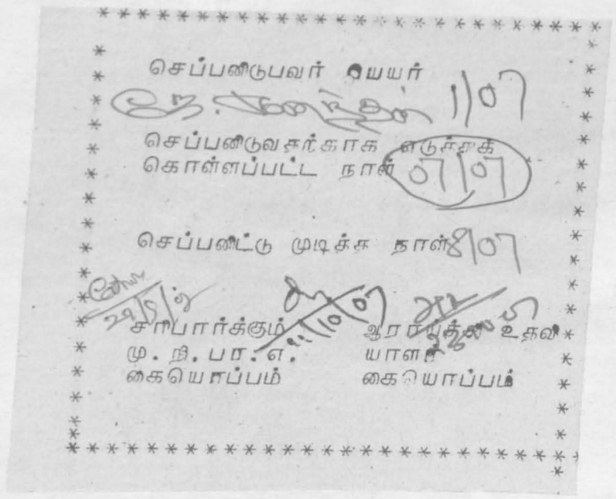
Revenue Department

Minutes of Consultations

8th Dec 1857

Back nos 32-34

Order no 125675 5th Dec 1857



Fort Saint George, Revenue Consultation of 8th December 1857.

Read the following Papers.

No. 32. Letter from B. CUNLIFFE, Esq., Collector of Madras; to H. FORBES, Esq., Acting Secretary to Government, Revenue Department; dated Madras 6th November 1857, No. 20.

SIR,

1. Being given to understand that the Abkarry question pending between this office and the Mount authorities is now before the Government, I hope to be excused in forwarding direct some further particulars, which I should wish to be taken into consideration with the subject generally, and which have only very lately come to my knowledge.

2. Several instances have occurred in which parties having been found intoxicated, or declared to have been so, the Shopkeepers from whom they have stated the liquor to have been purchased, have been fined in sums of 10 and 15 Rupees. There has been no proof of keeping a disorderly Shop, or promoting drunkenness, but the mere fact of intoxication, induced by a small or a large quantity in different individuals, has caused the imposition of this excessive fine, and I submit that this is a stretch, if not an abuse of the authority, delegated to the Superintendent of Police.

3. I am informed also, and I believe correctly, that the fines imposed in Abkarry cases generally, are not credited to Government, but handed over to the Cutwal, who distributes a portion to his informing Peons.

4. Under the Abkarry Act for Madras, XIX. of 1852, Clause XXXV., one half of fines realized may be given to the parties apprehending the offender, and the moiety to the informer, but these fines can only be imposed by the Police Magistrates at Madras, and not by the Superintendent of Police at the Mount.

Memo.

He has moreover been expressly informed by the Govt. that he has no jurisdiction under this Act.

5. But even had he jurisdiction in the matter, the Cutwal, an officer on a salary of 70 Rupees monthly, cannot be considered either as the captor or informer, when in reality the Police Peons have brought the case to light. I know not under what authority the fines are so disposed of.

6. If the Cutwal thus participates in the fines, the harsh and uncalled for measures which have been reported through the Board of Revenue to the Government, afford me no surprise, considering the unlimited influence which he possesses.

7. If the Government are inclined to enquire into the alleged fact of the fines, or the greater portion of them, being awarded to the Cutwal, I must take leave to request that the original records showing the individual distribution of the fines be called up, and not any mere statement of totals forwarded.

8. It may not be amiss at the same time to enquire into the amount of property possessed by the Cutwal when first appointed, his salary in the interval, and the extent of houses and gardens now owned by him.

No. 33. Extract from the Proceedings of the Board of Revenue; dated 9th November 1857, No. 3877.

Read the following letters.

In Cons. 9th November 1857.

From the Collector of Madras, dated 30th July 1857.
From do. do. dated 28th August 1857.
From do. do. dated 1st September 1857.
From the Superintendent of Police Mount dated 7th Sep. 1857.

From the Collector of Madras dated 9th October 1857.

(Here enter Nos. 118, 136, 138, 89 and 160.)

Resolved that the above letters be laid before Government with reference to Extract Minutes Consultation 11th August 1857, (No. 802, R. D.) and the previous correspondence between the Board and Government regarding the Abkarry of St. Thomas' Mount.

