 3 of the Commissioner's letter the Board observe that the error has been rectified by Notification, dated 31st May, published in the last Gazette. It would be well, however, to amend the Earth Salt Act so as to admit of its extension to Canara and Malabar.

(A true Copy and Extract.)

(Signed) C. A. GALTON,
Acting Secretary.

No. 254.

ORDER THEREON, 21st June 1878, No. 941.

Separate Revenue, No. 23.

Salt.

G.O., 18th March 1878, No 414.
" 2nd May " " 643.

accompanying Draft Bill be forwarded of being passed into law at the earliest possible date, after effecting such alterations as may appear necessary.

2. The Honorable Sir W. Robinson will be requested to take charge of the Bill.

(True Extract.)

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

To the Legislative Department.
" the Board of Revenue.
" the Commissioner of Salt Revenue.

Exd. W. J. Lewis.

DRAFT BILL.

Preamble.—Whereas it is expedient to invest the Commissioner of Salt Revenue, Madras Presidency, and his Deputies with certain powers, it is hereby enacted as follows:—

1. The words "Collector" or "General Agent" in the undermentioned Regulations and Act, that is to say,

Regulation II of 1803,
Regulation I of 1805,
Act VI of 1871 (Madras),

shall be taken to include any officer appointed by the Government of Madras from time to time to superintend the manufacture of salt or to perform, execute or exercise all or any of the duties imposed or powers conferred upon the Collector or General Agent by the said Regulations and Act relating to the administration of the Department of Salt manufacture or the revenue derived therefrom, who shall from time to time be declared by the Governor in Council to be vested with the powers of a Collector or General Agent under the said laws or any of them.

2. This Act shall extend to the whole of the Presidency of Fort St. George and shall come into force on the first day of July 1878.

Statement of Objects and Reasons.

UNDER the orders of the Secretary of State for India in Council it has been determined to entrust the administration of the Salt Department throughout the Madras Presidency to an officer styled Commissioner of Salt Revenue.

2. To this end it is necessary pending special sanction to vest in the Commissioner the duties and powers relating to salt manufacture now vested in and exercised by Collectors of districts under existing Regulations and Acts and in the "General Agent of Salt Revenue" contemplated by Regulation I of 1805.

3. It is therefore proposed to empower the Governor in Council to invest the Commissioner and his Deputies (to be hereafter appointed) with such powers under the Regulations and Act named in the accompanying Draft Bill.

26-5-09 ✓
13-7-10

These are the Commissioners of the Salt Revenue Department, Madras, who have the honor to acknowledge the receipt of the above-mentioned letter, and to inform you that the same has been forwarded to the proper authorities for their consideration.

JUNE
NO. 253-254

G.O. 214 of 1878, A. 214

Madras
June 21st

Encl.

THE LEGISLATIVE DEPARTMENT

REVENUE.

Act of 1878, Chapter 214

Chief Secretary

THE MADRAS SALT ACT, 1878.

An Act for amending the Law relating to Salt in the Presidency of Fort St. George.

WHEREAS it is expedient to make better provision for the administration of the Department of Salt Revenue in the Presidency of Fort St. George, that is to say, for the collection of the Salt Revenue therein and for the supervision and management of the manufacture, storage, and sale of salt both under the system of monopoly established by Regulation I of 1805 and under that of excise provided for by (Madras) Act VI of 1871: It is hereby enacted as follows:—

Preliminary, Definitions, and extent of repeal.

1. This Act may be cited as "The Madras Salt Act, 1878;" it shall extend to the whole of the Presidency of Fort St. George; and it shall come into force on the first day of July 1878.

2. Both in this Act and in all other Regulations and Acts relating to salt the following words shall have the several meanings hereby assigned to them, unless where a contrary intention shall appear from the context; that is to say:—

The word "Commissioner" shall mean the Commissioner of Salt Revenue appointed under this Act.

The word "salt" shall include "salt earth" and "earth salt" as defined by "The Earth Salt Act, 1878."

The word "manufacture" shall include the preparation and collection of salt.

The words "salt work" shall mean any place used or intended to be used for the manufacture of salt, and shall include all embankments, reservoirs, condensing and evaporating pans, houses, buildings and waste places situated therein; drying-grounds, platforms, places, buildings and premises at or in which salt is stored or which are intended for the storage of salt, whether on account of Government or on account of the owner thereof pending the payment of Excise or Customs duty; and all lands on which salt is spontaneously produced.

EXPLANATORY MEMORANDUM BY THE SALT COMMISSIONER.

The expression "Department of Salt Revenue" is a most useful one and will be of common application in the future. It is desirable therefore that it should be defined. I have failed to find a perfectly satisfactory definition to insert in the proper place (Section 2), but by the way in which I have worded the preamble I have, I think, practically effected the object desired.

2. The Board will have noticed that some words in common use in the Salt Department are not defined at all in Regulation I of 1805 nor completely defined in (Madras) Act VI of 1871. It will be convenient that all such words should be once for all defined so as to have the same meaning, so far as may be, both in monopoly and in excise districts and in all enactments bearing on the subject. I have provided accordingly.

3. Even "salt earth" is virtually "salt" when containing, as it sometimes does, as much as 60 per cent. of chloride of sodium. I propose therefore to include "salt earth" and "earth salt" under the general term "salt." This will save much verbiage and clear up many doubts.

4. I take the definition of the word "manufacture" from Act VI of 1871 and insert it here so as to make it applicable to the word when used in Regulation I of 1805.

5. The words "salt work" are defined in Act VI of 1871, but the definition is a very narrow one. I have taken, therefore, and I think improved on, the definition given in the Bombay Salt Act (No. VII) of 1873. The chief improvement is the widening of the definition so as to include bonded warehouses both of excise and customs. The way this addition saves verbiage may be seen from a comparison of my Section 15 (a) with clause 1, Section 32, of the Bombay Act, which latter is insufficient in any case for our purposes inasmuch as it includes no bonded customs warehouses—the regulation of which will be a matter of importance in our future salt administration.

THE MADRAS SALT ACT, 1878—contd.

The words "contraband salt" shall denote salt manufactured without license, excepting on account of Government and with the sanction, express or implied, of the Commissioner; and salt removed from any salt work, stored or in transit, packed or unpacked, landed or shipped, or in the possession of any person, in contravention of any provision of any Act relating to the Salt Revenue, or of any order or permit issued thereunder, or of any of the rules made or to be made in pursuance thereof.

3. So much of Madras Act VI of 1871, Section 2, as defines the words "manufactured" and "salt work" is hereby repealed.

Officers of the Department of Salt Revenue.

