M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 2329 Press
Mis.

87-88.

Dated 7-12 18 60.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 7th December 1860.

No. 87. Read the following Proceedings of the Board of Revenue, dated 2nd November 1860, No. 5,048:—

Read the following Proceedings of Government, dated 15th August 1860, Revenue Department, No. 1,367.

(In Cons., 16th August 1860, No. 4,042.)

1. In the above order the Board of Revenue were instructed to report on the Abkári arrangements in force at Ootacamund, after reference to the Collector, to the Improvement Committee, and to residents at the station.

2. The Collector's reports and the replies of the "Improvement Committee," and of nine out of the twelve gentlemen to whom the Board applied for information on the subject, are herewith submitted to Government.

3. The Abkári contract of the Neilgherries was sold by public auction for a term of five years, ending with June 1861, and realized Rupees 24,500 per annum for 29 shops. The number of shops at Ootacamund itself is 12, no increase having been allowed since 1844, although the population of the place has nearly doubled since then. The License, a copy of which is herewith submitted, contains all the usual stipulations.

4. It is clear from the above that there is nothing peculiar in the Abkári arrangements at Ootacamund, and that the abuses which are declared to prevail are owing to defects in the Police and Magisterial, rather than the Revenue administration.

5. The Board have carefully perused the letters of the residents consulted by them, and find little in them which the existing law is not fitted to remedy, if it were duly put in force.

6. They will here notice the chief matters of complaint.

7. The amount of the rent is deemed excessive. It certainly is a painful sign of the prevalence of intemperate habits; but if it were lower, the renter's profits would be larger; his inducement to sell would be as strong, and his ability to sell cheap would be greater. Whether the rent be high or low, the renter will always sell as much as he possibly can, for it is his interest to do so. At all events the Collector has no control in the matter, as the highest bidder, if he furnishes the required security, of necessity becomes the purchaser.

8. The number of shops is considered too large. The lease unfortunately contains no provision for reducing the number; but if Government are willing to grant compensation, an arrangement might perhaps be effected with the renter by private agreement. The number of shops, as already stated, has not been increased since 1844, and is now 12; even if reduced by one-half, there would still be a shop within comparatively easy reach of all but the out-lying houses of the Cantonment, and it may be doubted whether there would be any material diminution of drunkenness.

9. It is alleged that the Licensed Vendors sell liquor on credit and for barter. The former practice is not contrary to law, but may very properly be introduced as a condition in all future licenses. The sale of liquor in barter is criminal, and punishable under Clause 8, Section 6, Regulation I of 1820 with fine up to Rupees 200, or, in default, imprisonment for six months.

10. Liquor is said to be illicitly sold by unlicensed persons. This offence is also punishable under Regulation I of 1820 with fine up to 400 Rupees or, in default, imprisonment for one year.

11. The liquor sold is also said to be adulterated with noxious ingredients; the Regulation already quoted assigns imprisonment with hard labor for a period not exceeding three years as the punishment of this offence.

12. Almost all the other complaints made by the residents may be checked by strictly enforcing the Abkári Regulation, and with the new Police and a Magistrate constantly residing on the Hills, there ought to be no difficulty in this respect. It is quite clear, however, that the law has never yet been properly enforced, and criminal practices have been allowed to pass unchecked.

13. In addition to the regular Abkári license, a Mr. James has been allowed a license to sell "good wholesome Beer" in two shops, at Ootacamund. So long as the beer is good and wholesome, this is desirable rather than otherwise, as likely to reduce the consumption of spirits; but the license is defective in containing no penalty for breach of this condition, and no stipulation for entering the premises at pleasure for the purpose of testing the liquor. Mr. James, however, also manufactures and sells a liquor which he terms "Ginger Wine," but which in reality is highly spirituous. So long as he sells what can justly be termed wine, no license is necessary, nor under the ruling of the Foujdári Adálat can the Collector interfere; but the enclosed sentence of the Sub-Judge passed under Clause 9, Sections 6 and 15, Regulation I of 1820, will, it is hoped, deter him and his agents from selling what is really a spirituous liquor, under the designation of Ginger Wine.