2. The difficulties attending the management of the Abkarry of the Mount, in consequence of the control exercised by the Collector under Act XIX. of 1852, and by the Joint Magistrate and Superintendent of Police under the Cantonment Regulations, were brought to the notice of Government in the Board's lettter dated 5th September 1856, No. 2918, and they reported on the subject in detail in their subsequent Proceedings of the 2d April last, No. 1027.

3. On the latter occasion, they submitted for the consideration of Government forms of Licenses which contained very stringent conditions inserted with the view of ensuring good order and preventing drunkenness and irregularities as far as possible. This course was adopted purposely to meet the wishes of Government expressed in Extract Minutes Consultation 28th November 1856, (No. 1262, R. D.)

4. The practical difficulties attending this mode of management however led the Board to suggest the propriety of adopting the course pursued in Madras; viz. of leaving all fiscal arrangements to the Collector and restricting the interference of the Police authorities to the punishment of offences against good order.

Ex. Mins. Cons. 12th June 1857, *No.* 586, *R. D.*

5. On the opinion of their Pleader, the Government adopted the latter suggestion and the Board accordingly submitted revised forms of Licenses which were approved in Extract Minutes Consultation 5th August 1857, No. 786, R. D.

In Cons. 8th July 1857.

6. On the 4th July however the Collector reported that the Superintendent of Police, Colonel Brown, had refused to allow two of his renters to open their shops in consequence of their declining to give security for good conduct. The Board in their Proceedings dated 2d April preceding had expressed their objections to such requisitions, and they were expressly disapproved of by Government in Extract Minutes Consultation dated 15th July 1857, disposing of the Collector's letter (of the 4th idem) above referred to.

7. On the 25th of the same month, Brigadier Shirreff, Commanding the Mount, complained through the Military Department that the Collector had issued licenses to two persons to open 6 shops "in the Cantonment" they being "persons of bad character and old offenders" who had "already on former occasions been convicted and punished for infringing upon the regulations" and that "*under these circumstances*" Colonel Brown had required security from them for their good conduct.

In from Govt. 11th Augt. 1857, No. 802, R. D.

8. The Collector's letter of the 28th August contains a reply to these complaints, which the Board will briefly discuss.

In Cons. 9th November 1857.

9. The Collector points out that the shops are seven in number, and that only one of these is in the Cantonment itself, the other six are within the 4 mile limits, which in the direction of Madras extend as far as Sydapet.

10. The names of the renters referred to are Chellapah Graminy, and Asapoor Soobaroya Graminy.

11. The first of these in partnership with another person rented the same shops at Sydapet and its vicinity in July 1856, but was, with other renters in that year, denied possession by the Mount authorities for not furnishing security. On that occasion no exception was taken to the character of Chellapah, he and his partner being described by Colonel Brown himself as "*strangers*," as the enclosure to the Collector's letter shows. Chellapah has further deposed before the Collector that he never rented a shop within the Mount limits, and has never been punished by the Police. Moreover, the Collector reports that he holds two 3d class shops in Madras at a daily dowle of Rupees 2-10-4, or Rupees 965 per annum.

12. The above circumstances seen to the Board to prove that the objections now raised to the character of Chellapah are wholly untenable.

13. The other renter A Soobroya Graminy took only one shop and that in the Mount itself. He deposes that he rented the Mount shops in 1848-49, and held one in partnership with

others for a short period about that time, that in that year he was fined 10 Rupees for supplying bad Toddy to a Bakery, but was never punished in any other instance.

14. The Collector reports that he holds two first and one 3d class shop in Madras at the daily rate of Rupees 6-14-10, or Rupees 2,528 per annum, that he took the Palmyra Jaggery contract in 1852-53, receiving 12,000 Rupees in payment for jaggery supplied, and is for his position wealthy, possessing property in lands and houses.

15. The Board concur with the Collector that the petty fine imposed for an offence which involved no breach of good order or discipline, does not warrant his being termed a person of "bad character," or justify the withdrawal of his license.

16. The Board can see nothing in the antecedent of either of these parties to render the demand for security essential for the preservation of order and regularity.