4. The control of the Department of Salt Revenue in the Presidency of Fort St. George shall be vested in an officer to be styled "The Commissioner of Salt Revenue" who shall be appointed and may be removed by the Governor in Council and who shall be subordinate to the Board of Revenue.

5. The Commissioner shall perform all the duties imposed, and exercise all the powers conferred, upon Collectors of districts VI of 1871 and all other laws for the time being in force and relating to the Salt Revenue; and from and after the date on which this Act shall come into operation Collectors of districts shall cease to perform and exercise the said duties and powers.

6. The Governor in Council may appoint Deputy and Assistant Commissioners of Salt Revenue. He may deem fit under the designations of Deputy and of Assistant Commissioners of Salt Revenue and may also reduce, suspend or remove them. They shall be subordinate to the Commissioner and shall perform such duties and exercise such powers not exceeding the powers of the Commissioner as he may from time to time under the general or special orders of the Board of Revenue think fit to delegate to them.

7. All other officers employed in the Department of Salt Revenue shall be appointed by the Commissioner, and may be fined, suspended, transferred or dismissed by him; and shall perform such duties and exercise such powers not exceeding those of the Commissioner as he may from time to time prescribe.

8. All persons employed in any capacity in the Department of Salt Revenue at the time this Act shall come into operation shall be deemed to have been appointed under it and shall continue to perform such duties

EXPLANATORY MEMORANDUM BY THE SALT COMMISSIONER—contd.

6. The words "contraband salt" are used in Act VI of 1871, but are not defined. I have supplied the omission by an extract (with amendments) from the Bombay Salt Act.

7. The above remarks explain the necessity of this repealing section.

THE MADRAS SALT ACT, 1878—contd.

EXPLANATORY MEMORANDUM BY THE SALT COMMISSIONER—contd.

and to exercise such powers as they may then be performing or exercising unless and until the Commissioner shall by order under the last two preceding sections otherwise direct.

Procedure for the punishment of offences against the Salt Laws.

9. Any officer appointed under this Act and any Revenue, Customs or Police officer, may, without warrant or order from a Magistrate, arrest and detain any person, whether on land or water, against whom reasonable suspicion exists that he has been guilty of any offence against this or any other Act relating to the Salt Revenue, or against any rule made or to be made in pursuance thereof. Persons arrested under the powers conferred by this section shall be forwarded with the least practicable delay to the nearest Magistrate or police station.

9. This section gives power to Salt, Police &c. officers to arrest without warrant for offences against the Salt Laws—a power which it is perfectly well-known they practically exercise now and have exercised since the beginning of the century, though, so far as I can make out, without legal warrant. This legal power I now propose to give them, with proper safeguards of the usual kind against its abuse. There can be no doubt whatever that now the department is about to lose the great protection of the influence of the name of the Collector, who is also the District Magistrate, this assistance will be absolutely required. In fact, it will be impracticable to work without it—I mean, of course, if we are to work legally, instead of illegally as at present, for Salt officers witnessing an offence against the Salt Laws or Rules cannot possibly follow the offender about without touching him until they meet some one who will tell them his name and address (compare with section 9 of the Bombay Salt Act).

10. When any person arrested as aforesaid, has been forwarded to any Magistrate or police station, such Magistrate or the officer in charge of such police station shall proceed to inquire into the charge preferred against such person in like manner as if he was charged under the Code of Criminal Procedure with a cognizable but bailable offence.

10. This section prescribes the procedure to be followed by the Police and Magistracy in the case of persons arrested without warrant. It is the mildest legally possible in cases in which the Police can arrest without warrant (compare with Sections 10 to 13 of the Bombay Salt Act).

11. Any officer appointed under this Act, or any Revenue, Customs or Police officer, may seize and detain any salt which he may reasonably suspect to be contraband salt and any boxes, bags, packing materials, animals, carriages, or vessels, used in transporting it, or in or upon which it may be found, and all goods and packages in which or among which it may be contained or concealed, and shall have power to search all persons, animals, carriages, vessels, goods, boxes, bags and packages, in or upon whom or which he may have reasonable cause to suspect contraband salt to be or to be concealed.

11. Section 11 gives power to Police &c. officers to seize and detain contraband salt in transit. As the Board are doubtless aware the power is freely exercised now without ill-effects. It seems desirable however to legalise it (compare with Section 14 of the Bombay Salt Act).

12. It shall be the duty of all Police, Customs, and Revenue officers to aid any officer appointed under this Act in the due execution of any duty imposed thereby on notice given or request made by such officer; and it shall be the duty of every officer in charge of a police station, upon receipt of complaint or information of the commission within the limits of his station of any offence punishable under any Act for the time being

12. Section 12 requires all servants of Government in the Police, Customs, and Revenue Departments to assist Salt officers when called on; and prescribes the duty of the Police in the case of complaint or information of any offence against the Salt Laws (compare with Section 16 of the Bombay Salt Act).

THE MADRAS SALT ACT, 1878—*contd.*

in force and relating to the Salt Revenue, or under any rule made under this or under any other such Act, to take action in the manner prescribed in the Code of Criminal Procedure for the conduct of such Police officer upon receipt of complaint or information of the commission within the limits of his station of any cognizable but bailable offence.

13. The Commissioner shall exercise throughout the Presidency of Fort St. George the powers of summoning persons to attend or to produce documents in cases in which it is his duty to hold investigations which are conferred upon Collectors by (Madras) Act III of 1869; and all persons summoned by him to attend or to produce documents shall be summoned in the way prescribed by the said Act, and shall be legally bound so to attend and give evidence or to produce documents or both.

General Provisions.

14. The Government and the Board of Revenue may respectively delegate to the Commissioner of Salt Revenue the whole or any portion of the powers with which they are invested under Regulation I of 1805, or (Madras) Act VI of 1871 or any other law for the time being in force relating to salt, and may withdraw, modify, reverse and annul such delegation.

15. (a). The Governor in Council may from time to time make Rules, not being repugnant to the provisions of this or of any other Act relating to the Salt Revenue, for the following purposes, viz. :—

1. For regulating the manufacture, deposit, storage and sale of salt at or in any salt work.
2. For the establishment of preventive stations and for regulating the routes by which salt removed from any salt work shall be taken to a preventive station.
3. For regulating the routes by which salt manufacturers and other persons shall approach, enter, or leave any salt work; and the hours during which only it shall be lawful for any person to remain within the limits of any salt work, or in the immediate neighbourhood thereof.
4. For regulating the import and export of salt by sea and land.
5. For regulating and enforcing the attendance and labour of any person who has contracted or agreed to manufacture salt at any salt work under the immediate management and control of Government.
6. For the conservancy of any salt work.