14. In making the above remarks the Board do not mean to imply that the residents' complaints regarding the Abkári are groundless; but that if the law is properly administered, the irregularities they describe may to a great extent be prevented.

15. The Board believe that the demoralised condition of the Native population of the Hills is owing to other causes besides defective Abkári arrangements.

16. The most effectual remedy for the present state of matters at Ootacamund would be to give the residents quicker and easier means of obtaining redress for grievances than our present Civil and Criminal procedure afford. It is not necessary, nor is it expedient that heavier penalties should be attached to crimes on the Hills than to crimes elsewhere, or that less proof of guilt should be accepted there; that acts should be constituted offences there which are not offences in other places; or that any procedure necessary to attain justice should be omitted. What is wanted is merely means, suited to the circumstances and position of the people, of obtaining redress. It is idle to tell the master who is resident for a few months, that he may prosecute a recusant mechanic or a servant who has broken his engagement by a Civil suit, which may be appealed to higher Courts, and must, under any circumstances, be a tedious matter. On the other hand, it is futile to tell a servant or a laborer, with scarcely a Rupee in his possession, that he may recover wages unduly withheld from him by the same process. The want of suitable means of obtaining redress for these every-day grievances, has a most injurious effect on all parties. No doubt special laws are to be avoided as a general rule, but such laws exist in the Presidency towns, and it is better to choose the lesser evil of a special law, or rather of a law of procedure restricted to particular localities, than to leave matters on the Hills in their present unsatisfactory condition.

17. The letters herewith submitted contain many valuable suggestions on the detail arrangements of the Abkári, and the Board propose sending them to the Collector and to Mr. Nesbitt for their information. It will be left to the Collector's discretion to adopt at once such of these suggestions as do not contravene the Regulations, or the term of the existing contract, and all should be carefully considered when the time arrives for fresh arrangements.

(A true Extract.)

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

No. 88. ORDER THEREON, 7th December 1860, No. 2,329.

1. In these Proceedings the Board reply to the Order of Government of 15th August 1860, No. 1,367, wherein a report was called for on the existing state of things in connection with the Abkári contract at Ootacamund.

2. This requisition had its origin in a Report* of a Committee appointed at a meeting of the inhabitants of Ootacamund, for the purpose of taking steps towards the redress of grievances under which the residents generally were suffering.

* *Enclosure to G. O. 31st July* 1860, *No. 960, Judicial Department.*

3. The first resolution passed referred more especially to "the insolence, fraud and "drunkenness of domestic servants;" and these evils, the Committee observed (Report paragraph 2) were "mainly due to working of the Abkári Department, and the inefficiency "of the Police."

4. The Board were desired, after having procured information from the Collector of Coimbatore, the Improvement Committee, and individual members of the community to report:—

(1.) On the number of Arrack and Toddy shops now established at Ootacamund, and the regulations existing for the prevention of drunkenness, riots, reception of stolen goods, &c.

(2.) Whether any increase has been made in the number of shops during the last ten years, and if so, whether the European residents were consulted about it.

(3.) What change of system is desirable with the view of checking the abuses complained of.

5. They now forward with their remarks several letters from officials and private individuals, fully showing the faults of the system as at present carried out, and containing a variety of suggestions for their removal.

6. As to the *first* point, it is shown that the present contract of the Neilgherries for five years, and which terminates with June 1861, was sold for Rupees 24,500 per annum, for 29 shops, of which 12 are at Ootacamund itself. The usual license, containing the stipulations prescribed by Regulation I of 1820, was granted to, and Moochilka executed by, the renter; in other words the renter is bound both on his own behalf as well as for his sub-renters, to abide by the provisions, and, in case of breach, to endure the penalties of that Regulation. It is clear then, as the Board observe, that as far as the Revenue administration is concerned, all checks hitherto in force in the Districts generally, have been rendered available, and that any defect observable in practice must be from want of proper supervision on the part of the Police.

7. On the *second* question, it is stated that no increase has been allowed in the number of shops at Ootacamund since 1844, though the population of the place has nearly doubled since then.

