M.R.O. 14—10,000—21-4-22.

# MADRAS RECORD OFFICE.

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## Government of Madras.

Revenue DEPARTMENT.

G.O. No. 815 Press ~~Mis.~~

3-4

Dated 21 - 5 - 1860.

***Not to be folded or roughly handled***

*Proceedings of the Madras Government, Revenue Department, for the month of May* 1860.

No. 3. Read the following Proceedings of the Board of Revenue, dated 7th May 1860, No. 2,222 :—

Read letter from the Collector of Madras, dated 29th March 1860, No. 60.

(In Con., 2nd April 1860, No. 1,464.)

*In Con., 5th March* 1860, *No.* 1,051.

1. Resolved, that the above letter be submitted to Government, with reference to their Order, dated 3rd March last, Revenue Department, No. 342.

2. In the above letter Mr. Cunliffe reports that the forms of Licenses in use in Bombay are in several respects inapplicable to the Ábkári system of this Presidency, and that except in one particular, he cannot recommend their adoption here.

3. The Board have carefully considered the Bombay Licenses, and concur in Mr. Cunliffe's opinion. The Madras forms seem to the Board perfectly intelligible, and as they have answered well in practice, a change merely for the sake of somewhat simpler phraseology is unnecessary.

4. The exception above referred to is the provision limiting the time during which the liquor shops may be kept open, and the Board concur with Mr. Cunliffe in considering that this rule should hereafter be adopted in Madras.

(A true Extract.)

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

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No. 4. ORDER THEREON, 21st May 1860, No. 815.

1. Under the circumstances stated the Governor in Council considers it inexpedient to alter the Madras licenses except to the extent recommended by the Board.

2. The Board of Revenue will report for approval, after communication with the Commissioner of Police, the hours for closing the shops, proposed to be inserted in the licenses. The hours now followed in practice appear to Government to be unduly late, especially in the case of the Colombo Arrack shops. The cause of the difference between these shops and those Putta Arrack, is not apparent.

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

In Con., 2nd April 1860, No. 1,464.

From B. CUNLIFFE, Esq., Collector of MADRAS,
dated Madras, 29th March 1860, No. 60.

I have the honor to reply to the Board's Proceedings, 7th instant, No. 1,171.

2. The Commissioner of Police is the best judge of the conditions necessary in a license for Police purposes; but the forms submitted with the Board's Proceedings under reply, will certainly not suit our fiscal arrangements, which involve revenue to the amount of 8½ lacs of Rupees.

3. As the Commissioner remarks, the phraseology of our Police license might be more simple. In Bombay it was probably prepared by some practical man, who reached his object by the shortest road; whereas here the duty was committed to lawyers, who used their own language, "Düs hominibusque invisum."

4. The provisions of the Abkari Act and of the pre-existing license were, however, kept in view, and were embodied in the Madras license, and though they may be expressed in the set form of the Bombay license, they cannot be modified and brought down to the latter, without a great falling off in the Abkari revenue.

5. Here a shopkeeper, before taking out the Police license under Act XIII of 1856, must first obtain the license of the Collector, and when the latter is withdrawn, the former is void; but as there is no allusion in the Bombay form of any system of excise, or of a law regulating the same, I know not whether they are dependent there, as here, on the previous license of the revenue authorities.

6. However, to show more particularly the grounds upon which the Bombay license is unsuited to the Madras Abkari, I will take one of them, that for an Arrack shop, and go through its provisions, *seriatim*.

7. In the preamble, permission is given to sell, "spirituous and fermented liquors;" it is not clear from this whether such liquors, other than that for the sale of which the shop is professedly licensed, may be sold. Here they cannot, and it would be ruinous to our revenue if such a custom prevailed.

8. Such transfer is allowed here, and the contrary would appear an unnecessary interference with a man's private affairs. The change cannot take place without the cog-
Rule 2. nizance of the Collector and of the police, for a fresh license must be obtained, or the shopkeeper takes the consequence of selling without one.

Rule 3. 9. Provided for by Section XVIII, Act XIX of 1852.

10. Our license prohibits adulteration or deterioration of the liquor sold, and in the arrack shops, which all receive their supply from the Government, the liquor is periodically
Rule 4. tested, and if found below the strength at which it was issued, the shopkeeper is punished.

Rule 5. 11. Provided for in the Madras license.