EXPLANATORY MEMORANDUM BY THE SALT COMMISSIONER—*contd.*

13. Section 14 provides that the Government and Board may delegate their own powers to the Commissioner. For example, the Board could under it delegate the power of adjudging confiscations under Regulation I of 1805, if they should be pleased to do so.

14. Section 15 is taken with some improvements and omissions from the Bombay Salt Act. Both it and the preceding section are of harmless as they stand because they are of optional application. If necessary, I can show good reason why they should be put in force; but for this there is now really no time. I trust therefore that they may be passed as they are, and that Government will be pleased to reserve any possible objections they may feel to them until the question of bringing them into operation arises. I have been very careful to provide very low penalties for a first offence, with a rise of course for subsequent ones; and as an additional safeguard I have introduced words which will have the effect of causing all second and subsequent offences to be tried at least before a Magistrate of the second class. I trust therefore that it will be thought that I have taken adequate precautions against oppression under the rules the framing of which I propose to legalise.

15. With regard to the last words of the paragraph authorising the framing of rules as to routes of approach, &c., to salt works, &c., I desire to explain that my object is to have power to prevent, if necessary, the assemblage and loitering of crowds in the neighbourhood of such places as salt swamps, ready to take advantage of the first moment the guards' backs are turned. Experience of the

THE MADRAS SALT ACT, 1878—*contd.*

(b.) The Governor in Council may from time to time fix penalties for breaches of rules framed under the preceding clause, which shall be recoverable by prosecution before any Magistrate;

Provided always, that no Magistrate of the third class shall inquire into any charge of a breach of such rules preferred against any person who has before been convicted of a breach thereof; and that the penalties to be fixed under this section shall not exceed the following scale; that is to say:—

On a first conviction of any breach of rules made under this section. Rupees 20 fine or imprisonment of either description for ten days or both.

On a second do. Rupees 100 fine or imprisonment of either description for two months or both.

On a third or subsequent do. Rupees 200 fine or imprisonment of either description for six months or both.

(c.) All such rules and the penalties provided for breaches thereof shall be published in the *Fort St. George Gazette* and in the Official Gazette of the districts to which, or to parts of or to place in which, the Governor in Council may determine that they shall apply; and they shall thereupon be of the same force and effect as if they formed a part of this Act.

Amendment of "The Earth Salt Act, 1878."

16. In all districts or parts of districts to which Madras Act VI of 1871 has been, or may in future be, extended, all references in "The Earth Salt Act, 1878," to Regulation I of 1805 and Act No. XVII of 1840 shall be read as if they were references to Madras Act VI of 1871, under Section 15 whereof all offences committed in such districts or parts of districts against the provisions of "The Earth Salt Act, 1878," shall be, and are hereby made, punishable.

(Signed) H. W. BLISS,
Commissioner of Salt Revenue.

STATEMENT OF OBJECTS AND REASONS.

Upon the recommendation of the late Madras Salt Commission and under the orders of the Government of India and the Secretary of State for India in Council it has been determined to withdraw from Collectors of districts the administration of the Salt Department and to entrust it to a single officer who is styled the Commissioner of Salt Revenue and whose jurisdiction is intended to extend throughout the Presidency.

EXPLANATORY MEMORANDUM BY THE SALT COMMISSIONER—*contd.*

way that crowds do collect in some places in this way shows that this provision is necessary.

16. As to Section 15 generally compare with Section 39 of the Bombay Salt Act.

(Signed) H. W. BLISS,
Commissioner of Salt Revenue.

THE MADRAS SALT ACT, 1878—*contd.*EXPLANATORY MEMORANDUM BY THE SALT COMMISSIONER—*contd.*

2. By this means it is hoped not only that an improvement may be effected in the revenue to which Collectors had no time to give the attention it requires, but also that it may be found possible to supply the public with a purer and therefore cheaper article.

3. To this end it is necessary to vest in the Commissioner the duties and powers now vested in and exercised by Collectors of districts. The Bill provides for this.

4. The opportunity is also taken advantage of to legalise the appointment of Deputy Commissioners and to alter the designation of the officers now employed in the Salt Department under what will in future be the confusing style and title of Deputy Collectors (appointed under Act VII of 1857) to that of Assistant Commissioners; to vest Salt and Police officers generally with certain powers of arrest and search which experience shows to be necessary for the protection of the revenue, and which they have always exercised though without express legal authority; to require officers of some other departments to render aid on requisition to officers of the Salt Department; to empower the Government to make rules for certain purposes and to prescribe penalties for breaches thereof; and to effect an alteration in "The Earth Salt Act, 1878," which is necessary to render it valid in districts in which "The Madras Salt Excise Act (VI of) 1871" is in force.

MADRAS,
1st June 1878. (Signed) H. W. BLISS,
Comr. of Salt Revenue.

(True Copy.)

(Signed) C. A. GALTON,
Acting Secretary.

*Recd. 11 June 1878
L. 1253.*

No. 1,533.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 8th June 1878.

Read the following letter from H. W. BLISS, Esq., Commissioner of Salt Revenue, to C. A. GALTON, Esq., Acting Secretary to the Board of Revenue, dated Madras, 1st June 1878, No. 197:—

As I understand that the Government Pleader is incapacitated by an accident from at once attending to the request made in the Board's Proceedings, No. 884, dated the 2nd April 1878, that he would draft an Act for the establishment of the Salt Department on its new footing, I have the honor to submit for approval a draft Act which I have prepared myself.

2. I have taken advantage of this opportunity to submit, for consideration as parts of the proposed Act, certain improvements of the law as to which I trust there may be no difference of opinion. Should there be, I fear they must be omitted for want of time to discuss and meet objections. But I am sure that if my suggestions are approved and adopted they will greatly facilitate the working of the new department.

3. I have also provided a remedy for a curious error (as I venture to think it) in "The Earth Salt Act, 1878." This Act has been declared by Government to be applicable to South Canara and Malabar, but is really of none effect there because of its providing that offences under it shall be punishable under Regulation I of 1805 and Act XVII of 1840, which have been repealed as regards those districts by the introduction therein of (Madras) Act VI of 1871.