17. The Collector points out that the previous silence of the authorities at the Mount as to the character of these renters does not warrant the present assertion, that security was required in consequence of their bad character.

In Ext. Mins. Cons. 11th August 1857, *R. D., No.* 802.

R. D., No. 712.

Enc. 2 in Collr's. letter above recorded 20th Aug. in Cons. 9th Nov. 1857, *No.* 3472.

18. The Board think it probably that the words "under these circumstances" at the commencement of para. 2 of Brigadier Shirreff's letter to the Adjutant General of the Army were unadvisedly used by that Officer. The Government are aware that the renters of Fusly 1266 were kept out of their shops in consequence of their refusal to give security, and that previous to the issue of the positive orders contained in Extract Minutes Consultation 15th July 1857, security was demanded indiscriminately from *all* the renters of the current Fusly, and not from these two only; moreover, in his letter to the Collector dated 2d July last, Colonel Brown mentions only the refusal to give security as the reason for rejecting these persons.

In Cons. 9th Nov. 1857.

19. In the subsequent paras. of this letter and in his communication of the 1st September, the Collector complains of the treatment to which his renters are subjected, and the heavy fines imposed for offences which even if committed are of no great gravity.

20. Chellapah Graminy it seems has been fined 25 Rupees for not registering the servant at his shops in Sydaput, 3 miles from the Mount, and the woman herself sentenced to a month's imprisonment and labor on the roads for this omission, which was rather her master's fault than her own. A further fine of 50 Rupees has been imposed on him for not having his measures stamped, for mixing his evening and morning toddy together (according to custom in Madras) and for not being always in his shop, the latter being simply impracticable as he has six shops within the Mount limits and two in Madras. Another servant of Chellapah's has also been imprisoned for one month with labor, 40 measures of Toddy being found in the shop which had been closed by his Master.

21. Asapoor Soobroy Graminy has been fined 5 Rupees, because a man found drunk stated he had obtained liquor at his shop, and 20 Rupees for not having his measures stamped.

22. Another renter Mr. Cunliffe states was prevented by the Mount Peons from taking Toddy from a garden within the Mount limits to his shop in Madras, because he had no pass from the Mount authorities, although he had one from the Collector.

23. The Board of course merely repeat here what the Collector reports as they have no power of calling for Colonel Brown's proceedings. Some of the offences are within the power of the Police authorities, but others come within the scope of Act XIX. of 1852, and Government may deem it advisable to take the opinion of their Pleader on these as in the event of proceedings being instituted in the Courts the protection afforded by Act XVIII. of 1850, cannot, the Board apprehend, be pleaded in the face of the order of Government (Extract Minutes Consultation 12th June last) and the official opinion of their professional adviser.

Enclosure in from Madras 9th October in Consultation 9th November 1857.

24. The Board also submit for the orders of Government herewith a petition presented to them by Chellapah Graminy on this subject and the Collector's report thereon.

25. The Collector's letter of the 30th July calls for no particular remarks and it only remains for the Board to notice the Collector's letter of the 30th July last, and Colonel Brown's of the 7th Ultimo.

26. In the first part of the latter communication, Colonel Brown discusses the question of the Collector's jurisdiction and his own in cases coming within the scope of Act XIX. of 1852. The Board are not aware whether Act XVIII. of 1853 has been extended to the Mount, but the present question was mooted in para. 10 of their Proceedings dated 2d April last, and the opinion of the Government Pleader given in Extract Minutes Consultation 12th June last, seems decisive as to the operation of Act XIX. of 1852.

No. 586, Revenue Department.

27. In the second part of his letter Colonel Brown reverts to the subject of having the rents put up in his presence at the Mount. This question was discussed in paras. 6 and 7 of the Board's Proceedings dated 2d April last, but their suggestion made to meet the supposed wishes of Government was not adopted in consequence apparently of Mr. Dale's legal opinion. The Board consider the mode of management ultimately determined on (in Extract Minutes Consultation 12th June last) as decidedly the best, and they see no grounds for recommending that the rents should be concluded at the Mount. Had this been the case this year, it is clear that two renters of more than ordinary respectability would have been summarily rejected. Moreover, the whole correspondence now before Government shows, the Board think, that the measure is unnecessary, and that if order and regularity are not duly maintained at the Mount, it cannot be from want of sufficient power or unwillingness to exercise it. Further consideration of the subject confirms the Board in the opinion that the fiscal management of the Abkarry should be vested entirely in the Collector as required by Act XIX. of 1852 and ordered by Government.