8. Referring to the *third* point the Board do not consider, apparently, that much good would result from merely diminishing the number of shops. The first remedy that suggests itself is a strict enforcement of the Abkári Regulation. It is quite clear, they observe, that most of the offences complained of, could be easily checked in this way; but they would proceed further, and would obtain a legislative enactment by which all classes, both masters and servants, would be enabled to find that redress which, under the peculiar circumstances existing at Ootacamund, it is next to impossible for the present machinery to afford.

Proceedings under review, paragraph 16.

9. It would be, the Government fear, of no use applying for an enactment such as is intended by the Board. The papers before them show, moreover, that anomalies and abuses which now exist may be remedied without a recourse to any but the simplest measures.

10. The first anomaly is the distinction apparently allowed between the liquors mentioned in Regulation I of 1820, and "Wines." A Mr. James, it appears from paragraph 13 of the Board's Proceedings, has been in the habit of manufacturing and selling at Ootacamund, without license, a liquor which he styles "Ginger Wine," but which has been proved on the clearest evidence, to contain a large quantity of alcohol. Even this last circumstance, does not, in the opinion of the Court of Foujdári Adálat, bring the article in question under the prohibition contained in Section 3 of Regulation I of 1820. That Section declares it illegal to *manufacture* or *sell* "fermented liquors" otherwise than "in conformity with the provisions of this Regulation." The proceedings of the subordinate Court of Ootacamund in Criminal case No. 17 of 1860, show clearly that Mr. James' "Ginger Wine" was not only a *spirituous* but a *fermented* liquor of an intoxicating quality and the Government are therefore at a loss to understand how the Foujdári Adálat excluded it from

Proceedings Foujdári Adálat, dated 25th August 1860.

not the papers at hand, but they could be obtained from the Collectors Office - The occurrence was in 1846 or 1847 -

2.- All the small Beer shops should I conceive be put down at once & ~~at~~ command - Beer is not a liquor which Natives require & the licenses are used as a cloak for selling strong drink - Any restriction would not interfere with the sale of Beer by licensed European Shopkeepers -

3.- Another necessary reform is to diminish the number of toddy & arrack shops - Some of the shops in the most objectionable localities might be stopped at once, compensation being given to the Contractor, & when the present contract expires (in June 1861 ~~& March~~) their number might be further reduced, after consultation with the Collector & Supt of Police - A large number of shops (such as now exist) undoubtedly excite a love of drinking, and prevent the Police exercising a proper surveillance over them -

6 - When the Abkarry is next farmed out other essential improvements should be made - The sale of liquor on credit as well as for barter should be prohibited under a penalty in the license and care should be taken to fix on proper sites as well as buildings for the Shops - The Shops should be in public places, where the frequenters of them would be well seen & where the Police must have a ready view of all that passes in them - The discouragement thus given to drinking especially among the more respectable classes ~~is great~~ has been ascertained in many places. The Shops should be packed buildings - with no backdoor or windows, & approachable only in front - This is of great consequence in preventing stolen goods being bartered for liquor - It would be well worth the while of Govt to construct buildings for the purpose on an approved plan charging a fair rent for them -

7.- This appears to me all that can be done, since the existing laws, if duly exercised, furnish the sale of liquor at forbidden times & places, its adulteration, its being bartered for grain or goods, & its being sold below the minimum price, - Shopkeepers also who permit Drunkenness in their Shops, or let them become the resort of bad characters are liable to punishment -

6 - I would not interfere with the Coffee Shops, or with the sale of liquor on Market days as some of the Residents suggest - The new Police must be looked to for preventing abuses in these two respects -

7.- I should not also anticipate advantage from making the Abkarry leases shorter, or from putting up the Shops to competition separately,

8 - The Collector has, I presume, with Reason the license which he gave to Mr Jones.

9 - The precautions which I have suggested in P5 & 6 are applicable to all places & they should certainly not be neglected in such a peculiar & important a Station as Otaheite.

E & K. 1/60

E Hq

6

Memo.

