(13)

Revenue Department

Minutes of Consultations

12th May 1857

Book No 3 – 4

Order no 423 dated 6th May 1857

பாதுகாப்புப் பாகு-1

செப்பனிடுபவர் பெயர் பா.விஜயகுமார்

செப்பனிடுவதற்காக எடுத்துக் கொள்ளப்பட்ட நாள் 8/06

செப்பனிட்டு முடித்த நாள் 10/06

சரிபார்க்கும் முதல் மு.நி.பா.எ. கையொப்பம்

சரிபார்க்கும் 2-ம்-மு.நி.பா.எ. கையொப்பம்

ஆராய்ந்தவர் உதவியாளர் கையொப்பம்

2B

Fort Saint George, Revenue Consultation of 12th May 1857.

No. 3. Read the following Extract from the Proceedings of the Board of Revenue; dated 2nd April 1857, No. 1027.

Read letter from the Acting Collector of Madras dated 9th January 1857.

In Consultation 2d April 1857.

(Here enter No. 5.)

Resolved that the above letter be laid before Government, with reference to Extract Minutes Consultation 28th November 1856, Revenue Department, No. 1262.

2. In the Minutes Consultation above referred to, Government directed the Collector of Madras in communication with the Military Authorities at the Mount to prepare a form of Abkarry license for use at that station.

3. Mr. Cunliffe forwards several forms furnished to him by the Superintendent of Police at the Mount and stating his opinion on several points connected with them, expresses his inability to prepare a form which would meet the views of the Mount authorities and his own.

4. The first point on which the Collector differs from the Superintendent of Police, is the demand of security from the shopkeepers for good behaviour. The Board concur with the Collector that the requisition of security is open to objection, as the law already prescribes what is considered a sufficient punishment for breach of the conditions of a license; viz. a fine of 50 Rupees and forfeiture of the license. They therefore question the propriety of the endeavor to render the offence further punishable at the discretion of the Police authority by a penalty which in the case of an Arrack vender may exceed the legal penalty four-fold. It may also be questioned whether placing a shopkeeper so greatly at the mercy of the native Police officers may not have the effect of deterring parties of respectability from engaging in this branch of trade.

5. As regards the previous approval of shop renters by the authorities at the Mount the orders of Government rendering that condition a necessary preliminary to the issue of a license are positive.

6. The Collector however points out the difficulty which he has already experienced from this cause and the hardship it entails on the parties affected. He also requests that when the Superintendent of Police disapproves of a renter he shall be required to state his reasons for so doing. The Board however do not see that this course though in accordance with Section XII. Act XIX. of 1852, would remove the difficulty, nor would they desire the fitness or otherwise of the renter to form a subject of discussion between the Civil and Military authorities. In order to ensure the preservation of good order and discipline within the Military Cantonment, it is held necessary that a degree of arbitrary control which would not be tolerated under ordinary circumstances should be vested in the local authorities, its due and just exercise being left to their discretion. On the other hand, however, the renting of the shops must under such a condition be often a matter of extreme difficulty, and it may be feared that the securing of the good will of the local Police by whose information the Superintendent must be greatly guided in such matters, will come to be regarded as the necessary preliminary to bidding at the Collector's sales.

7. The only mode of meeting these difficulties in the Board's judgment, is for the Collecter to authorize the Superintendent of Police to conduct and conclude the sales. The Board do not see any thing in Act XIX. of 1852, rendering it imperative on the Collector to perform this duty in person, and if Military considerations render it necessary that the Superintendent of Police should be empowered absolutely to reject a renter already accepted by the Collector this course is the one which presents the fewest difficulties.

8. The Board will now briefly remark on the Form of Arrack License proposed by the Superintendent of Police.

9. The Board do not perceive the necessity of the preamble.

10. In their letter of 5th September last, No. 2918, the Board expressed an opinion that Act XIX. of 1852 does not necessarily supersede Regulation VII. of 1832. This view however (as they infer from para. 1 of the Extract Minutes Consultation 28th November last, No. 1262) is not concurred in by the Government, and on again refering to Regulation VII. of 1832, the Board certainly find it difficult to reconcile certain of its provisions, as for instance, Section 43 with Act XIX. of 1852. The Regulation however is quoted with the subsequent one, Act XVIII. of 1853

Commissioner of Police.

in the preamble, which also provides for the deposit of security to which the Board have already taken exception.

Section II. seems only to require that the words "within the abkarry limits of the Madras Collectorate" should follow the name of the Cantonment.

Section III. requires the addition given in the margin of Rule 1 in Enclosure No. 4.

Sections IV. V. merely require the slight alterations noted by the Collector in red ink.

Section VI. The Board prefer the existing rule, no provision being made for sureties on behalf of the renter, and notice direct to him being the simplest course.

Section VII. requires very trifling alterations as noted, and

Section VIII. is unobjectionable.

Section IX. The Board would alter into a prohibition of partnership without the consent of the Superintendent of Police.

Section X. The Board presume this condition is worded to meet the particular requirements of a Military Cantonment like the Mount.