28. There are four points connected with the general management of the Abkarry, and brought forward in this correspondence, on which the Board will offer a few further remarks.

29. The requisition of security. The Board objected to this as not warranted by Act XIX. of 1852 and as undesirable, because placing the renter so greatly at the mercy of the native Police, and giving them an opening for extortion. The indirect result of the system, as the Board have pointed out is that an Arrack renter, for instance, may thus be mulcted for an offence in a sum four times as much as the penalty prescribed by law, for its commission. The Government have finally decided against the demand for security, and the Board now see no reason to suggest any modification of that order.

30. The objection on the part of the Mount authorities to a person renting more than one shop. The Board see no necessity for such a stipulation, and would consider it preferable that all the shops should be rented by one person of respectabitity and means, than that each should be held by petty dealers, dependent for their livelihood on its profits and actuated by rivalry towards each other. In the Board's judgment the good order desired by the Mount authorities will be most effectually and easily secured by encouraging men of property and character to take the rents than by Police Regulations and vexatious restrictions.

31. The registery of a renter's servants. As the Collector remarks this is not necessary for fiscal purposes and under Act XIX. of 1852, the master is responsible for the conduct of his servants. The Board however see no objection to registration being made compulsory either by a Clause in the license, or by local regulations, but the punishment inflicted in the cases mentioned by the Collector, for omission to register, seems to the Board wholly disproportionate to the offence.

Enc. to Collr. Col. Brown's letter 7th September 1857.

32. As to the continuance of renters from year to year without putting the shops up to auction. The Board will be perfectly ready at any time to entertain proposals of this nature in favor of respectable parties who have given satisfaction in the conduct of their shops, as increase in the Abkarry revenue is a matter of secondary importance to the well being of the people.

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33. The Board trust that in disposing of the present reference, Government will pass such orders as will prevent further misapprehension. The management of the Mount Abkarry with its seven shops, as the Collector justly remarks, has entailed more discussion and correspondence than that of Madras with 400, and it is very desirable that the matter should be finally settled.

(A true Extract.)

(Signed) J. D. SIM, *Acting Secretary.*

No. 34. ORDER THEREON, No. 1256; dated 5th December 1857.

Before passing final orders on the papers recorded above, resolved that, through the Military Department, the Superintendent of Police at the Mount be directed to submit the original record of all Abkarry cases disposed of in his office in September and October last, with an explanation of the Act or Regulation under which he may have acted in each case.

2. The Brigadier Commanding the Mount will be requested to specify the particulars and dates of the offences, of which the two renters referred to in his letter to the Adjutant General of the Army, dated 25th July 1857, No. 74, were formerly convicted, and for which they were punished, and on account of which security was demanded from them. He will also be requested to explain his assertion in the same letter, that they were old offenders, in connection with the Police Superintendent's admission, made in his letter to the Collector dated 30th June 1856, that they were strangers.

3. With reference to paras. 3 to 7 of Mr. Cunliffe's letter above recorded, the Superintendent will submit the orders passed by him regarding the distribution of fines collected in the Abkarry cases referred to.

(Signed) H. FORBES,
Acting Secretary to Government.

No. 20.

Madras, 6th November 1857.

From

B. Cunliffe, Esqr.

Collector of Madras.

To

H. Forbes Esqr.

Acting Secretary to Government

Revenue Department.

Sir,

1. Being given to understand that the Abkarry question pending between this Office and the Mount Authorities is now before the Government, I hope to be excused in forwarding direct some further particulars, which I should wish to be taken into consideration with the subject generally, and which have only very lately come to my knowledge.