With reference to paras 2 and 3 of the Honble Mr Maltby's Minute on "Abkari at Ootacamund", I w.d beg to explain that in drafting these Proceedings I have omitted all mention of the *refusal of the Foujdári Adálat to prohibit the sale of beer without a license, because it appeared from their ruling sent up by the Magistrate of Coimbatore that only wine was referred to: and further, it is clearly stated in the Board's C.O. Book. Vol. 1. Page. 188 - Notes 1 & 2; that the unlicensed sale of beer is

*alleged

R. Rec. 20. Augt 1860
No. 176-177.
21st August 1860
No. 254-255.
J.H.

No. 87.

C. Mons. Rg 29th C 19th P. 223

Rev. 1860 Department
Pro. of Govt [illegible]
Proceedings of the Board of Revenue
Dated 2 } November 1860
Recd 3
Encl 12 of letter
19 Encls. Returned No. 5018

Reporting on the Abkarry Arrangements in force at Ootacamund, after reference to the Collector, to the Improvement Committee and to residents at the station, as required by Government in their Proceedings, dated 15th August 1860 R.D. No. 1367.

No. 2329. 7th December

I do not see that there is any thing that can be done — A copy of the Board's proceedings should be sent to the Coll. & I think to ask who has [illegible] the proceedings, & how what can & what can not be done — It would be [illegible] of [illegible] applying for such an [illegible] as the [illegible] for the [illegible] the [illegible] of their report.

W.H.

See separate paper

Forbidden by Sec. III. Reg. I of 1820.

E.G.H.
Nov. 17.

To J. D. Sim Esq.
Secretary to the Board of Revenue
Madras

Sir

I have the honor to acknowledge the receipt of an extract from the Proceedings of the Board of Revenue No. 3.824. dated 21 Augt. 1860 regarding the working of the Abkarry System at Dolacamund and in reply I beg to offer a few observations and suggestions on the subject.

The Arrack contract at Dolacamund has been let to a Native for the term of 5 Years, which term expires in 1861. He has been permitted to sell Spirits at no less than 12 Shops, and as far

10

as I can learn, he has not been required to conform to any particular regulations. Deleterious drugs are mixed with the Arrack, and it is sold on credit - or exchanged for any Article of value, whether stolen or otherwise, that may be tendered to the Shop - The Shops are nominally closed at night, but as they have back doors, parties desirous of obtaining Arrack can procure it at all hours - There are also four Beer Shops, where a beverage is sold almost as pernicious as the Arrack -

It appears to me, that the wants of this Place would be amply supplied by two Shops - One in the Bazar, the other in the Village of "Kandeli" - I would suggest, that these Shops be placed in conspicuous situations, and that they should have no back doors. The front should be glazed, so as to permit the Police to see all that goes on within. No Arrack should be sold except for ready cash - and means should be taken to prevent the infusion of pernicious drugs in the Arrack or Beer - and if the law admits of it - parties observed drunk on the roads should be fined or imprisoned - No class of persons would benefit by these restrictions so much as the Native Servants themselves - I am acquainted with many of them, who are ordinarily respectful and obliging, but who become quarrelsome and mischief

to a degree after drinking one a glass or two of the abominable liquor sold there, and for days after they are utterly reckless of consequences. In fact such is the state of things here, that the friendly feeling evinced in former days towards the native servants is almost entirely

I have the honor
to be Sir
Your most obt. Sl.
R. C. Hadfield Sr. Col.

Aldecamund
3. Sept. 1860.

Orig.l to Gov.t & Rec.d to
Coimbatore & Secretary
Improvement Comm.e
2.d November 1860.

A 4494.

From
Lieut.t Col.l Cadfield
Ootacamund
dated 3 Sept.r 1860
Rec.d 8 " "
Replied 8 " "

C.
2478/60

Submitting his
sentiments regarding
the working of the
Akkany system
at Ootacamund.