Section XI. The first portion of this seems desirable, as regards conformity to the "General Regulations and the local rules", the Board can give no opinion as they are ignorant of the rules referred to. They however consider the introduction of vague and general stipulations undesirable and would prefer, as suggested by Government, the entry of special conditions in all cases.

11. The above draft omits 3 of the existing rules, Nos. 9 10 and 11. The first gives the shopkeeper the privilege of closing his shop at any time on giving 15 days' notice. The Police Superintendent on the other hand, wishes the rents to be annual. The Board consider that the latter plan will save much trouble and the inconvenience of a frequent change of dealers. They therefore approve of the omission of this rule.

See also para. 10 *From Collector 22d July in Cons. 5th September.* 1856.

12. They would however insert Rule X. and in lieu of Rule XI. they would substitute another in general terms.

13. The Form of License for Toddy shops requires little remark as it corresponds in the main with that for Arrack shops.

14. The Board would omit the preamble and follow he existing form as far as Rule 8.

15. Rules 9 and 10 can stand as modified by the Superintendent of Police.

16. Rule XI. is subject to the same remarks as the corresponding rule in the Arrack license.

17. Rule 13 the Board would amend in the same manner as they have proposed in the case of Rule IX. of the Arrack form.

18. They would also add a fresh rule in place of No. 11 omitted by the Superintendent of Police, stating the consequences of a breach of the conditions of license as has been done in the Arrack form.

19. Rule XII. does not occur in the existing form and explanation of its necessity is requisite. The same course will be pursued in regard to the price of Toddy.

No. 1. *Form of Arrack License.*
No. 2. *do. of Toddy do.*
No. 3. *do. of Police. do.*

20. The Board forward drafts of the forms of license as above proposed and a copy of that now issued by the Commissioners of Police in Madras, and request the final orders of Government on the subject. The Board have introduced in their draft Rule XIII. various stringent conditions taken from the form of the Madras Commissioners, and that such further stipulations as are included by the Superintendent at the Mount in the Category of "General Regulations and local Rules" will here find an appropriate place for insertion in detail.

21. It will be seen from the Collector's letter that the whole of his renters were finally rejected by the Mount authorities who have continued those of the previous year unlicensed by

3B

Fort Saint George, Revenue Consultation of 12th May 1857.

the Collector. The Board regret that they have been unable to suggest a remedy earlier, but the subject is one of some intricacy.

22. After a very careful consideration of it the Board cannot suggest any better mode of meeting the wishes of Government than that now proposed.

23. There still however remains the difficulty of deciding by whom infractions of the license are to be investigated and punished. The Collector reports that such cases are now taken cognizance of by the Superintendent of Police at the Mount, but this course appears opposed to Section XXVII. and XXXIII. of Act XIX. of 1852.

24. The latter enactment no doubt voids certain parts of Regulation VII. of 1832, but it does not appear to the Board to affect Section XVI. Its effect on Section XLIV. is not so clear, the issue by the Police of a special license in addition to that required from the Collector is necessary in Madras under Section 51 Act XIII of 1856, and the adoption of a similar course in a Military Cantonment does not seem opposed to the law. If this view be correct, Sections 45 and 46 as well as 47 are in full force still. Act XVIII. of 1853 renders various other offences connected with the sale of liquors in Cantonments cognizable by a Magistrate.

25. These powers can, the Board conceive, be exercised by the Superintendent of Police who is also a Joint Magistrate without dispute, but his ability to deal with offences created by Act XIX. of 1852 is a legal question which Government may probably deem it expedient to refer for the consideration of their law officers.

26. The Board would also here submit for consideration whether the best course after all would not be to leave the Abkarry entirely to the Collector of Madras, and strike out of the license all conditions unconnected with fiscal matters. The Superintendent of Police in that capacity and as Joint Magistrate would then like the Police authorities of Madras deal with all offences against the discipline and good order of the Cantonment, for which it is presumed the existing laws are sufficient. If this is not the case, additional powers might be obtained, or failing this, a modification of Act XIX. of 1852 might be procured vesting the management of the Abkarry within restricted limits in the Military authorities, who under existing circumstances will practically control that branch of revenue although nominally it may be in the Collector's hand.

(A true Extract.)
(Signed) J. D. SIM, *Acting Secretary.*

No. 4. ORDER THEREON, No. 423; dated 6th May 1857.

Before passing final orders on the reference now made by the Board of Revenue, the Right Honorable the Governor in Council resolves to forward the Board's proceedings, and the papers to which they gave cover, to the Government Pleader, with a request that he will submit his opinion at an early date on the question raised by the Board,* as to the power of the Joint Magistrate of Saint Thomas' Mount to deal with offences created by Act XIX. of 1852.

* *Para.* 25.

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

Commissioner of Police.

LICENCE under Section LI of ACT XIII of 1856.