2. Several instances have occurred in which parties having been found intoxicated, or declared to have been so, the Shopkeepers from whom they have stated the liquor to have been purchased, have been fined in sums of 10 and 15 Rupees. There has been no proof of keeping a disorderly Shop, or promoting drunkenness, but the mere fact of intoxication, induced by a small or a large quantity in different individuals, has caused the imposition of

this excessive fines, and I submit that this is a stretch if not an abuse of the authority delegated to the Superintendent of Police.

3. I am informed also, and the license correctly, that the fines imposed in Abkarry cases generally, are not credited to Government, but handed over to the Cautwal, who distributes a portion to his informing Peons.

4. Under the Abkarry Act for Madras, XIX of 1852, Clause XXXV, one half of fines realized may be given to the parties apprehending the offender, and the moiety to the informer, but these fines can only be imposed by the Police Magistrates at Madras, and not by the Superintendent of Police at the Mount.

means he has however been expressly informed by the Govt: that he has no jurisdiction under this Act.

5. But even had he the jurisdiction in the matter, the Cautwal, an Officer now a salary of 70 Rupees monthly, cannot be considered either as the captor or informer, when in reality the Police Peons have brought the case to light. I know not under what authority the fines are so disposed of.

6. If the Cautwal thus participates in the fines, the harsh and uncalled for measures which have been reported through the Board of Revenue to the Government, afford me no surprise; considering the unlimited influence which he possesses.

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7. If the Government are inclined to enquire into the alleged fact of the fines, on the greater portion of them, being awarded to the Cautwal, I must take leave to request that the original records showing the individual distribution of the fines be called up, and not any mere Statement of totals forwarded.

8. It may not be amiss at the same time to enquire into the amount of property possessed by the Cautwal when first appointed, his salary in the interval, and the extent of houses and gardens now owned by him.

I have the honor to be
Sir,
Your most Obedient Servt.

H Sunckle
Collector.

Madras,
6th November 1857.

Rd 12th Do Do

Revenue Department.

No 38 A. 3877

Extract from the Proceedings of the Board of Revenue, dated 9th November 1837.

Read the following letters.

In Cases of Revt 1834

From the Collector of Madras dated 30th July 1837.
From .... Do .... Do .... dated 28th August 1837.
From .... Do .... Do .... dated 1st September 1837.
From the Superintendent of Police Mount dated 7th September 1837.
From the Collector of Madras dated 9th October 1837.

(Here Enter Nos. 118. 136. 138. 89 and 160)

Resolved that the above letters be laid before Government with reference to Extract Minutes Consultation 11th August 1837 / No 802 R. D. / and the previous Correspondence between the Board and Government regarding the Abkarry of St. Thomas's Mount.

2. The difficulties attending the management of the Abkarry of the Mount, in consequence of the control exercised by the Collector under Act XIX of 1852, and by the Joint Magistrate and Superintendent of Police under the Cantonment Regulations,

were

were brought to the notice of Government in the Board's letter dated 5th September 1856 No 2918, and they reported on the subject in detail in their subsequent Proceedings of the 7th April last No 1027.

3 On the latter occasion they submitted for the consideration of Government Forms of Licenses which contained very stringent conditions inserted with the view of ensuring good order and preventing drunkenness and irregularities as far as possible. This course was adopted purposely to meet the wishes of Government expressed in Extract Minutes Consultation 28th November 1856 [No 1262 R. D.]

4 The practical difficulties attending this mode of management however led the Board to suggest the propriety of adopting the course pursued in Madras, viz. of leaving all Excise arrangements to the Collector and restricting the interference of the Police authorities to the punishment of offences against good order.

5 On the opinion of their Head the Government adopted the latter suggestion and the Board accordingly submitted revised

Ex Mn Cons 12th June 1857 No 586 R.D.

8/1256

revised forms of Licenses which were approved in Extract Minutes Consultation 5 August 1857 No 786 R. D.

In Cons 8th July 1857

6. On the 6th July however the Collector reported that the Superintendent of Police Colonel Brown had refused to allow two of his renters to open their Shops in consequence of their declining to give security for good conduct. The Board in their Proceedings dated 2nd April preceding had expressed their objections to such requisitions and they were expressly disapproved of by Government in Extract Minutes Consultation dated 15th July 1857 disposing of the Collector's letter (of the 6th idem) above referred to.