4. I have thrown such other remarks as I desire to submit on my draft Act into the form of a marginal commentary.

5. As the Board are aware I have had but little time for the preparation of this Act. It is too probable therefore that I may have made mistakes, and particularly that I may have unnecessarily repeated some portions of existing laws. If so, I request that these repetitions at least may be excused. They will at all events do no harm, and to strike them out without a reconsideration of the whole Act might tend to nullify portions which they affect and which it is desired to retain.

ENCLOSURE No. 1.—Draft Bill.

SUBMITTED to Government with reference to G.O., dated 18th March 1878, No. 414.

2. The draft Bill prepared by Mr. Bliss seems very complete, and the Board have but few modifications to suggest:—

1st.—To Section 7 a clause should be added providing for the usual appeal to the Board and Government from the Commissioner's orders. This may be effected by a proviso in the terms of Regulation VII of 1822. "Provided that all such appointments, transfers, and punishments shall be subject to such rules and orders as the Governor in Council in his discretion may from time to time see fit to issue."

2nd.—With reference to the proviso to Section 14 (b) the Board would exclude the jurisdiction of Magistrates of the 3rd-class only in the case of persons who have been *more than once* convicted of a breach of the rules, as the powers of punishment vested in Magistrates of that class will be generally sufficient for the disposal of a second offence, and it is not desirable to hamper the magistracy more than is necessary.

3. With reference to paragraph 3 of the Commissioner's letter the Board observe that the error has been rectified by Notification, dated 31st May, published in the last Gazette. It would be well, however, to amend the Earth Salt Act so as to admit of its extension to Canara and Malabar.

(A true Copy and Extract.)

C. A. Galton
Acting Secretary.

To the Secretary to Government, Revenue Department, with copy of enclosure.
" Commissioner of Salt Revenue.

Ed. A. Grubert.

Ch 7295-

1878.

BOARD of GOVERNORS
MADRAS.

PROCEEDINGS, 8TH JUNE 1878, No. 1,533.

Copy 87678.

Encl.

Printed

JUNE
No. 1,533.

Draft Act for the establishment of the Salt Department on its new footing—prepared, by Commissioner of Salt Revenue.—Submitting to Government the — suggesting certain modifications therein, and stating that it would be well to amend the Earth Salt Act so as to admit of its extension to Canna and Malabar.

The Madras Salt Act, 1878

An Act for amending the Law relating to Salt in the Presidency of Fort Saint George.

Preamble.

Whereas it is expedient to make better provision for the administration of the Department of Salt Revenue in the Presidency of Fort Saint George, that is to say, for the collection of the Salt Revenue thereon and for the supervision and management of the manufacture, storage and sale of Salt both under the system of Monopoly established by Regulation I of 1805 and under that of Excise provided for by Madras Act VI of 1871, it is hereby enacted as follows:—

Preliminary Definitions and extent of Repeat

1. This Act may be cited as The

Explanatory Memorandum by the Salt Commission

The expression "Department of Salt Revenue" is a most useful one and will be of common application in the future. It is desirable therefore that it should be defined. I have failed to find a perfectly satisfactory definition to insert in the proper place (section 2) but by the way in which I have worded the preamble I have, I think, practically effected the object desired.

The Madras Salt Act, 1878

Short Title,
extent and
commencement
of Act.

The Madras Salt Act, 1878; it shall extend to the whole of the Presidency of Fort Saint George; and it shall come into force on the first day of July, 1878.

Definitions

2. Both in this Act and in all other Regulations and Acts relating to Salt the following words shall have the several meanings hereby assigned to them, unless where a contrary intention shall appear from the context; that is to say:—

The word "Commissioner" shall mean the Commissioner of Salt Revenue appointed under this Act.

The word "Salt" shall include "Salt Earth" and "Earth Salt" as defined by The Earth Salt Act, 1878.

The word "Manufacture" shall include the preparation and collection of Salt.

Explanatory Memorandum by the Salt Commissioner

2. The Board will have noticed that some words in common use in the Salt Department are not defined at all in Regulation I of 1805 nor completely defined in (Madras) Act II of 1871. It will be convenient that all such words should be once for all defined so as to have the same meaning, so far as may be, both in Monopoly and in Exercise Districts and in all enactments bearing on the subject. I have provided accordingly.

3. Even "Salt Earth" is virtually "Salt" when containing, as it sometimes does, as much as 60 per Cent of Chloride of Sodium. I propose therefore to include "Salt Earth" and "Earth Salt" under the general term "Salt". This will save much verbiage and clear up many doubts.

4. I take the definition of the word "Manufacture" from Act II of 1871 and insert it here so as to make it applicable to the word when used in Regulation I of 1805.

The Madras Salt Act, 1878

The words "Salt Work" shall mean any place used or intended to be used for the manufacture of salt, and shall include all embankments, reservoirs, condensing and evaporating pans, houses, buildings and ^{drying grounds, platforms} places situated therein, ^{buildings and premises at or in} places, buildings and premises at or in which salt is stored, ^{whether on} whether on account of Government or on account of the owner thereof pending the payment of Excise or Customs Duty; and all lands on which salt is spontaneously produced.

The words "Contraband Salt" shall denote salt manufactured without license, excepting on account of Government and with the sanction express or implied of the Commissioner; and salt removed from any Salt-Work; stored or in transit, packed or unpacked, bonded or ^{or}

Explanatory Memorandum by the Salt Commissioner

5. The words "Salt Work" are defined in Act II of 1871, but the definition is a very narrow one. I have taken, therefore, and I think improved on, the definition given in the Bombay Salt Act (No. VII) of 1873. The chief improvement is the widening of the definition so as to include bonded warehouses both of Excise and Customs. The way this addition saves verbiage may be seen from a comparison of my Section 15(a) with clause, section 39 of the Bombay Act, which latter is inefficient in any case for our purposes inasmuch as it includes no bonded Customs warehouses - the regulation of which will be a matter of importance in our future Salt Administration.

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The Madras Salt Act, 1878
or in the prosecution of any person,
in contravention of any provision
of any Act relating to the Salt
Revenue, or of any order or permit
issued thereunder, or of any of
the rules made or to be made
in pursuance thereof.

3. So much of Madras
Act II of 1871, Section 2, as defines
the words "Manufactured" and
"Salt Work" is hereby repealed.

Officers of the Department
of Salt Revenue.

The Commissioner &

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The above remarks explain
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The Madras Salt Act, 1878

Explanatory Memorandum by the Salt Commissioner

Governor in Council and who shall be subordinate to the Board of Revenue.