4B

Madras } to wit. }

I

Commissioner of Police for the Town of Madras, under and by virtue of the Provisions of Section LI of Act XIII of 1856 intituled "an Act for regulating the Police of the "Towns of Calcutta, Madras and Bombay and the several Stations and Settlements "of Prince of Wales' Island, Singapore and Malacca," do hereby authorize and empower
now residing

of Madras to keep Shop in House No.
situated in
of Madras aforesaid, and to sell by retail therein and in the Premises thereunto belonging, such as he the said
shall be Licenced and empowered to sell by the Collector of Madras, under the authority and permission of any Abkarry or Excise Laws for the time being in force at Madras aforesaid; and to permit such to be drunk or consumed in his said Shop, or in the Premises thereunto belonging. Provided that he the said
do fix in a conspicuous part of his said Shop or the Premises thereunto belonging a Board, on which shall be legibly painted in the English, Tamil and Teloogoo languages his name, and the name of the article he is licenced to deal in; And Provided also that he the said
do not fraudulently dilute or adulterate such or sell the same knowing the same to have been fraudulently diluted or adulterated; and do not use in the selling thereof any measures that are not of the legal standard; and do not knowingly permit drunkenness or disorderly behaviour in his said Shop or Premises; and do not knowingly suffer any Gaming whatsoever therein; and do not knowingly permit Prostitutes or persons of notoriously bad character to meet or remain therein; and do not wilfully harbour or conceal therein any Soldier, Seaman or Apprentice knowing, or having reason to believe, such Soldier, Seaman or Apprentice to be a deserter; and do not permit or suffer any to be conveyed from or out of his said Shop or premises without a special permit; and do not receive any articles whatsoever in barter or payment for liquor except money only; and do not knowingly sell or give upon trust any to any person under age, or to any Soldier or Seaman; but do maintain good order and rule in his said Shop and premises, and in all respects obey the provisions contained in the said Act No. XIII of 1856, and this Licence shall continue in force from this
up to and until the 185, inclusive and no longer. Provided that the Licence granted unto the said
under the Abkarry or excise Laws for the time being in force at Madras aforesaid shall not in the mean time terminate or be recalled, in either of which cases this Licence shall be void.

Given under my hand and seal on this day of
185 at Madras aforesaid

Commissioner of Police.

No 23.

In an Extract from the Proc.
the Bd of Rev. & the Meeting held
Fort St. Geo. dep.t dated
2d April 1857. No 1037.

~~534~~
R 376/57

File License under Section II
of Act XIII of 1856.

58

Toddy License.

1. Under the special sanction of
the Board of Revenue of Fort St. George
I Collector of Madras for the time
being do hereby grant this Licence to you
N. B. under the provisions of Section VI
Act XIX of 1852.

2. You are permitted to hold —
Toddy shop at — street, in the Cantonment
of St. Thomas' Mount within the Arbitrary
limits of the Madras Collectorate.

3. You shall sell no liquor in
your shop, other than that for which your
shop has been established.

4. You shall, before you receive a
License for the Establishment of a Toddy
shop, give notice at the Collector's Office,
of the site of the Garden or Gardens con-
taining the Cocoanut or Palmyra Trees,
from which it is your intention to draw
Toddy during the year. You shall point

out

ent to the examiners, deputed by the Collector of Madras, these trees, their number being according to the class you may have applied for, according to the following rates.

1st Class shop 330 Trees.

2d Do. - Do. 247 - Do.

3d Do. - Do. 165 - Do.

4th - Do. - Do. 110 - Do.

5. The number of Trees so intended as the Trees which are actually to supply you during the year with the Toddy required for your shop, and no change in these Gardens can be made without the permission of the Collector of Madras.

6. Whenever you may consider that it would be for your advantage to add trees to the number allotted to your shop according to your Class, you should apply for permission for such extra trees as may be necessary at the rate of one Fanam for ten trees daily.

7. The Collector may at any time order a re-examination of your Gardens, and if upon such re-examination being made, you are found to be in the possession of trees in excess of the number assigned to you, you shall pay arears of Caste Seemai for as many trees as may be found in excess of the number which were in your enjoyment, calculating from the date of former examination and in default of payment, you shall be liable to the loss of your License, as provided in Section IX, Act XIX of 1852.

8. You shall obtain a Pass for the Toddy to be carried from the Gardens to your respective shops, and neither yourself, your registered Partner, nor your servants shall bring Toddy from Gardens not registered as belonging to your shop, and you shall be responsible for the conduct of your servants at your Licensed shops

or

on the Gardens registered in your name for the same Shop. Nor shall you, your partners or Servants carry the Toddy to any other place than in specified in the said Pass.

9. You shall daily pay the tax, and in default of this payment of tax, both for the usual number of trees and for the extra Trees, you shall be liable to the penalties laid down in Sections IX. and XIII of Act XIX of 1852.

10. Upon all occasions you shall attend at the Cutcherry or at your Gardens when required, or in your absence appoint a registered partner or Agent to represent you. If you fail to attend you must abide by the decisions that may be made in your absence and no claim to have a reconsideration of the

Case

case, on the plea of not having been present, will be admitted.

11. You shall not take any person into partnership directly or indirectly with yourself in the sale &c. of Toddy under this license without first obtaining the consent of the Superintendent of Police and having the name of such partner duly registered at the Police Office.