24500

11 வது 1844 ஒக்டோபர் 6 வது

12 வது

13 வது

14 வது

15 வது

In a letter from the
Collector of Caribatoo
Dt. 3d. October 1860 Rt. 187

P 247 8/60

Mooche Lebah Sarah
by the Abkary
Contractors of the
Sailsbury Labour

Sitto 5 5150 500

[illegible] [illegible] 2042 " " [illegible] 2042

[illegible] [illegible] 2042 " "

[illegible] 2041 " "

[illegible] 2041 " " [illegible] 2042 " "

24500 " "

[illegible]

2 [illegible]

3 [illegible]

4 [illegible]

5 [illegible]

[illegible]	[illegible]	[illegible]	[illegible]
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[illegible]	1	[illegible]	1
[illegible]	1	[illegible]	1
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[illegible]	1	[illegible]	1
[illegible]	1	[illegible]	1
[illegible]	2	[illegible]	1
[illegible]	1	[illegible]	1
[illegible]	1	[illegible]	1
[illegible]		29	

[illegible]

1	4	0
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[illegible]
[illegible] 1832 [illegible] 7 [illegible]
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[illegible] 3 1/2 [illegible]
[illegible]
[illegible] 1856 [illegible] 5 [illegible]

(Signed) E. B. Thomas
Collr

[illegible]
[illegible]
[illegible]

1856 [illegible] 25 [illegible]

(Signed) E. B. Thomas
Collr

Sd Thomas
Collr

True Copy
C. R. Cuttr.

Rev Dept

№ 2329

Proceedings of the Madras Government
Under date the 7th December 1860.

Read the following
Proceedings of the Board of
Revenue.

Reporting on the Abkary Ar-
rangements in force at Colaramund,
after reference to the Collector, to the Im-
provement Committee and to precedents
at the Station, as required by Government
in their Proceedings dated 15th August 1860
R. D. № 1367.

Here enter 7th Nov 1860 № 5018.

1 In these Proceedings the
Board reply to the order of Govt
of 15th August 1860, № 1367, wherein
a report was called for on the exist-
ing state of things in connection
with the Abkari contract at
Colaramund.

2 The requisition had its
origin in a report of a Committee
appointed at a Meeting of the inha-
bitants of Colaramund, for the
purpose of taking steps towards
the redress of grievances under
which the residents generally
were suffering.

3 The first resolution passed
referred

Enclosure to G. O. 31st July 1860
№ 960 F. S.

referred more especially to the
insolence, fraud, and drunken
ness of domestic servants; and
these evils, the Committee observed
(Report para 2) were mainly due
to the working of the Abkari dept, and the
inefficiency of the Police.

4 The Board were desired,
after having procured information
from the Collector of Coimbatore, the
Improvement Committee, and
individual members of the
community to report

(1) On the number of Arrack and Toddy
shops now established at Potacamund,
and the regulations existing for the preven
tion of drunkenness, riots, reception of
stolen goods &c.

(2) Whether any increase has been made
in the number of shops during the last
ten years, and if so, whether the European
residents were consulted about it.

(3) What change of system is desir
able with the view of checking the
abuses complained of.

5. They now forward with their
remarks several letters from officials
and private individuals fully
shewing the faults of the system
as

Nilgherries

as at present carried out, and
containing a variety of sugges
tions for their removal.

6 As to the first point, it
is shewn that the present con
tract of the Nilgiris for 5 years,
and which terminates in the
June 1861, was sold for Rupees
24,500 per annum, for 27 shops
of which 12 are at Potacamund
itself. The usual license, con
taining the stipulations pre
scribed by Reg. I of 1820, was
granted to, and also the Abkaree
executed by the renter, in
other words the renter is
bound both on his own
behalf as well as for his
sub renters, to abide by the
provisions, and, in case of breach,
to endure the penalties, of that
Regulation. It is clear then,
as the Board observe, that
as far as the Revenue adminis
tration is concerned all checks
in the districts generally,
hitherto in force have been
rendered ~~of no effect~~ inoperable; and that any defect
observable in practice

must

must be from want of proper supervision on the part of the police.

7 As the second question, it is stated that no increase has been allowed in the number of shops at Colaca-mund since 1844, though the population of the place has nearly doubled since then.

8 Referring to the third point the Board do not conside, apparently, that much good would result from merely diminishing the number of shops. The first remedy that suggests itself is a strict enforcement of the Abkari Regulation. It is quite clear, they observe, that most of the offences complained of, could be easily checked in this way; but they would not proceed further,

and

and would obtain a legislative enactment by which all classes, both masters and servants, would be enabled to find that redress which, under the peculiar circumstances existing at Ootacamund, it is next to impossible for the present machinery to afford.