Duties and powers of the Commissioner

5. The Commissioner shall perform all the duties imposed, and exercise all the powers conferred, upon Collectors of Districts by Regulation I of 1805 and by (Madras) Act II of 1871 and all other laws for the time being in force and relating to the Salt Revenue: and from and after the date on which this Act shall come into operation Collectors of Districts shall cease to perform and exercise the said duties and powers.

Deputy and Assistant Commissioner of Salt Revenue.

6. The Governor in Council may appoint such officers in the Department of Salt Revenue as he may deem fit under the designations of Deputy and Assistant Commissioners of Salt Revenue and may also reduce, suspend or remove them. They shall be subordinate to the Commissioner and shall perform

The Madras Salt Act, 1878

perform such duties and exercise such powers not exceeding the powers of the Commissioner as he may from time to time under the General or Special orders of the Board of Revenue think fit to delegate to them.

Subordinate
officers of the
Department

7. All other officers employed in the Department of Salt Revenue shall be appointed by the Commissioner, and may be fined, suspended, transferred or dismissed by him; and shall perform such duties and exercise such powers not exceeding those of the Commissioner as he may from time to time prescribe.

Saving of powers
of existing officers
of the Department.

8. All persons employed in any capacity in the Department of Salt Revenue at the time this Act shall come into operation shall be deemed to have been appointed under it and shall continue to perform such duties and to exercise such powers as they may then be performing or exercising unless

Explanatory Memorandum by the Salt Commissioner

8. The Commissioner will of course under the last preceding section delegate powers of appointment of the lower classes of Salt officers to Deputy and Assistant Commissioners, who will also be vested with as much of the Commissioner's powers as may be necessary to enable them properly to assign duties and powers, at their discretion but within certain limits, to their immediate subordinates.

138 The Madras Salt Act, 1878

unless and until the Commissioner shall by order under the last two preceding sections otherwise direct.

Procedure for the punishment of Offences against the Salt Laws.

Authority to arrest without warrant any person suspected of offence against the Salt Laws.

9. Any officer appointed under this Act and any Revenue, Customs or Police Officer, may, without warrant or order from a Magistrate, arrest and detain any person, whether on land or water, against whom reasonable suspicion exists that he has been guilty of any offence against this or any other Act relating to the Salt Revenue, or against any rule made or to be made in pursuance thereof. Persons arrested under the powers conferred by this section shall be forwarded with the least practicable delay to the nearest Magistrate or Police Station.

Persons arrested, how to be proceeded against

10. When any person arrested as aforesaid has been forwarded to any Magistrate

Explanatory Memorandum by the Salt Commissioner

9. This section gives power to Salt, Police officers to arrest without warrant for offences against the Salt Laws—a power which it is perfectly well known they practically exercise now and have exercised since the beginning of the century, though, so far as I can make out, without legal warrant. This legal power I now propose to give them, with proper safeguards of the usual kind against its abuse. There can be no doubt whatever that now the Department is about to lose the great protection of the influence of the name of the Collector, who is also the District Magistrate, this assistance will be absolutely required. In fact, it will be impracticable to work without it. I mean, of course, if we are to work legally, instead of illegally as at present, for Salt officers witnessing an offence against the Salt Laws or Rules can scarcely follow the offender about without touching him until they meet some one who will tell them his name and address. (Compare with Section 9 of the Bombay Salt Act.)

10. This section prescribes the procedure to be

The Madras Salt Act, 1878

At or Police Station, such Magistrate or the officer in charge of such Police Station shall proceed to inquire into the charge preferred against such person in like manner as if he was charged under the Code of Criminal Procedure with a cognizable bailable offence.

11. Every officer appointed under this Act, being Revenue, Customs or Police officer, may seize and detain any salt which he may reasonably suspect to be contraband salt and any boxes, bags, packing materials, animals, carriages, or vessels, used in transporting it, or in or upon which it may be found, and all goods and packages in which or among which it may be contained or concealed, and shall have power to search all persons, animals, carriages, vessels, goods, boxes, bags and packages, in or upon whom

Explanatory Memorandum by the Salt Commissioner

16

be followed by the Police and Magistrate in the case of persons arrested without warrant. It is the mildest legally possible in cases in which the Police can arrest without warrant. (Compare with sections 10-12 of the Bombay Salt Act)

11. Section 11 gives power to Police officers to seize and detain contraband salt in transit. As the Board are doubtless aware, this power is freely exercised now without ill effects. It seems desirable however to legalize it. (Compare with section 11 of the Bombay Salt Act.)

Power to seize
Salt and other
the contraband
and animals, car-
riages or vessels
used in transport-
ing it.

The Madras Salt Act, 1878

or which he may have reasonable cause
to suspect contained salt to be or to be
concealed.

Duties of Customs, 12.
Police and Revenue
officers in connection
with this Act.

It shall be the duty of all Police
Customs and Revenue officers to aid
any officer appointed under this
Act in the due execution of any
duty imposed thereby on action given
or request made by such officer, and
it shall be the duty of every officer
in charge of a Police Station, upon
receipt of complaint or information
of the commission within the limits
of his station of any offence punishable
under any Act for the time being in
force and relating to the Salt
Revenue, or under any proclamation
under this or under any other such
Act, to take action in the manner
prescribed in the Code of Criminal
Procedure

Explanatory Memorandum by the Salt Commission

2. Section 12 requires all servants
of Government in the Police, Customs
and Revenue Departments to assist
Salt officers when called on, and
prescribes the duty of the Police
in the case of complaint or informa-
tion of any offence against the Salt
Laws (Compare with section 16 of
the Bombay Salt Act.)

88 The Madras Salt Act, 1878

19 Procedure for the conduct of
such Police officer upon receipt of
complaint or information of the
Commission within the limits of his
station of any cognizable Intimidate
offence.

13. The Commissioner shall exercise
throughout the Presidency of Fort Saint
George the powers of summoning per-
sons to attend or to produce documents
in cases in which it is his duty to
hold investigations which are con-
ferred upon collectors by (Madras)
Act IV of 1869; and all persons
summoned by him to attend or to
produce documents shall be sum-
moned in the way prescribed by
the said Act, and shall be legally
bound so to attend and give evidence.

Explanatory Memorandum by the Salt Commission

20

21

90
The Madras Salt Act, 1878
or to produce documents or both.

14. General Provisions.

Powers of Govern-
ment may be
delegated to the
Commissioner

The Government and the Board of Revenue may respectively delegate to the Commissioner of Salt Revenue the whole or any portion of the powers with which they are invested under Regulation I of 1805, or (Madras) Act of 1871 or any other law for the time being in force relating to Salt, and may withdraw, modify, reverse and annul such delegation.