12. You shall not sell Toddy to any European man or woman or Child nor to any Eurasian. Nor shall you take any property or article whatsoever save money only in barter or payment for liquor nor in pawn directly or indirectly. Nor shall you sell Toddy adulterated with intoxicating drugs or noxious ingredients or diluted with water.

13. In the selling of your Toddy you shall only use measures which have been regulated and stamped by the Superintendent

Superintendent of Police at the Mount.

11th. You shall sell your Toddy at a fixed price 8ᵃ 8ᵃ 8ᵃ. This rule to be considered subsequently

12th. You shall not knowingly permit drunkenness or disorderly behaviour in your Shop or the Premises thereunto belonging. You shall not suffer any Gaming whatsoever therein. You shall not knowingly permit Prostitutes or persons of notorious bad character to meet or remain therein. You shall not wilfully harbour or conceal therein any Soldier, Seamen or Apprentice knowing or having reason to believe such Soldier, Seaman or Apprentice to be a Deserter, and you shall not knowingly sell or give upon trust any Toddy to any person whom you know to be under age or may from his personal appearance judge to be a Minor &c &c

(here enter any further stipulations which may be locally necessary)

For

13th. For any breach of the stipulations above set forth by yourself or your registered partners you will be liable to forfeiture of this License and to a fine not exceeding 50 Rupees under Section XIV Act XIX of 1852. You will also be liable to the same penalties for any breach of them committed by your Servants engaged in your Shop and also for any breach thereof committed by them elsewhere within the Abkarry limits of the Mount provided in this latter case that such breach shall be the necessary consequence of your instructions to them or shall be committed with your privity.

J. Adams

Acting Secretary.

No 2.

In an Extract from the Proceedings of the Board of Revenue to the Acting Secretary to Government Revenue Department dated 2: April 1857. No. 1027.

Re 3/4/57

Madras Toddy License

Form of License for Arrack Shops

1. Under the Special sanction of the Board of Revenue of Fort St George I Collector of Madras do hereby grant this License to you A.B. under the provisions of Act XIX of 1852 Section VI to the following effect.

2. You are hereby permitted to hold a Shop for the retail sale of Arrack at Street in the Cantonment of St Thomas Mount within the Aliakaw limits of this Collectorate, on the following conditions.

3. You shall sell no liquor in your Shop other than that above mentioned, and you shall draw your supply of liquor from the Godown rented at your expense to which liquor in Casks will be sent on the application of the Conservator of this Office stationed thereat kept records in the joint Custody of the said Official and yourself for your ready supply, and you shall pay the usual excise duty on the same as shown in the Margin. The charges for the conveyance of such liquor either from the Godown in this Office or from the Distillery and the wastage and drayage thereon shall

shall be borne by you.

4. You shall during the period this Licence is in use, pay every day the excise duty according to the dock of your contract to the said Contractor and otherwise take your supply of Arack to your Shop in Wholesale Jars or Casks with Passes (given by this Office) passed on them.

5. You shall not keep your shop open for the sale of liquor earlier than from 6 Clock in the morning to 8 [x] Clock at night, nor shall you sell your liquor at a less than [xx] one Fanam a drams to Gentlemen & Gallon.

6. Should you neglect to purchase Arrack according to your daily dock and fall in arrears for 10 days notice will be given to you that your Licence will be with-drawn within 15 days, and you will be liable for arrears during the 15 days of the notice.

7. You shall on the receipt of your Licence deposit a security equal to 10 days dock of your Shop, which shall be proportionably forfeited in the event of your not taking the full amount of your Dock daily.

8. Should it be discovered that a greater

[x] as proposed by the Superintendent of Police instead of 10.

[xx] The Superintendent of Police proposes 10 Pice per drams or 25 Fanams per Gallon: His point will be settled hereafter.

10B

greater quantity of liquor has accumulated in your shop than equal to 5 days dock of your shop, the liquor shall be returned to the Collector and the Cost price will be paid back to you.

9. You shall not take any person into partnership directly or indirectly with yourself in the sale of Arrack under this Licence without first obtaining the Consent of the Superintendent of Police, and having the name of such partner duly registered at the Police Office.

10. You shall not sell Arrack to any European man or woman or child nor to any Eurasian nor shall you take any property or articles whatever save Money only in barter or for part or for liquor or in pawn directly or indirectly, nor shall you sell Arrack adulterated with intoxicating drugs or noxious ingredients, or diluted with water.

11. In the selling of your Arrack you shall only use Measures which have been regulated and stamped by the Superintendent of Police at the Pettah.