In Cons 8 July 1857

7. On the 25th of the same month Brigadier Sherriff, Commanding the Mount, complained through the Military Department that the Collector had issued licenses to two persons to open 6 Shops "in the Cantonment" they being "persons of bad character and old offenders" who had "already on former occasions been convicted and punished for infringing upon the Regulations" and that "under these circumstances" Colonel Brown had required security from them

In Trans Cost W Fort St Geo No 802 R.D.

for

for their good conduct.

8. The Collector's letter of the 28th August contains a reply to these complaints, which the Board will briefly discuss. In Cons 9th March 1857.

9. The Collector points out that the Shops are seven in number and that only one of these is in the Centonmeal Bund - the other six are within the 4 mile limits, which in the direction of Madras extend as far as Sydapet.

10. The names of the renters referred to are Chellapah Graining, and Casipoor Sookaroya Graining.

11. The first of these in partnership with another person rented the same Shops at Sydapett and its vicinity in July 1856 but was, with other renters in that year denied possession by the Mount Authorities for not furnishing Security. On that occasion no exception was taken to the character of Chellapah he and his partner being described by Colonel Brown himself as "Strangers" - as the enclosure to the Collector's letter shows. Chellapah has further deposed before the Collector that he never rented a Shop within the Mount

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limits and has never been prosecuted by the Police - Moreover the Collector reports that he holds two 3d class Shops in Madras at a daily rent of Rs 2 10 4. or Rupees 963 per Annum.

12. The above circumstances seem to the Board to prove that the objections now raised to the character of Chellapah are wholly untenable.

13. The other Renter A Sookaroya Graining took only one Shop and that in the Mount itself. He deposes that he rented the Mount Shops in 1848/49 and held one in partnership with others for a short period about that time - that in that year he was fined 10 Rupees for supplying bad Toddy to a Bakery but was never punished in any other instance.-

14. The Collector reports that he holds two first and one 3d Class Shop in Madras at the daily rate of Rupees 6-14-10, or Rupees 2528 per Annum - that he took the Palmyra Sagery contract in 1852/3 receiving 12000 Rupees in payment

for passing Suspected and as for his position wealthy, perhaps properly in Courts and Houses.

15. The Board concur with the Collector that the petty fine imposed for an offence which involves no breach of good order or discipline does not warrant his being termed a person of "bad character", or justify the withdrawal of his license.

16. The Board can see nothing in the antecedent of either of these parties to pardon the demand for security essential for the preservation of order and regularity.

17. The Collector points out that the previous silence of the authorities at the Mount as to the character of these Renters does not warrant the present assertion, that security was required in consequence of their bad character.

18. The Board think it probable that the words "under these circumstances" at the commencement of para 2 of

In Ex. to Col. Cor. 11 Aug. 1837 RD 802

of Brigadier Shirreff's letter to the Adjutant General of the Army were undoubtedly used by that Officer. The Government are aware that the renters of Tasty 1266 were kept out of their shops in consequence of their refusal to give security and that previous to the issue of the positive orders contained in Extract Minutes Consultation 13th July 1837 Security was demanded indiscriminately from all the Renters of the current Tasty and not from these two only. Moreover in his letter to the Collector dated 2nd July last Colonel Brown mentions only the refusal to give Security as the reason for rejecting these persons.

RD No 712

19. In the subsequent paras of this letter and in his communication of the 7th September, the Collector complains of the treatment to which his renters are subjected and the heavy fines imposed for offences which even if committed are of no great gravity.

20. Chellapah Gaming it seems has been fined 25 Rupees for not registering

Enl 2. In Collectors letter above recorded 20th August in Cons. 9th Nov 1837 No 3672

In Cons 9th Nov 1837

registering the servant at his shops
in Sydapet 3 miles from the Mount
and the woman herself sentenced to
a months imprisonment and Labor
on the roads for this omission which
was rather her Masters fault than
her own. A further fine of 50 Rupees
has been imposed on him for not
having his measures stamped.
for missing his running and mounting
toddy together (according to custom in
Madras) and for not being always
in his shop. the latter being simply
impracticable as he has five shops
within the Mount limits and two in
Madras. Another servant of Chillapolo
has also been imprisoned for one month
with labor. 40 measures of toddy being
found in the shop which had been
drawn by his Master.