Power to make
Rules.

15. (a). The Governor in Council may from time to time make Rules, not being repugnant to the provisions of this or of any other Act relating to the Salt Revenue, for the following purposes, viz. —

1. For regulating the manufacture,
deposit

Explanatory Memorandum by the Salt Commissioner 90

13. Section 14 provides that the Govern-
ment and Board may delegate their
own powers to the Commissioner. For
example, the Board could under
it delegate the power of adjudging
confiscations under Regulation I of
1805, if they should be pleased to
do so.

14. Section 15 is taken with some im-
provements and omissions from the
Bombay Salt Act. Both it and the
preceding section are harmless as
they stand because they are of optional
application. If necessary, I can show
good reason why they should be put
in force; but for this there is now
really no time. I trust therefore that
they

73
The Madras Salt Act, 1878

deposit, storage and sale of salt at or in any salt work.

2. For the establishment of Preventive Stations and for regulating the routes by which salt removed from any salt work shall be taken to a Preventive Station.

3. For regulating the routes by which salt manufacturers and other persons shall approach, enter, or leave any salt work and the hours during which only it shall be lawful for any person to remain within the limits of any salt work, or in the immediate neighbourhood thereof.

4. For regulating the import and export of salt by sea and land.

5. For regulating and enforcing the attendance and labour of any person who has contracted or agreed to

Explanatory Memorandum by the Salt Commissioner

24
19
they may be passed as they are, and that Government will be pleased to remove any possible objections they may feel to them until the question of bringing them into operation arises. I have been very careful to provide very low penalties for a first offence, with a rise of course for subsequent ones, and as an additional safeguard I have introduced words which will have the effect of causing all second and subsequent offences to be tried at least before a Magistrate of the second class. I trust therefore that it will be thought that I have taken adequate precautions against oppression under the rules the framing of which I propose to legalize.

15. With regard to the last words of the paragraph authorizing the framing of

75 The Madras Salt Act, 1898.

to manufacture Salt at any Saltwork under the immediate management and control of Government.

(c) For the conservancy of any Salt work.

(d) The Government Council may from time to time fix penalties for breaches of Rules framed under the preceding clause, which shall be recoverable by prosecution before any Magistrate;

Provided always, that no Magistrate of the third class shall enquire into any charge of a breach of such Rules preferred against any person who has before been convicted of a breach thereof, and that the penalties to be fixed under this section shall not exceed the following scale, that is to say:-

Explanatory Memorandum by the Salt Commission 46

Rules as to routes of approach to Salt works, I desire to explain that my object is to have power to prevent, if necessary, the assembling and loitering of crowds in the neighbourhood of such places as Salt dwamps, ready to take advantage of the first moment the guards' backs are turned. Experience of the way that crowds do collect in some places in this way shows that this provision is necessary.

1161 As to section 15 generally compare with section 39 of the Bombay Salt Act.

88
The Madras Salt Act, 1878

Say:—

On a first conviction of any breach of rules made under this section. } Rupees 20. fine or imprisonment of either description for 10 days or both.

" Second " } Rupees 100. fine or imprisonment of either description for two months or both.

" Third or Subsequent " } Rupees 200 fine or imprisonment of either description for six months or both.

(C) All such rules and the penalties provided for breaches thereof shall be published in the Fort Saint George Gazette and in the official Gazette of the Districts to which, or to parts of or places in which, the Governor in Council may determine that they shall apply; and they shall thereupon be of the same force and effect as if they formed a part of this Act.

Explanatory Memorandum by the Salt Commission 258

100
100
100

The Madras Salt Act, 1878

Amendment of The Earth Salt Act, 1878

16. In all Districts or parts of Districts to which Madras Act II of 1871 has been, or may in future be, extended, all references in The Earth Salt Act, 1878 to Regulation I of 1845 and Act No. VII of 1840 shall be read as if they were references to Madras Act II of 1871, under Section 15 whereof all offences committed in such Districts or parts of Districts against the provisions of The Earth Salt Act, 1878 shall be, and are hereby made, punishable.

(Signed) H. W. Bliss
Commissioner of Salt Revenue

Statement of objects and reasons.

Upon the recommendation of the late Madras Salt Commission

Explanatory Memorandum by the Salt Commissioner

17. Section 16 amplifies The Earth Salt Act, 1878 as to make it applicable in Excise Districts, which as I have shown in my separate covering letter it now is not.

(Signed) H. W. Bliss
Commissioner of Salt Revenue

31 and under the orders of the Government of India and the Secretary of State for India in Council it has been determined to withdraw from collectors of Districts the administration of the Salt Department and to intrust it to a single officer who is styled the Commissioner of Salt Revenue and whose jurisdiction is intended to extend throughout the Presidency.

2. By this means it is hoped not only that an improvement may be effected in the Revenue to which Collectors had no time to give the attention it requires, but also that it may be found possible to supply the Public with a purer and therefore cheaper article.

3. To this end it is necessary to vest in the Commissioner the duties and powers now vested in and exercised by Collectors of Districts. The Bill provides for this.

4. The opportunity is also taken advantage of to legalize the appointment of Deputy Commissioners and to alter the designation of the officers now employed in the Salt Department under what will in future be the confusing style and title of Deputy Collectors (appointed under Act IX of 1857) to that of Assistant Commissioners; to vest Salt and ^{Police} Revenue officers generally with certain powers of arrest and search which experience shows to be necessary for the protection of the Revenue, and which they have always exercised though

though without legal authority; to
require officers of some other Depart-
ments to render aid on requisition
to officers of the Salt Department;
to empower the Government to make
Rules for certain purposes and to
prescribe penalties for breaches
thereof; and to effect an alteration
in "The Earth Salt Act, 1878" which
is necessary to render it valid in
Districts in which "The Madras
Salt Excise Act (VII of) 1871" is in
force.

Salt Commissioner's Office
Madras 1st June 1878.

Signed / H. W. Bliss
Commissioner of Salt Revenue
(True Copy)

Col. J. P. L. J.
Secy. Secretary.

Bliss

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REVENUE DEPARTMENT

FOR ORDERS

941
29

No.

FOR ORDERS.

Semi-official

From the Honorable the Advocate General

1878.