12. You shall purchase on every Saturday the supply of Arrack required for your Dock on the following Sunday.

13. You shall not Knowingly permit

drunkenness

Seamen Runners or disorderly behaviour in Your
Shop or the Premises thereunto belonging
You shall not suffer any Gaming whatsoever
therein - You shall not knowingly permit
Prostitutes or persons of notoriously bad
character to meet or remain therein - You shall
not wilfully harbour or conceal therein any
Soldier, Seaman or Apprentice knowing or having
reason to believe such Soldier, Seaman or Ap:
prentice, to be a Deserter, and You shall not
knowingly sell or give upon trust any Arti-
cle to any person whom you know to
be underage or may from his personal
appearance judge to be a Minor you are (here
insert any further Stipulation which may
be locally necessary -)

4th For any breach of the Stipulations
above set forth by Yourself or your Re:
gistered partners, You will be liable to
forfeiture of this License and to fine not
exceeding 50 Rupees under Section XIV. Act
XIX of 1852 - You will also be liable to the same
penalties for any breach of them committed
by your Servants engaged in your Shop and
also for any breach thereof committed by them
elsewhere within the Municipal limits of the

Mount

11B

Mount, provided in this latter case that such
breach shall be the necessary Consequence
of your instructions to them or shall be Commit-
ted with Your privity

Acting Secretary

128

No 1

Inam Extract from the Proceedings of the Board of Revenue to the Acting Secretary to Govt. Revenue Department dated 2d April 1857 & No. 1027.

534.

R 1076/57

Madras Arrack Sircars

138 / 12

Revenue Department

No. 1027

Extract from the Proceedings of the Board of Revenue, dated 2nd April 1857.

Read letter from the Acting Collector of Madras dated 9th January 1857.

In Cons 2d April 1857

(Have Entered No. 5.)

Resolved that the above letter be laid before Government with reference to Extract Minutes Consultations 28th November 1856 - Revenue Department No. 1262.

2. In the Minutes Consultation above referred to Government directed the Collector of Madras in communication with the Military authorities at the Mount to prepare a form of Abkarry license for use at that Station.

3. Mr Cunliffe forwards several forms furnished to him by the Superintendent of Police at the Mount and states his opinion on several points connected with them, expresses his inability to prepare a form which would meet the views of the Mount authorities and his own.

Thos.

4. The first point on which the Collector differs from the Superintendent of Police is the demand of Security from the shopkeepers for good behaviour. The Board concur with the Collector that the requisition of security is open to objection as the law already prescribes that is considered a sufficient punishment for breach of the conditions of a license, viz: a fine of 50 Rupees and forfeiture of the license. They therefore question the propriety of the endeavor to render the offence further punishable at the discretion of the Police authority by a penalty which in the case of an Arrack vender may exceed the legal penalty fourfold. It may also be questioned whether placing a shopkeeper so greatly at the mercy of the Native Police officers may not have the effect of deterring parties of respectability from engaging in this branch of trade.

5. As regards the previous approval of shop renters by the authorities at the Mount the orders of Government rendering that

14B 2B

that condition a necessary preliminary to the issue of a license are positive.

6. The Collector however points out the difficulty which he has already experienced from this cause and the hardship it entails on the parties affected. He also requests that when the Superintendent of Police disapproves of a renter he shall be required to state his reasons for so doing. The Board however do not see that this course though in accordance with Section XII Act XIX of 1852 would remove the difficulty, as any one of the renters may desire the fitness or otherwise of the renter to form a subject of discussion between the Civil and Military authorities. In order to ensure the preservation of good order and discipline within the Military Cantonment it is held necessary that a degree of arbitrary control which would not be tolerated under ordinary circumstances should be vested in the local authorities, its due and just exercise being left to their discretion. On the other hand however

however the working of the shofes must under such a condition be often a matter of extreme difficulty, and it may be feared that the securing of the good will of the local police by whose information the Superintendent must be greatly guided in such matters, will come to be regarded as the necessary preliminary to bidding at the Collectors sales.

7. The only mode of meeting these difficulties is for the Board to propose that the Superintendent of Police to conduct and conclude the sales. The Board do not see any things in Act XIX of 1852 rendering it imperative on the Collector to perform this duty in person, and if Military considerations render it necessary that the Superintendent of Police should be empowered absolutely to reject a tender already accepted by the Collector this

Mad. 1858 32

this course is the one which presents the fewest difficulties

8. The Board will now briefly remark on the Form of Arrack Licence proposed by the Superintendent of Police.

9. The Board do not perceive the necessity of the preamble.

10. In their letter of 8 Sept. last No 2918 the Board expressed an opinion that Act XIX of 1852 does not necessarily supersede Regulation VII of 1832. This view however as they infer from para 10 of the E. M. Govt 28th November last No 1262) is not concurred in by the Government, and on again referring to Regulation VII of 1832 the Board certainly find it difficult to reconcile certain of its provisions as for instance Section 43 with Act 19 of 1852. The Regulation however is quoted with the subsequent one, Act XVIII of 1853 in the preamble, which also provides for the deposit of security to which the Board have always taken exception.

Section II. seems only to require that the words "within the arbitrary limits of the Madras Collectorate" should follow the name of the Cantonment

Section III requires the addition given in the margin of Rule 1 in Enclosure No 2.

Section.

Sections IV. V. merely require the slight alterations noted by the Collector in red ink.

Section VI. The Board prefer the existing rule, no provision being made for notices on behalf of the renter, and notice direct to him being the simplest course.

Section VII. requires very trifling alterations as noted.

Section VIII. is unobjectionable.

Section IX. the Board would alter into a prohibition of partnership without the consent of the Superintendent of Police.

