M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No.	582	Press / Mis.
Dated	29.4.	1859.

Not to be folded or roughly handled

582

No. 58. Read the following letter from J. D. SIM, Esq., Secretary to the Board of Revenue; to J. D. BOURDILLON, Esq., Secretary to Govenment, Revenue Department; dated 8th April 1859, No. 1252.

SIR,

I am directed by the Board of Revenue to acknowledge the receipt of Extract Minutes of Consultation 15th Ultimo, R. D., No. 325, forwarding for their report, the Rules in force in the North Western Provinces for the prevention of the sale of liquor to British Troops when marching through a District.

In Consultation 17th March 1859.

2. In this Presidency the Abkary is rented in the Provinces for terms of years and the officers of Government merely determine the places when shops or Stills may be established, and the minimum prices at which liquor may be retailed. The daily rates of sale are not specified in the Licenses. There will be a difficulty therefore in awarding compensation for the closure of shops, in the manner prescribed in Rule 3, but this may easily be surmounted by an alteration to the following effect: Rule 3. "The Tahsildar shall ascertain from the license, cowle or accounts of the shopkeeper or in such other manner as may be practiicable, the average daily sales at the shop for ten days before and after its closure, and the compensation shall be calculated accordingly—10 per cent. being added for loss of profits. If the shopkeeper be dissatisfied with the amount awarded by the Tahsildar, he may appeal to the Collector."

3. The Board would grant this reasonable compensation in all cases and not make it dependent on a shop being closed for more than six hours.

4. The present Renters *might* object to the arrangement as a breach of engagement but the Board do not anticipate any difficulty on this score if equitable compensation be promptly paid, as it will be manifest to the renters that the resort of the men to their shops can be effectually prevented by stringent Military arrangements, if they refuse to close their shops on the proposed terms.

5. When the present Abkary leases expire the closure of shops during the passage of Troops may be made one of the conditions of the engagements—the renters being left to make allowances for this stipulation in their biddings.

6. In the existing leases Government have reserved the power of allowing bodies of Troop on the march or in Camp to be provided with a separate Abkary Contractor, subject to the orders of the Military authorities.

7. With the modification proposed in para. 2 of this letter, the Board see no objection to the promulgation of the rules.

No. 59. ORDER THEREON, No. 582; dated 28th April 1859.

In this letter, the Board of Revenue report on the applicability to this Presidency of the rules* recently promulgated in the North West Provinces by the Commander-in-Chief in India, for preventing the sale of liquor to European Troops on their march. The Board see no objection to the introduction of these rules into this Presidency, with a modification in respect to the mode of ascertaining the compensation to be awarded for the closing of shops.

* *Circular Order, Sudr Board of Revenue, N. W. Provinces, No.* 1, 1*st May* 1857, *para.* 80, *vide Ex. Mins. Cons. (Military Department) 8th March* 1859.

2. In most of the Board's suggestions and opinions the Government fully concur, especially in respect to the liberal treatment advocated in para. 3 of their Proceedings, viz. that the compensation should not be made to depend on the condition of the shop being closed for more than six hours. On one point however the Government think it necessary to obtain some further explanation before disposing of the question; and that is, in respect to the amount of this compensation.

3. If the mode of calculating it, proposed in para. 2 of the Board's Proceedings, signify that a sum of money equal to the full value of the average sales shall be paid to the dealers, and ten per cent on that value in addition, the Governor in Council considers the terms needlessly

liberal. The Board seem to overlook the fact that the former amount will be wholly profit, as there will be nothing given in exchange. The justice therefore of giving one-tenth more in addition is far from being apparent. The Board will be pleased to re-consider this part of their plan; it seems too much to give even the full value of the avarage sales, even allowing for possible sales to camp followers.

4. In considering the question of compensation, it must be remembered that all renters are specially restrained in their own contracts from selling liquor to European soldiers. No consideration therefore of the gain which they might have so derived can enter into the question of compensation.

(Signed) J. D. BOURDILLON,
Secretary to Government.

Revenue Department

No. 582.

Extract from the Minutes of Consultation
Under date the 28th April 1859.

Read the following letter
from the Secretary to the Board
of Revenue.

(Here enter 8th April 1859 No. 1253)

In this letter, the Bd
of Revenue report on the appli-
cability to this Presidency of the
Rules recently promulgated in the
North West Provinces by the Comr
in Chief in India, for preventing
the sale of liquor to European
troops on their march. The Board
see no objection to the introduction
of these Rules into this Presidency,
with a modification in respect to
the mode of ascertaining the compen-
sation to be awarded for closing the
shops. They refer to the system
under which the Abkarry is
rented here, which restricts the

× Circular Order, Sudr Board of Revenue, N.W. Provinces, No, 1st May 57, Para 30. vide E. M. C. (Mily Dept) 8 March 59.

interference of the Govt Officers to merely determining the places and minimum prices at which liquor may be made & sold, and point out that the difficulty may be met by the Madras Tahsildars being empowered to ascertain from the licensees, cash, or accounts of the shopkeeper, or by other practicable means, the average daily sales of the shop for ten days before and after closing it, and thus in order to calculate the compensation to be awarded, adding ~~to the~~ a addition of ten per cent for loss of profits.

2. In most of the Boards suggestions and opinions the Govt fully concur, especially in regard to the liberal treatment advocated in para 3 of their Proceedings, viz that the compensations should not be made to depend on the conditions of the shops being closed for more than six hours. On one point however the Govt think it necessary to obtain some further explanations before disposing of the question; and that is, in respect to the amount of this compensation.

3. If the mode of calculating it proposed ~~compensations specified~~ in Para 2 of the Board's Proceedings ~~aforesaid above~~, signify that a sum of money equal to the full value of the average sales shall be paid to the dealers, and ten per cent on that value in addition, the Govt in Council considers the terms needlessly liberal. The Board seem to overlook the fact that the former ~~first~~ amount will be wholly ~~profit~~, as there will be nothing given in exchange. The justice therefore of giving one tenth more in addition is far from being apparent. The Board will be pleased to reconsider this part of their plan;

it seems too much to give even the full value of the average sales, even allowing for possible sales to Camp followers.

4. In considering the question of compensation, it must be remembered that all venders are specially restrained in their own Contracts from selling liquor to European Soldiers. No consideration therefore of the gain which they might have so de-rived can enter into the question of compensation.

Sales forever to be Cut off of liquor to European troops in Bengal marks.

28/4/59

3 Copies to the Bd of Revn Dispd 7 Apl
7 — Orig Desp with Rd Bs

16 April R 27

Revenue March 59 N° 6768

Revenue 1859 Departt
Dt to Cons 29th April

N° 382.

Extract Mins of Cons.
D/ 28th April 59.
From Bd of Revue 12th May 59
& N° 867 in Cons.

Before disposing of the question on the applicability to this Presidency of the rules promulgated in the North West Provinces for preventing the sale of liquor to European troops on their march requesting some further explanation in respect to the amount of the compensation to be awarded for the closing of shops.

N° 58 & 59.