Dated 13 June

In accordance
 with His Grace's
 Honor's opinion upon the
 suggestion in this Order, as to the
 sense in the proposed
 simple manner. I sent the Bill
 the Special the Draft G.O. which is
 proposed. The
 a general scheme
 will be better
 upon time & can
 & can not be prepared
 to be thought of on the
 basis of Mr. B's Bill
 in accordance
 with His Grace's
 Honor's opinion upon the
 suggestion in this Order, as to the
 sense in the proposed
 simple manner. I sent the Bill
 the Special the Draft G.O. which is
 proposed. The
 a general scheme
 will be better
 upon time & can
 & can not be prepared
 to be thought of on the
 basis of Mr. B's Bill

No. 2495

941
31

From Board of Revenue

Dated 8 June

1878

FOR ORDERS.

The Board submit with their approval draft of a Bill prepared by the Salt Commissioner to give effect to the proposal to invest him with the powers of a collector (as regards salt) throughout the Presidency.

The Board had asked the Government Pleader to draft the bill but he apparently has not been able to do so. From the statement of objects & reasons it will

To report on the bill to be prepared by the Commissioner in August 1878 and to report on the bill to be prepared by the Commissioner in August 1878.

G.O. 18 March 1878
No 414

G.O. 2 May 1878
No 643.

The Board have the honor to acknowledge the receipt of the letter of the Government Pleader dated 2nd May 1878 and to inform you that the Board have considered the same and have decided to refer the same to the Commissioner for his consideration.

and this is his reply.

The thanks are Executive Order insufficient. That legislation is necessary in the present circumstances, but the Government is not in a position to do so at present, and the Government is not in a position to do so at present.

The Board of Revenue

Bill introduced

by the Board No 80 June 1878
to amend the Act No 1553

The Board have the honor to acknowledge the receipt of the letter of the Government Pleader dated 2nd May 1878 and to inform you that the Board have considered the same and have decided to refer the same to the Commissioner for his consideration.

The Board have the honor to acknowledge the receipt of the letter of the Government Pleader dated 2nd May 1878 and to inform you that the Board have considered the same and have decided to refer the same to the Commissioner for his consideration.

be observed that
 the Bill withdraws
 from the collectors
 of Districts the in-
 ers heretofore ex-
 ercised by them in
 Salt matters rest-
 ing the same in
 the Commissioner
 alone (2) legalizes
 the appointments
 of Deputy and
 Assistant Com-
 missioners (3)
 gives additional
 powers of warrant
 search & seizure
 & other officers
 (4) empowers Govt
 to make rules
 & prescribe pen-
 ties (5) effecting
 alteration in the
 Salt-tax Act of
 1878.

The Lahore
 Circular is to

It is suggested that
 the Bill should be
 referred to the
 Law Commission
 for their consideration
 as to the propriety of
 the Bill.

The Bill is intended
 to be introduced in the
 Council of India
 for consideration
 and approval.

11/11/1878

once - though the
 Bombay Salt Act
 (VII of 1873) is not
 immediately avail-
 able for reference,
 (much stress is laid
 on this Act by Mr
 Bliss) - because
 Mr Bliss is most
 urgent - see his
 accompanying
 semi-official
 letter - that the
 Bill should if
 possible be con-
 sidered and
 passed at the
sitting of the
Legislative Coun-
cil on the 15th
inst.

Pro: in G.O. 2 May
 1878 No 643

It will be noted
 that the Board
 contemplated the
 propriety of lo-
 cators continuing

to exercise some
 of their functions
 even after the Com-
 missioners had
 assumed general
 control & their
 suggestion was to
 so draft the enact-
 ment that the
 Commissioners
 might have the
 powers needed
 without necessari-
 ly depriving Se-
 lectors of their
 powers.

This really seems
 the most reason-
 able and conveni-
 ent course. but
 it has not been
 followed in the
 Bill.

In regard to the
 nomenclature of
 Assistant Commis-
 sioners adopted
 in the Bill, the
 Govt have lately

FOR ORDERS.

On the Salt Range
 Rules - the order
 has not yet
 issued -

From

Dated
 FOR ORDERS.

expressed the opi-
 nion that the change
 of designation
 (from Deputy Se-
 lectors) is not
 advisable at pres-
 ent.

In regard to the
 5th point referred
 to in the Statement
 of Objects and Reasons
 the Board point
 out that the er-
 ror has been cor-
 rected in the re-
 vised Notification
 under the Salt
 Act but
 they think that
 Act should be amend-
 ed so as to ad-
 mit of the exten-
 sion of Chakrabar
 of areas -

Have examined the Draft
 cursorily - of course have
 not legislation. is out of
 the question - & even one
 the Govt. passed much to
 remain the legislation
 alone. I ordered Mr
 Shirs & Mr. H. to prepare
 a full consolidated
 measure
 In the mean time
 the Govt. proposed by Mr
 K. H. H. across the
 whole universe from
 2/5

If it is found
 impossible to
 comply with the

rapidly anticipated by Mr Bliss
it may be desirable as verbally
suggested by the
Honble W. Hub-
leston to give Mr
Bliss at once the
necessary powers
by a simple
order of Govt.

A draft order
is appended for
consideration.

YLL
11/6/77

Demer to Mr. H. H.
has been taken in
my. The document is
in my hand & I have
written probably not
advances in this direction.
I think the Government
is quite in the hands
of Mr. H. H. on this.

Such a bill is
changed to Mr. H. H. I think the
document is in my hand & I have
written probably not
advances in this direction.
I think the Government
is quite in the hands
of Mr. H. H. on this.

as the only one.

YLL

? The Administration
The Department of
Manufactures & Commerce
Direct the form.

? Adv.

Such a case is the
authority of the Salt
of the Govt. of the Govt.
to be clear under the
above order. The authority
of the Govt. shall
prevail.

Pending further leg-
islation, the Govt. is
is pleased to give
the Commissioner of
Salt Revenue with the
powers of General Agent
of Salt Revenue under
Reg I of 1805 and
of a Collector of a dis-
trict under Regulation
II of 1803; I of 1805
& Act VI of 1871 (as
amended) so far as Salt
Revenue is concerned - The
said powers shall have
effect in all Districts
under the charge of
Presidency -

YLL

FOR ORDERS.

01.549

My dear Dr. Williams
Kindly look at
these papers & see if
the Draft will do —
I let one know
here at Bristol &
Middler of my
24/6

01.549 01.549 01.549
01.549 01.549 01.549
01.549 01.549 01.549

FOR ORDERS.

941
21st June 1878

My dear Sir W. Robinson

I return the Salt papers.
I have made a few alterations
in pencil in the margin of the
draft bill but they are not of
much importance - I see from
the papers that further legislation
on the subject will probably be
needed. Yours very sincerely
P. O. Sullivan

21-6-78 P. O. S.
11-4-78 P. O. S.
11-6-78 P. O. S.
11-6-78 P. O. S.
11-6-78 P. O. S.