Section X. The Board presume this condition is worded to meet the particular requirements of a Military Cantonment like the Mount.

Section XI. The first portion of this items desirable as regards conformity to the General Regulations and the local rules the Board can give no opinion as they are ignorant of the Rules referred to. They however consider the introduction of vague and general stipulations undesirable and would prefer, as suggested by Government, the entry of special conditions in all cases.

The above draft omits 3 of the existing rules Nos 7 10 and 11. The first gives the Shopkeeper the privilege of closing his shop at any time on giving 15 days notice. The Police Superintendent on the

9.

16B

the other hand wishes the rents to be annual. The Board consider that the latter plan will save much trouble and the inconvenience of a frequent change of dealers. They therefore approve of the omission of this rules.

12. They would however insert Rules 7 and 10 in lieu of Rule XI they would substitute another in general terms.

13. The Form of License for Toddy Shops requires little remark as it corresponds in the main with that for Arrack Shops.

14. The Board would omit the preamble and follow the existing form as far as rule 8.

15. Rules 9 and 10 can stand as modified by the Superintendent of Police.

16. Rules XI is subject to the same remarks as the corresponding rule in the Arrack license.

17. Rule 13 the Board would amend in the same manner as they have proposed in the case of Rule XI of the Arrack form.

18. They would also add a fresh rule in place of No 11 omitted by the Superintendent

see also para 10 from Coll.r's D.o. dated 5th Sept.r 1888

15

7

of Police, stating the consequences of a breach of the conditions of license as has been done in the Arack form.

19. Rule XII does not occur in the existing form and explanation of its necessity is requisite. The same course will be pursued in regard to the price of Toddy.

20. The Board forward drafts of the Forms of license as above proposed and a copy of that now issued by the Commissioners of Police in Madras, and request the final orders of Government on the subject. The Board have introduced in their draft to Rule XIII various stringent conditions taken from the form of the Madras Commissioners, and that such further stipulations as are included by the Superintendent at the Mount in the category of "general Regulations and Local Rules" will here find an appropriate place for insertion in detail.

No 1. Form of Arrack license.
No 2. Do of Toddy —
No 3. Do of Police —

21. It will be seen from the Collectors letter that the whole of his renters were finally rejected by the Mount authorities who have continued those of the previous year unlicensed by the Collector. The Board regret

17B

regret that they have been unable to suggest a remedy earlier but the subject is one of some intricacy.

22. After a very careful consideration of it the Board cannot suggest any better mode of meeting the wishes of Government than that now proposed.

23. There still however remains the difficulty of deciding by whom infractions of the license are to be investigated and punished. The Collector reports that such cases are now taken cognizance of by the Superintendent of Police at the Mount, but this course appears opposed to Section XXVII and XXXIII of Act XIX of 1852.

24. The latter enactment no doubt voids certain parts of Regulation XII of 1832 but it does not appear to the Board to affect Section XVI. Its effect on Section XLIV is not so clear. The issue by the Police of a Special license in addition to that required from the Collector is necessary in Madras under Section 51 Act 13 of 1856 and the adoption of a similar course in a Military Cantonment does not seem opposed to the

law

law. If this view be correct Section 46 and
46 as well as 47 are in full force still. Act
XVIII of 1853 renders various other offences con-
nected with the Sale of liquors in Cantonm
ments cognizable by a Magistrate.

25. These powers can, the Board con-
ceive, be exercised by the Superintendent of
Police who is also a Joint Magistrate with-
out dispute, but his ability to deal with
offences created by Act XIX of 1852 is a legal
question which Government may probably
deem it expedient to refer for the consider-
ation of their law Officers.

20 The Board would also here sub-
mit for consideration whether the best
course after all would not be to leave the
Abkary entirely to the Collector of Madras
and strike out of the Licence all con-
ditions connected with fiscal matters.
The Superintendent of Police in that
capacity and as Joint Magistrate would
then like the Police authorities of Madras
deal with all offences against the dis-
cipline and good order of the Cantonment
for which it is presumed the existing laws

are

are sufficient. If this is not the case
additional powers might be obtained
or failing this, a modification of Act XIX.
of 1852 might be procured vesting the
management of the Abkary within
restricted limits in the Military author-
ities who under existing circumstances will
practically control that branch of the
Revenue although nominally it may be
in the Collector's hand.

(A true Extract).

Sd
Sy Secretary.

To,

A Forbes Esq.
Sy Secretary to Government
Revenue Department.

C. Gibbs

Per. Cons: 2d Dec, 56. No 16 @ 18d
— do — 16 th Sept. 56. — 879 —

Revenue 1857 Cpark
Dft. to Cons: 12th May.
No. 376

Extract from the Proceedings of the Board of Revenue

Dated 2d April 1857
Read 9th

9 Enclosures

No. 1027.

Reporting on the Terms of a License to be issued to Mr Henry Reuter within the limits of the Cantonment of St Thomas Mount & submitting the letter from the Collector of Madras on the Subject

Copy sent to the Govt Right Hon'ble the Govr. Madras
6 May 57.
No. 623.