21. A sapoor Sackoy Gramny has been
fined 5 Rupees because a man found
drunk stated he had obtained liquor
at his shop and 20 Rupees for not
having

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having his measures stamped

22. Another pointer Mr Conniffe stated was prevented by the Mount Peons from taking toddy from a garden within the Mount limits to his shop in Madras because he had no pass from the Mount authorities, although he had one from the Collector.

23 The Board of course merely repeat here what the Collector reports as they have no power of calling for Colonel Browns proceedings. Some of the offences are within the Police authorities, but others come within the scope of Act XIX of 1852. and Government may deem it advisable to take the opinion of their Pleader on these as in the event of proceedings being instituted in the Courts the protection afforded by Act XVIII of 1850. cannot the Board apprehend be pleaded in the face of the order of Government (E. M. Cons 12th June last) and the official opinion of their professional adviser.

The

26 The Board also submit for the orders of Government herewith a Petition presented to them by Chellapah praying Encl in Thuston's 9th Oct 1857 Reg No 1857
on other subject and the Collector's Report thereon

25 The Collector's letter of the 30th July calls for six particular payments out of sixty payments for the Board to notice the Collector's letter of the 30th July last and Colonel Brown's of the 9th ultimo.

27 In the second part of his letter communication Colonel Brown discusses the question of the Collector's jurisdiction and has risen in cases coming within the scope of Act XIX of 1852. The Board are not aware whether Act XVIII of 1853 has been extended to the Mount, but the present question was decided in para 10 of their proceedings dated 2nd April last and the opinion of the Government Pleader given in R. M. Cir. 12th June last seems decisive. No 586 RC as to the operation of Act XIX of 1853

The

12/12/58

27 In the second part of his letter Colonel Brown private to the subject of having the paints put up in his presence at the Mount. This question was discussed in para 6 and 7 of the Board's proceedings dated 2nd April last but their suggestion made to meet the desperate wishes of Government was not adopted in consequence apparently of Mr Pate's legal opinion. The Board consider the mode of management ultimately determined on (Cir R. M. C. 12th June last) as decidedly the best, and they see no grounds for recommending that the paints should be conducted at the Mount. Had this been the case this year, it is clear that two parties of more than ordinary pertinacity would have been summarily rejected. Moreover the whole correspondence now before Government shows, the Board think, that the measure is unnecessary and that of order and regularity are not duly maintained at the Mount, it cannot be from want

of

of sufficient power or unwillingness to exercise it. Further consideration of the subject confirms the Board in the opinion that the Fiscal Management of the Abbassy should be vested entirely in the Collector as required by Act XIX of 1852 and ordered by Government.

28. There are some points connected with the general management of the Abbassy, and brought forward in this correspondence on which the Board will offer a few further remarks.-

29. The requisition of Security. The Board objected to this as not warranted by Act XIX of 1852 and as undesirable, because placing the Renter so greatly at the mercy of the Native Police, and giving them an opening for extortion. The indirect result of the System, as the Board have pointed out is that one Arrack renter for instance, may thus be mulcted for an offence on a sum four times as much as

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as the penalty prescribed by Law for its commission. The Government have finally decided against the demand for Security, and the Board now see no reason to suggest any modification of that order.

30. The obligation on the part of the Renter authorises to a person renting more than one Shop. The Board see no necessity for such a stipulation and would consider it preferable that all the Shops should be rented by one person of respectability and means, than that such Shops be held by petty dealers, dependent for their livelihood on its profits and actuated by rivalry towards each other. In the Board's Judgment the good order desired by the Board authorities will be most effectually and easily secured by encouraging men of property and Character to take the rents than by Police Regulations and Shackles restrictions.-

31. The Registry of a Renter's servants.

as

As the Collector remarks this is not necessary for fiscal purposes and under Act XIX of 1852 the Master is responsible for the conduct of his servants. The Board however see no objection to registration being made compulsory either by a Clause in the Licence or by local regulations, but the punishment inflicted in the cases mentioned by the Collector for omission to register, seems to the Board wholly disproportionate to the offence.