9 It would be, the Government fear, of no use applying for an enactment such as is intended by the Board. The papers before them shew, moreover, that anomalies and abuses which now exist may be easily remedied without a recourse to any but the simplest measures.

10 The first anomaly is the distinction apparently allowed between the liquors mentioned in Reg: I of 1820,

and

and "wines". At Mr. James, it appears from Para 13 of the Board's Proceedings, has been in the habit of manufacturing and selling at Ootacamund, without license, a liquor which he styles "Ginger wine", but which has been proved on the clearest evidence, to contain a large quantity of alcohol. Even this last circumstance, does not, in the opinion of the Court of Fouzdari Adalat, bring the article in question under the prohibition contained in Sec: III of Reg I of 1820. That section declares it illegal to manufacture or sell "fermented liquors" otherwise than "in conformity with the provisions of this Regulation". The proceedings of the subordinate Court of Ootacamund in Criminal case No 170 of 1860 shew clearly that Mr James' "Ginger wine" was not only a spirituous but a fermented liquor of an intoxicating quality and the Govt are therefore at a loss to understand how the Fouzdari Adalat it excluded from the operation of the law. The wording of the Regulation

Proceedings Fouzdari Adalat dated 25 August 1860

seems to be sufficiently explicit, and there can be no doubt as to its intent. In England and other countries, not only distilled spirits, but fermented and intoxicating liquors are placed under restrictions as to their sale, and both wine and beer come under the latter head. If the present law cannot check the unlicensed sale of fermented and intoxicating drinks, no time should be lost in obtaining a new one. The Governor in Council will, however, in the first instance instruct the Govt Pleader to move the Court of Fouzdari Adalat to reconsider their ruling on this subject. Copies of the papers alluded to in this paragraph will be furnished him for that purpose.

11

One necessary reform is to diminish the number of toddy and arrack shops. Some of the shops in the most objectionable localities might be stopped at once, compensation being

and his attention will be called to the interpretation of the Fouzdary Adawlat dated 3 March 1846 (see Official Gazette of 1846 Page 350) which ruled that Beer being a fermented & intoxicating liquor, could not be sold without a License. The Govt are unaware why a different construction should be placed upon Sect 3 Reg I of 1820 in respect of wines.

the licenses appear to be used as a cloak for selling strong drink. This course will not interfere with the sale of beer by licensed European shops keepers.

14. The Govt will not, as suggested by some of the Residents, interfere with the coffee shops, or with the sale of liquor on market days. The new Police must be looked to for preventing abuses in these two respects. They do not, moreover, anticipate advantage from making the Abkhari leases shorter, or from putting up the shops to competition separately.

15. The foregoing appears to the Governor in Council to be all that is necessary, since the existing laws, if duly exercised, punish the sale of liquor at forbidden times and places, as well as its adulteration, its exchange for grain or goods, and its sale below the minimum price. Shopkeepers also who permit drunkenness in their shops, or let them become the resort of bad characters are liable to punishment.

16. The Government presume that the Collector has withdrawn the license which he granted to Mr James. If not, no time should be lost in doing so.

C J Lu

12 Copies. Boards of Revenue with 19 Enclr Circ. No
1 " Government Pleaders Copy of the Proc. No
4 " Judicial Department

I. D. S

Copy in a Letter to England
Dy 11th April /61 No. 55.

(7)

Abkary arrangements at Dolacamund

Revenue 1860 Departt.
Pro: of Govt. for December

No 2329.

Pro: of the Madras Govt.
Dy 7th December 1860

From Grant Reader Esq.
Dy 11th July /61 C.T. 1869 in pro.
(Reference to Para 8 of the order) 24th July to 1st Aug 1861
Pro: of the Bd of Rev. 18th Oct
Cs 4950 in 14th Oct 25th 1861

Passing orders on the Board's report on the state of things in connection with the Abkari Contract at Dolacamund.

No 87 to 88.

Cy 19th Nov. R. 22d