No. 3

c 18 Act. XXV c 28 & 4 Wm IV

Rec: dep: Ju 376.

Little Sutton co
ord as to pays or-
ders on the respect:
on made by Ke Road
in paragraph 26 of
the proceedings.

If Bat suggestion
be not adopted, I
beech but it will be
well to take the
decision of the
Govt

Reader as to the
power of the Board
Magistrate or the
Assistant to exa-
-cise authority
under Act XIX of
1852. See para-
graphs 23 - 24. &
25 of Rules and Pro-
-ceedings.

E. G.

2/B

20

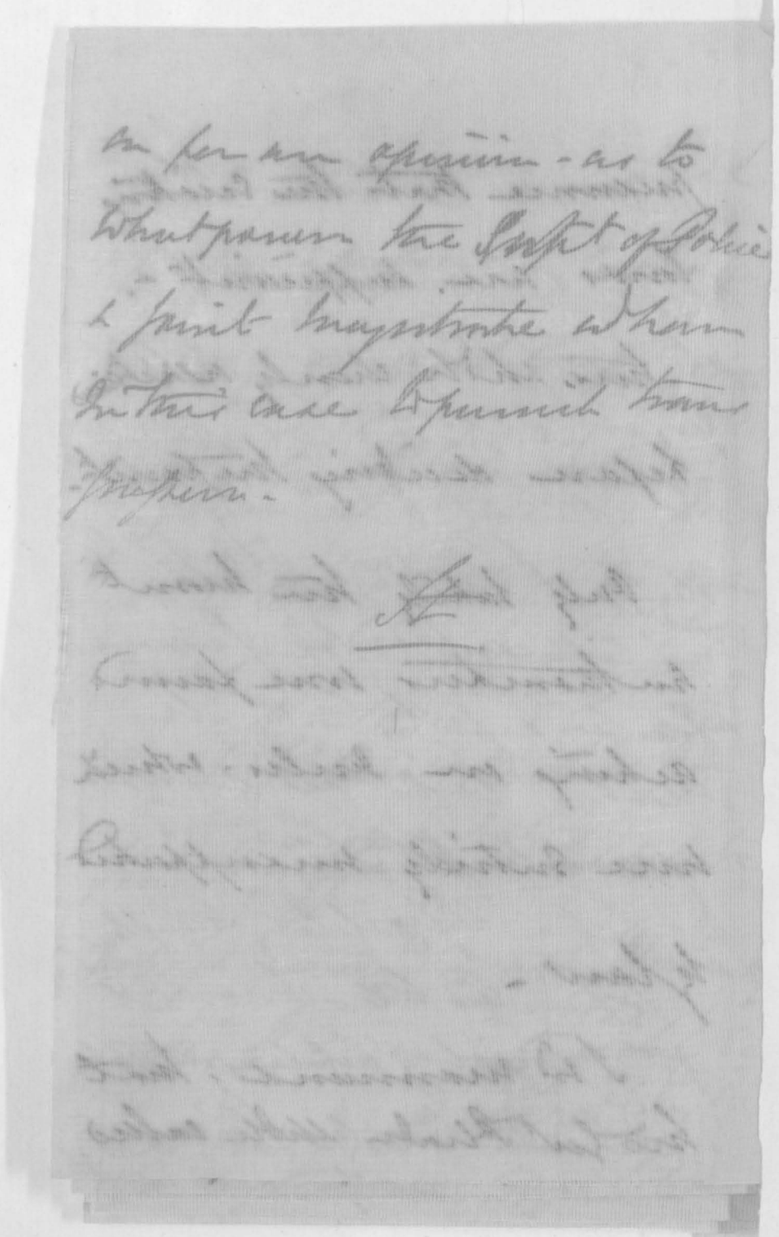
In my opinion it is very
desirable that the message
sent by His Excellency the
Governor Endorsement the
Letter to the Inferior
Authorities and Officers
concerned that this Course
may be adopted as sug-
-gested by the Board of
Revenue in the Proceedings

