M.R.O. 14—13,000—27-9-24.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 979	Press ~~Mis.~~
92-93	
Dated 8-6-~~19~~1864	

Not to be folded or roughly handled

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Proceedings of the Madras Government, Revenue Department, 8th June 1864.

No. 92. Read the following Proceedings of the Board of Revenue, dated 14th May 1864:—

Read the following letters from the Collector of Ganjam, dated 23rd and 27th April 1864, Nos. 67 and 70.

1. Ordered that the above papers be submitted for the consideration of Government in connection with the Abkarry Bill now before them. The Board have instructed the Collector by telegraph to limit the new lease of the Abkarry Farm to one year from the end of this Fusly, so that any changes that may be effected in the Law may be introduced at an early date into practice.

2. The Collector has not taken any notice of the power reserved to the Board in Section 27 of the Bill to declare unlicensed domestic manufacture to be illegal when they see cause for doing so, as for instance when illicit *sales* under the guise of domestic consumption are found to interfere with the public revenue or to promote habits of excess, and the Board are of opinion that this provision is sufficient to protect the public interests without violating private rights.

3. Mr. Forbes declares that "the withdrawal of the restriction" (*on the use of Toddy trees on private land by the owner*) "involves a surrender of revenue, and that this *sacrifice* is the consequence of a marked departure from those prohibitive and protective Rules which are absolutely necessary to guard and enforce a monopoly of any kind."

4. On this the Board need only remark that the rule to which Mr. Forbes refers, was not only unsanctioned by the Law, but was directly opposed to the Law. Section 17, Regulation I. of 1820, expressly declares that no Government Officer or Renter shall have any right of control over, or of interference with, the owner or occupier of any private garden or ground bearing Palm trees except to prevent the *sale* by unlicensed persons of Toddy drawn therefrom.

5. When, therefore, the Board discovered that throughout the Northern Circars, it had been the practice to place all private Palm trees at the disposal of the Abkarry Renter without in any way consulting the wishes or guarding the rights of the owners, they had no alternative but to prohibit the practice as not only oppressive and unfair but as positively illegal.

6. So far as the Board know, the practice had never prevailed in the Southern Districts, nor had its absence been deemed an evil, but there is reason to believe that the Ryots were not generally aware that the Law did not prohibit them from drawing Toddy without license from trees on their own land for domestic use, and it may very possibly be the case that the more general knowledge of this fact which now exists will lead or has led to some abuse of the private right. It is for the Government to consider whether the provision in the Act is likely to prove sufficient to guard the public interests, or whether reasons of finance or of general policy will warrant such an invasion of private rights as Mr. Forbes' proposition involves. He appears to lose sight of the fact that the prohibition must equally apply to the owner of a valuable Cocoa Palm garden and to the Ryot whose land bears a few wild Date Palms or Palmiras.

7. If the Board thought that the proposed restriction would in any way check the consumption of ardent spirits they would hesitate to offer any objection to its adoption, but they are disposed to think that the contrary is more likely to be the result. They fear there can be no doubt that competition for Abkarry Farms has rendered necessary the adoption by the Renters of every possible incentive to induce increased consumption in order to secure reasonable profits from the farm. And if the maintenance of the private right to use Toddy for domestic purposes without license when drawn on the user's land, should lead to the more general consumption of a purer and less intoxicating liquor than is provided by the Abkarry Renters under the denomination of Arrack, the Board could not regret the result even though the revenue should suffer.

8. The only change that they consider advisable in Section 27 of the Bill is the addition of the words "or barter" between the words "sale" and "of Toddy" which may have the effect of somewhat restricting the facilities for abuse of the private right.

9. The Board do not see the force of the objections raised by Mr. Forbes to Sections 4 and 5 of the Bill.

10. There can be no difficulty in expressing exactly what the lease or license conveys in any case; and the fact that Government takes power to adopt alternative systems, or combined systems, will not preclude them from maintaining the farms on the present method if thought desirable.

11. The Government are aware that the power to levy an Excise Duty is provided with reference to a limited class of cases, but it would enable the Government if deemed expedient to carry out the Sudder distillery system, the advocates of which argue that it ensures the maximum of revenue with the minimum of consumption. The Board are not, however, aware that any evidence has been adduced to show that where it has been adopted, the increase of the habit of drinking is less marked than in other parts of the country, and indeed the contrary would almost appear to be the fact.

No. 93.

ORDER THEREON, 8th June 1864, No. 979.

Separate Revenue, No. 7.
Abkaree.

1. The Government agree in the views expressed by the Board.

2. The Collector is in no way bound to grant tracts of land containing Date and Palmyra trees in such numbers that it is obvious the land is sought merely on account of the Toddy procurable from the trees. In such cases the grant may with propriety be refused or made subject to conditions as to the usufruct of the trees. The Board will communicate with the Collector on this subject.

(True Extract.)

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

To the Board of Revenue.
„ the Legislative Department.

Exd. S. T. Augustin.

No. 979.

The first agreement in the views expressed by the Bd.

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Fort St George
8th June 1864

14 Copies Letter Bd of Revl Despts 9 June
5 Legislative Depts
with Dr Bailey

Revenue 1864 Departt.
Proceedings of Govt for June.
No. 1260.

Proceedings of the
Board of Revenue

Dated 14th
Desp. 14 } May 1864
Rec. 16th

E. 2.

Rec. of the Bd 19 July 64 C. No 1767

Submitting for consideration with remarks letters from the Collector of Ganjam regarding the Revenue derived from Toddy and suggesting the framing of a Clause restricting the use of Toddy Trees.

No. 979 & Encs

With an Order

No. 92 & 93.