12. Wanting in our license; the Commissioner can say whether such a precaution is neces-
Rule 6. sary. How is the shopkeeper to know a "suspected" person, or rather, how can proof of this knowledge be brought home to him?

13. Wanting in the Madras license, though if a Police officer suspects irregularity, he can
Rule 7. easily procure an Abkari officer to enter and inspect the shop under Section XVII of the Abkari Act.

Rule 8. 14. The same in the Madras license.

15. No prohibition here against selling to Police officers and Native soldiers, and if specified would be inoperative. These men can only be identified in official dress, and
Rule 9. when frequenting a liquor shop would be in undress. Our license disallows the knowingly selling liquor to any person under 12 years of age, or to any European soldier or sailor.

16. These periods not mentioned in the Madras license but it is desirable that they should be, and the license for next year might contain a clause to that effect. In practice,
Rule 10. the putta arrack and toddy shops are closed at 10 P. M., and the Colombo arrack shops at midnight.

17. Not alluded to in the Madras license. Under the circumstances in question, the
Rule 11. shopkeeper would probably close his shop for his own safety.

Rule 12. 18. Provided for in the Madras license.

19. I will now state certain rules which are entered in the Madras license, but not to be found in the Bombay form.

20. Here no arrack or toddy shopkeeper can sell more than one quart of these liquors at one time, and under the Act, no person can legally possess more than this quantity without a pass from the Collector. These are very necessary rules, and in their absence our revenue would fall considerably.

21. Our license also prohibits the use of measures not of legal standard, a proper restriction, for as it is, owing to notches and holes in the rim of the measure and other contrivances, the purchaser seldom obtains the equivalent for his money.

22. The only portion then of the Bombay form which I would adopt is the entry in the license of the hour of opening and closing the shop.

23. If the Commissioner of Police wishes the wording of the license to be more simple, I see no objection to this course; but should he alter it, I hope that I shall be allowed an inspection of the proposed form before it is issued.

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Exd. J. Tulloch.

No. 2,222.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 7th May 1860.

Read letter from the Collector of Madras, dated 29th March 1860, No. 60.

(In Con., 2nd April 1860, No. 1,464.)

Resolved, that the above letter be submitted to Government,
In Con., 5th March 1860, No. 1,051. with reference to their Order, dated 3rd March last, Revenue Department, No. 342.

2. In the above letter Mr. Cunliffe reports that the forms of Licenses in use in Bombay are in several respects inapplicable to the Abkárri system of this Presidency, and that except in one particular, he cannot recommend their adoption here.

3. The Board have carefully considered the Bombay Licenses, and concur in Mr. Cunliffe's opinion. The Madras forms seem to the Board perfectly intelligible, and as they have answered well in practice, a change merely for the sake of somewhat simpler phraseology is unnecessary.

4. The exception above referred to, is the provision limiting the time during which the liquor shops may be kept open, and the Board concur with Mr. Cunliffe in considering that this rule should hereafter be adopted in Madras.

(A true Extract.)

*Secretary.*

To J. D. Bourdillon, Esq., Secretary to Government, R. D., with 8 Licenses.

Copy to B. Cunliffe, Esq., Collector of Madras and Chingleput.

Exd. J. Wright.

Pro: 10th May/60 Nos 34 & 35

Revenue 1860 Depts
Pro. of Govt 31st May
No 987

Proceedings of the
Board of Revenue

Dated 7th
Despd 10 } May 1860.
Recd 11
E.I. wita 6 Encls -
No 2222.
3 Encls

Rij. Pro 31st May/60.
No 31.

Submitting with the Board's remarks a letter from the Collector of Madras reporting that the forms of Licenses in use in Bombay are in several respects inapplicable to the Abkarry system of this Presidency.

No 815. 21st May/60
With an order

No 815.

1. Under the circumstances stated the Governor in Council considers it expedient to alter the Madras licenses except to the extent recommended by the Board.

2. The Board of Revenue will report for approval, after communication with the Commissioner of Police the hours proposed to be inserted in the licenses for closing the ~~closing the shops~~ The hours now followed in practice appear to Government to be unduly late, especially in the case of the Columbo Arrack shops. The cause of the difference between the hours for these shops and those for Putta Arrack is not apparent.

Fort St. Geo:
21st May 1860

11 Copies. Board of Revenue Dispe 22
7 " Commissioner of Police with 8 Encls from Collr of Madras

No 3 & 4.

C14 Entry R17