

DISTILLERY LICENSES, MADRAS ACT 1845

ACT No XXXII OF 1845

(Rep., Mad. Act 3 of 1864)

[27th December, 1845.]

Passed by the Hon'ble the President of the Council of India in Council on the 27th December 1845, with the assent of the Right Hon'ble the Governor General of India.

AN Act to modify Regulation I. of 1820 of the Madras Code, relative to manufacturing Spirituous Liquors by the European process of distillation.

I. Whereas it is expedient to modify Regulation I. of 1820 of the Madras Code, and to allow person manufacturing spirituous Liquors by the European process of distillation to dispose of the same under certain conditions for consumption within the Territories of the Presidency of Fort St. George : and whereas it is desirable to remove certain doubts which have existed as to whether European British subjects are equally with other parties amenable to the Local Authorities in the Provinces for offences committed in violation of the said Regulation I. of 1820 of the Madras Code, it is hereby enacted, that Clauses 2 and 3, Section IV. Regulation I. 1820 of the said Code, be repealed.

II. And it is hereby enacted, that the Licences to be Granted under Section IV. Regulation I. 1820 of the Madras Code, for the establishment of all Distilleries for manufacturing Rum, Arrack or other Spirits by process of distillation similar to the European system, shall be prepared according to a form to be approved by the Board of Revenue, and shall contain a stipulation that the whole of the Spirituous Liquor manufactured at such Distillery shall be exported by Sea, or shall be sold only to the Civil or Military Officers of Government empowered to purchase the same on account of the public Service, or to Abkarry Renters for retail sale within the limits of their respective farms, but not to the licenced retail dealers of Madras contemplated by Section VII. Regulation I. 1813 of the Madras Code.

III. And it is hereby enacted, that any person, whether European or not, who in breach of the stipulation in his Distillery Licence held under the provisions of the foregoing Section and of Clause 1, Section IV. Regulation I. 1820 Madras Code, shall directly or indirectly, sell or permit to be sold any such Spirituous Liquors to any European Sailor or Soldier, or to any Native of India, or other person, save and except to those persons to whom it is hereinbefore declared that such Liquors may be lawfully sold, shall, on proof thereof to the satisfaction of the Collector of Revenue, by whom such Licence shall have been granted be liable to the forfeiture of his Lecence, or to a fine not exceeding Rupees 1,000 for every such offence, subjects to the confirmation of the Board of Revenue, to whose final decision every such case shall be referred.

IV. And it is hereby enacted, that European British subjects, as well as other parties guilty of the offences specified in Regulation I. of 1820, shall on conviction before the Session Judge or Subordinate Judge of the Zillah, be subject to the penalties therein severally and respectively

provided against the commission of such offences save and except that no European British subject shall in any case be liable to hard labor when imprisoned in pursuance of a sentence passed upon him under the Regulation, but that any fines which may be imposed for acts done in breach of the provisions of the said Regulation or of the provision of Section 2 and 3 of this Act, shall in default of payment be recovered by the distress and sale of the property of the parties against whom such fines shall have been adjudged.

V. And provided also, that it shall be lawful for the Session Judge or Subordinate Judge of the Zillah in sentencing any European British subject to imprisonment to direct that the imprisonment shall be in the Gaol at Madras.

VI. And it is hereby enacted, that the Gaoler of the Gaol a Madras shall receive into the said Gaol any European British subject so sentenced as aforesaid and keep him there imprisoned during the term of his sentence in the same manner as if he had been sentenced by the Supreme Court.