32. As to the countenance of parties from year to year without putting the shops up to auction. The Board will be perfectly ready at any time to entertain proposals of this nature in favor of respectable parties who have given satisfaction in the conduct of their shops, as increase in the Abkary revenue is a matter of secondary importance to the well being of the people.

Enc. to Coll.r to Col. Bruce's letter of 4th Sept.r 1837

33. The Board trust that in disposing of the present reference government will pass such orders as will prevent further misapprehension. The management of the Mount Abkary with its seven shops, as the Collector justly remarks, has entailed more discussion and correspondence than that of a Madras with 100, and it is very desirable that the matter should be finally settled.

(A true Extract)

J. Bruce
Acting Secretary

To,
H. Forbes Esq.
Acting Secretary to Government
Rev. Department.

14/1256

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(sd) D. Wills

ccc

Cons 11 Augt 57 Nos 32133-3-4

Revenue 1857 Dept
Dy to Cons 8th December.

No 1359

Extract from the
Proceedings of the
Board of Revenue

Dated 9th November 1857.
Recd 12th ditto

13 Encls Returned 24 April 58

No 3877

Sec No. 1256. 6th Nov.

Bringing to the notice of
Govt. further instances of the
difficulties attending the manage-
ment of the Abkarry of St. Thomas'
Mount under the interference
of the Police authorities at that
Station, and requesting the Board's
opinion that the Fiscal arrange-
ments should be left entirely
to the Collector and the interference
of the Police restricted to offences
against good order.

No 33.

16

15
1256

[illegible]
further Forts.
I do not
[illegible]
letter of Govt to the Police, not to
the Revenue with any Abkarry
interference
has been productive
of
Opn:
The renter of the 6 Shops within the
Cantonment limits (4 miles) has
closed his Shops, not being able to
sub-let with the buildings he rented.
but if not for them up, [illegible] but
he did not [illegible] them up, [illegible] but
orders [illegible] soon be hoped, he

Cons 11 Augt 57 Nos 32133 3

16/1256

Revenue Dept

No 1256

Extract from the Minutes of Consultation

Under date the 3rd December

Read the following

Papers

From the Collector of

Madras.

Here enter 6th Nov 57 No 20

Cy from the Bd of the

Board of Revenue.

Here enter 9th " " " 57

Before passing

final orders on the papers

recorded above, resolved

that thro' the Military

Department the Superi-

-intendents of Police

at the Mount

be directed to submit

the original record of

all

all Abberry cases dismissed
of in his Office in Septem-
ber and October last,
with an explanation
of the Act or Regulation
under which he may
have acted in each
case.

2. The Brigadier
Commanding the Mount
will be requested to spe-
cify the particulars
and dates of the Offences
of which the two persons
referred to in his letter
to the Adjutant General
of the Army, dated 25th
July 1857 No. 74, were
formerly convicted, and
for which they were
punished; and on

17/256 16

account of which security
were demanded from
them. He will also
be requested to explain
his observation in the
same letter, that
they were old offenders,
in connection with
the Police Superintendent's
admission, made in
his letter to the Collector
dated 30th June 1856,
that they were
strangers.

3. With reference
to paragraph 7 of Mr.
Cunliffe's letter above
recorded, the Superin-
tendent will submit
the orders passed by
him regarding the
distribution of
fines

Cons. 11 Aug. 5/57 No. 32 & 33.
" 11 Dec. " " " 3 & 4.

Revenue 1857 Depart.
Dito Cons. 8th Dec.
No. 1256.

Extract Minis. of Cons:
Of 5th December 1857.

Extract from the Mins. of Cons: in the Military Depart. of 7 January 58 C. No. 24
From the Govt. of Madras of 19 January 58
C. No. 33 in } 28 April
Extract from the Pro. of the Bd. of Revl.
of 11 Aug. 58 C. No. 1292 in } 24

Directing the Superintendent of Police at St. Thomas Mount to submit the original record of all Abkarry cases disposed of in his Office in September and October last, with an explanation of the Act or Regulation under which he may have acted in each case.

Dec. 1857
No. 32 to 34.