FOR

Revenue Department
No 941

Proceedings of the Illawarra Government
Under date the 21st June 1878

941
37

Read the following
Proc of the Bd of Revenue
dated 8th June 1878 No 1533,
submitting Salt Commr's
letter forwarding for ap-
proval a Draft Act for
the re-establishment of Salt
Dept in its new footing
prepared by himself

1. The Bill submitted
with these Proceedings will
require careful considera-
tion. In the meantime
it is of importance that
the Commissioners of Salt
Revenue should be vested
with the necessary
powers throughout the
Presidency. The Governor

GO 18 March 1878 No 1414

GO 2nd May 1878 No 645

in Council is therefore
pleased to direct that
the accompanying draft
Bill be forwarded to the
Legislative Dept for the
purpose of being passed
into law at the earliest
possible date after ef-
fecting such alterations
as may appear necessary.

2. The Honble Sir
W. Robinson will be
requested to take charge
of the Bill.

Bill

Preamble. Whereas it is
expedient to invest the
Commissioner of Salt
Revenue, Madras Presidency
and his Deputies with
certain powers it is hereby
enacted as follows:-

1. The words "Collector
or General Agent" in the
undesignated Regula-
tions and Act. that is
to say Regulation

9/11 Regulation II of 1803
Regulation I of 1805
Act II of 1871 (Madras)
shall be taken to include
any officer appointed
by the Govt of Madras
from time to time to
superintend the manu-
-facture of salt or to per-
-form ^{operate or exercise} all or any of the
duties imposed ^{or previously assigned} upon
the Collector or General
Agent by the said Regu-
-lations and Act ^{relating} ~~in~~
- relation to the administra-
- tion of the Right of Salt
manufacture ^{or} and the
revenue derived there-
from, and who shall
from time to time
be declared by the
Governor in Council to
be vested with the powers
of a Collector or General
Agent under the said
laws, or any of them.

2. This Act shall
extend

extend to the whole of
the Presidency of Fort
St George and shall
come into force on the
first day of July 1878

YLL

241
29

Statement of Objects and Reasons.

1. Under the orders of the
Secretary of State for India in
Council it has been determined
to entrust the administration
of the Salt Department through-
out the Madras Presidency to
an officer styled Commissioner
of Salt Revenue.

2. To this end it is neces-
sary pending special legislation
to vest in the Commissioner the
duties and powers relating to
Salt administration now vested
in and exercised by Collectors
of Districts under existing Re-
gulations and Acts and in the
General Agent of Salt Revenue
contemplated by Regulations
of

of 1805.

3.

It is therefore proposed
to empower the Governor in
Council to invest the Commis-
sioner and his Deputies (to be
hereafter appointed) with such
powers under the Regulations
and Act passed in the an-
nexed accompanying draft Bill.

Q. 116

For copy of the Regulations in Sept 21st Jan
to the Board of Ordnance &
to the Commissioners of the Ordnance
Office 20th Jan 21st Jan 21

10
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Q. 116

22
110

22
Salt Department

No 1533 Rev Depy Secy

Proceedings of the Board of Revenue.
Sd/- 8th June 1878.

Read the following:—

No 197. From M. H. P. Esquire
Comr of Salt Revenue
to L. G. Esquire
As Secretary to the
Board of Revenue

Sir,
As I understand the Govt. Circular is in Cabaretted by an accident from at once attending to the urgent made in the B. B. Circular No 584 dated the 2nd April 78, that he wd. be sent as Act for the establishment of the Salt Department on its new footing. I have the honor to submit for approval a draft Act which I have prepared myself. I have taken advantage of this opportunity to submit for consideration as parts of the proposed Act certain improvements of the Law as to which I trust there wd. be no difference of opinion. Should they be, I fear they must be omitted for want of time to discuss and meet objections. But I believe that if my suggestions are approved and adopted, they will greatly facilitate the working of the new Department.

I have also provided a remedy for a curious error (as I venture to think it) in the Salt Act 1878. This Act has been declared by Govt. to be applicable to South Canara & Malabar, but is null of any effect there because of its providing that offences under it shall be punishable under Regulation I of 1855 and Act of 1850, which have been repealed as regards these districts by the introduction therein of (Madras) Act of 1877. I have taken such other remarks as I desire to submit on my draft Act into the form of a Provisional Commentary.

As the Board are aware I have said but little here for the preparation of this Act. It is too probable that I may have made mistakes and particularly that I may have introduced some portions of existing Law. As I request that these repetitions may be excused. They will at all events do no harm, and will serve to point out without a full consideration of the whole Act might tend to satisfy portions which they are inclined to retain.

Salt Comm^{rs} Office
Madras 1st June 1873

Shave & Co.
Comm^{rs} of Salt Revenue.

9211
112

Submitted to Government with reference to
G.O. dated 18th March 1873, No. 214.

The draft Bill prepared by Mr. P. R. S. seems very complete and the Board have but few modifications to suggest.

1st In Section 7 a clause should be added providing for the usual appeal to the Board and Court from the Comm^{rs} Orders. This may be effected by a proviso in the terms of Regulation Act of 1822.

Provided that all such appointments, transfers and punishments shall be subject to such rules and orders as the Governor in Council in his discretion may from time to time see fit to issue.

2^d With reference to the proviso to Section 14 (b) - the Board would exclude the jurisdiction of Magistrate of the 3rd class only in the case of persons who have been more than once convicted of a breach of the rules, as the powers of punishment vested in Magistrate of that class will be sufficiently sufficient for the disposal of a second offence, and it is not desirable to transfer the Magistrate more than is necessary.

3^d With reference to para 3 of the Comm^{rs} letter the Board observe that the error has been rectified by notification dated 31st May published in the last Gazette. It would be well however to amend the Salt Act so as to admit of its extension to Canara & Malabar.

(J. M. Dabney)

[Signature]
Acting Secretary.
The Secretary to Government
P. R. S.
With ref^{ce} of Encl:

[Signature]

2/22/95

Edw. of the Field of the

Patel S. H.
Sept 10
Sund
M. June 1898.

1

Spokane Falls, June 1893

Dear Mother to Her
 I am now in the city. But for
 her approval a visit to her
 I should have been. I am
 in the new party and
 the country.

1253.

REC. 16-7-78.
 C. 20-6-78. REC. 29-6-78.
 REC. 24-7-78. REC. 12-7-78.
 C. 5-8-78. REC. 12-8-78.