M.R.O. 14—10,000—21-4-22

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 2138	Press ~~Mis.~~
603 104	
Dated 8-11-	18 61.

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 8th November 1861.

No. 103. Read the following letter from W. HUDLESTON, Esq., Secretary to the Board of Revenue, to J. D. SIM, Esq., Secretary to Government, Revenue Department, Fort Saint George, dated Chepauk, 11th October 1861, No. 5,551 :—

SIR,

1. I am directed by the Board of Revenue to request you will submit the accompanying correspondence for the consideration of Government, with the Board's recommendation that measures be taken to restrict the unlicensed sale of imported Wines and Beer.

From	Sudder Adálat,	11th September	1850, No.	2,319.
To	do.	29th August	1850, ,,	1,765.
To	do.	19th July	1861, ,,	3,840.
From	do. 7th in Cons.	8th August	1861, ,,	4,984.

2. In conformity with the opinion expressed in their Proceedings herewith submitted, the Judges of the Sudder Court, on 3rd September 1861, published a ruling to the effect that Foreign "or imported Wines and Beer are not embraced by Regulation I of 1820, no allusion being "made in Section 5 to Wines or other fermented liquors of foreign manufacture, though foreign "spirits are expressly specified."

3. The Board are of opinion that the correctness of this ruling is open to much doubt, especially when Section 5 of the Regulation is read in connection with Section 3 in which last Section no distinction whatever is drawn between foreign and country liquor, while in Section 5 if the established rule of disregarding the arbitrary punctuation of printers in interpreting written laws be observed, and the primary object of the Regulation kept in view, there seems no reason to doubt that the bearing of the epithets "foreign or country" was not intended to be limited to *spirits*.

4. The more reasonable interpretation appears to the Board to be that the exclusive privileges reserved by the Regulation are the *manufacture* of all country spirits and fermented liquors, and the *retail sale* of all foreign or country spirits fermented liquors, without exception.

5. To place the point beyond doubt, the Board direct me to submit their opinion that a brief enactment should be obtained prohibiting the unlicensed retail sale of all Spirits, Wines, Beer and intoxicating liquor whatever.

6. With the extension of the Railways, the number of Hotels and Refreshment rooms in the Provinces must increase, and in the Board's opinion it is most necessary that the hands of the Police and Magistracy should be strengthened by such a law, as the Board have ample reason to know that under the names of Wine and Beer, a very intoxicating beverage can be sold and much demoralization thereby caused, while though the liquor may be strongly alcoholic, the difficulty of obtaining a conviction for dealing in spirituous liquors may be found insuperable.

No.104. ORDER THEREON, 8th November 1861, No. 2,138.

1. The Governor in Council concurs with the Board; but in lieu of the special Act proposed by them he would prefer that the entire Ábkári Law of the Provinces should be revised, amended and consolidated.

2. The Board will communicate with the Government Pleader on the subject, and submit the draft of a local Act for the consideration of Government. The Board will embody in their draft such improvements as their experience of the Ábkári system of this Presidency may suggest; and they will also consult the Laws of the other Presidencies and of England.

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

Register Sudder Udalut.

In the "Interpretation" of the Sudder Udalut, published at page 350 of the Fort St. George Gazette of 1846, it is ruled "that Beer, being a fermented as well as an intoxicating liquor, comes within the class of Spirituous liquors, the unlicensed Sale of which is forbidden by Section III, Regulation I of 1820".

The Board of Revenue desire me to Solicit the opinion of the Sudder Udalut whether Wines come within the same Class of Spirituous and fermented liquors."

29th August 1850.

/Signed/ W. H. Bayley
Secretary.

/True Copy/

Dalyell
Sub Secretary.

No. 5,551.

From W. HUDLESTON, Esq., Secretary to the Board of Revenue,

To J. D. SIM, Esq., Secretary to Government, R. D.

SIR,

1. I am directed by the Board of Revenue to request you will submit the accompanying correspondence for the consideration of Government, with the Board's recommendation that measures be taken to restrict the unlicensed sale of imported Wine and Beer.

From Sudder Adalut 11th Sept. 1850, No. 2,319.
To do. 29th Aug. 1857, „ 1,765.
To do. 19th July 1861. „ 3,840.
From do. 7th in cons. 8th Aug. 1861, No. 4,984.

2. In conformity with the opinion expressed in their Proceedings herewith submitted, the Judges of the Sudder Court, on 3rd September 1861, published a ruling to the effect that 'Foreign or imported Wines and Beer are not embraced by Regulation I of 1820, no allusion 'being made in Section 5 to Wines or other fermented liquors of foreign manufacture, though 'foreign spirits are expressly specified."

3. The Board are of opinion that the correctness of this ruling is open to much doubt, especially when Section 5 of the Regulation is read in connection with Section 3 in which last Section no distinction whatever is drawn between foreign and country liquor, while in Section 5 if the established rule of disregarding the arbitrary punctuation of printers in interpreting written laws be observed, and the primary object of the Regulation kept in view, there seems no reason to doubt that the bearing of the epithets "foreign or country" was not intended to be limited to *spirits*.

4. The more reasonable interpretation appears to the Board to be that the exclusive privileges reserved by the Regulation are the *manufacture* of all country spirits and fermented liquors, and the *retail sale* of all foreign or country spirits and fermented liquors, without exception.

5. To place the point beyond doubt, the Board direct me to submit their opinion that a brief enactment should be obtained prohibiting the unlicensed retail sale of all Spirits, Wines, Beer and intoxicating liquor whatever.

6. With the extension of the Railways, the number of Hotels and Refreshment rooms in the Provinces must increase, and in the Board's opinion it is most necessary that the hands of the Police and Magistracy should be strengthened by such a law, as the Board have ample reason to know that under the names of Wine and Beer, a very intoxicating beverage can be sold and much demoralization thereby caused, while though the liquor may be strongly alcoholic, the difficulty of obtaining a conviction for dealing in spirituous liquors may be found insuperable.

I have the honor to be,
Sir,
Your most obedient servant,

W. Hudleston
Secretary.

REVENUE BOARD OFFICE,
Chepauk,
11th October 1861.

Copy to C. F. Chamier, Esq., Registrar Sudder Adalut.

Exd J. Wright.

(5)

Revenue 1861 Department.

Pro: of Govt for Nov.

No: 2566

From The Secretary to the Board of Revenue,
To The Secretary to Government R. D.

Dated 11*th October* 1861.
Despatched. 29 Oct
Received. 30 Oct

Encl 4 - No 1 each.

From the Madras Legislature
Dep 7 11th Nov 63 No 2809

No. 5,551.

Submitting for consideration certain correspondence and recommending that measures be taken to restrict the unlicensed sale of imported Wines and Beer.

No 103 & 104-

No 7138. 8th November

with enclosures

Encl 2 Nov 26th

No 2138

The Governor in Council, concurs, with the Board, but in lieu of the Special Act proposed by them he would prefer that the entire Abkary Laws of the Provinces should be revised, amended and consolidated.

The Board will communicate with the Govt thereon the subject and submit the draft of a local Act for the consideration of Govt. The Board will enclose in their draft such improvements as their experience of the Abkary System of