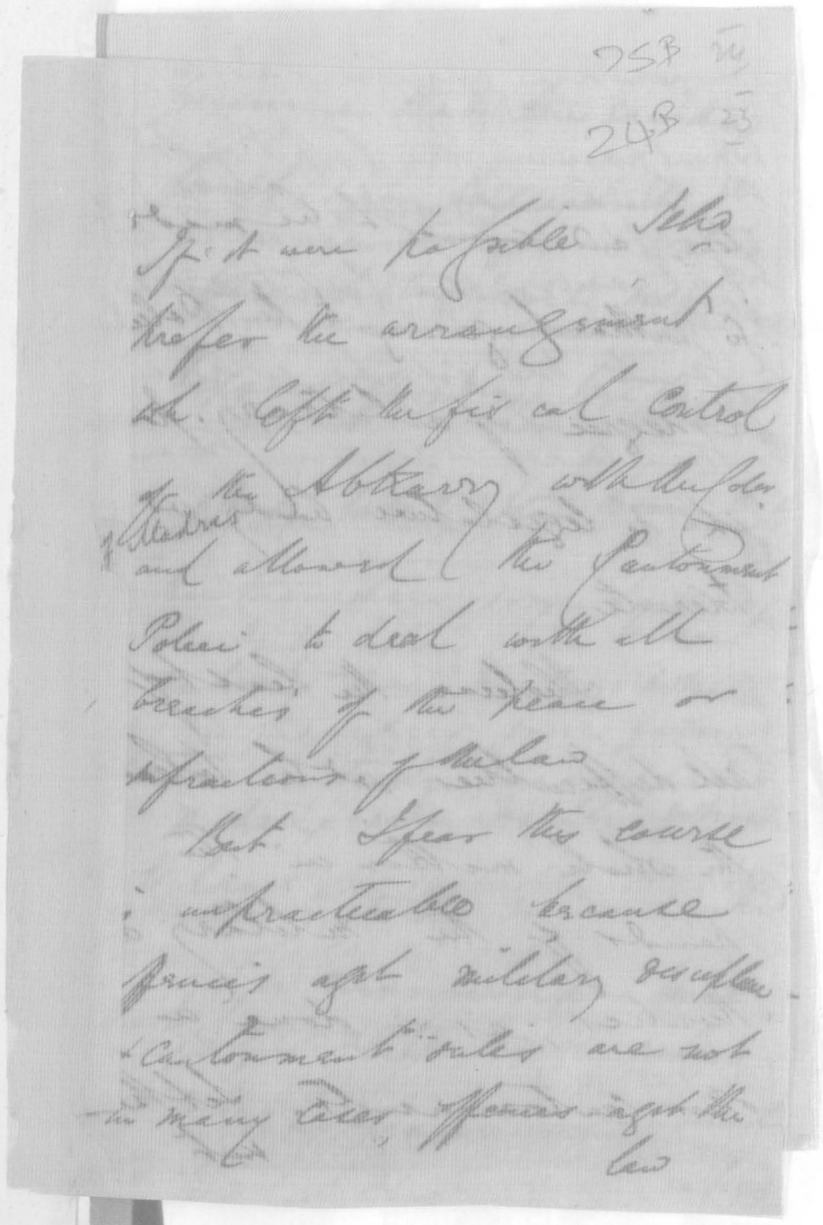
Boston 7 Mass 1st.

The opinion of the Supr.
Law Officer should be
taken as to the power
of the Secty. of State to
grant Passports after
the period limited by
Act of Congress

I suspect that with legal
counsel dispersed - but I
have no doubt that if he
attempts the blockade
he left to the Collector. Main
fifty as a fiscal matter -
It will be necessary for him
first to negotiate
[illegible] to
[illegible] [illegible]
[illegible] [illegible]
[illegible] [illegible]

[illegible] that the existing
laws are sufficient -
I will think closely upon it
before deciding the point -
Only lately have known
instances been found
acting on laws which
have entirely superseded
by law -
I do recommend that
no fast Ships like cutters





to Abbary, Kumasi &
efore he conditions of
he Ecowas, Kumasi stock.

Shave day there will be
a good deal of corruption
and of arbitrary acts under
such a system.

But it is an objectionable
source of revenue & will lead
abuses much always as
at. Some petable persons
ork engage in such a Trade.
ut it is difficult to deal
ith the corruption & brutality
of the venders without having

Law, and commit the murder
to without giving to the Police
a degree of arbitrary power
ch. the legislature ought not
tolerate.

I believe the Ashantees
all difficulties will be to leave
the whole matter in the
hands of the military and
Traders, if it is done in
their customary. Let them
not

28 Rev Depr

No 423

Extract from the Minutes of Council taken
Under date the 6th day of April 1857

Read the following
Extract from the Proceedings
of the Board of Revenue

(Minutes to be appended hereto)

Before pathing
final order on
the reference made
made by the Board
of Revenue the
Collector of the Sunderbunds relative
to forward the Board's
proceedings, and
the papers to which
they have come,
the Govt Pleader,
with a request that
he will submit
his opinion at
an early date on

the

Dreadful barbarities of an
exceptional & arbitrary char-
acter.

The great object is the
preservation of the troops from
the contaminating influence
of such a source of disease
& that will best be secured by
leaving the matter altogether
in the hands of the military
authorities

D

Question raised by the Board, as to the power of the Joint Chairmen of H. Comm. to deal with Powers created by Act XIX of 1952.

para 25.

DR

Copy to the Govt. Reader with copy of the letter Diff. 7. & Copy Encl.

Rec. Con: 2d Dec/56 No 16 &
— do — 16 Feb/56 - 87

Revenue 1857 Departt.
Dt. to Cons: 12th May

No. 423

Extract Mins: of Cons:
Dated 6th May /57.

From Govt: Pleader, Sadr.
Adawlut, 13th May/57
Ck. 535. Com: 16 June

Forwarding the Board's
Proceedings & the Papers to
which they gave cover to the
Govt: Pleader & requesting
his opinion on the questions
raised by the Board of Rev.
as to the power of the Joint
Magistrates of St. Thomas's
Mount to deal with of-
fences created by Act
XIX of 1852.

No. 374

Pamphlet 28