M.R.O. 14—18,000—27-9-34

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	1100	Press ~~Mis.~~
5-45-66 Dated	24-4-	1868.

Not to be folded or roughly handled

Read again Board's Proceedings, dated 27th March 1868, No. 2,242, recorded in G. O. 4th April 1868, No. 899.

No. 545. Read also the following letter from the Government Solicitor, to the Secretary to Government, Revenue Department, Fort St. George, dated Madras, 8th April 1868, No. 209:—

1. I have the honor to acknowledge the Proceedings of Government noted in the margin, requesting the Advocate General's opinion as to the legality or otherwise of sale of liquor by Captains of vessels and private persons leaving a station and disposing of their property without licenses.

Dated 4th April 1868, No. 899, Rev. Dept.

2. I have submitted the matter for the consideration of the Advocate General, and I now forward a copy of his opinion.

OPINION.

1. I think that there is nothing illegal in a Captain of a vessel selling liquor on board his ship for consumption on shore.

2. No point is made as to the legality of the purchases on the part of the purchasers. I presume, therefore, that those who have bought in large quantities are licensed; and that the others, if any, have only bought for *bonâ fide* home consumption.

3. I think that, in the second case put, the sale is not strictly legal. The Act III of 1864 (Madras) provides for a private individual keeping liquors for *bonâ fide* private consumption without a license, (Section 14) but not for his selling it.

4. At the same time, Section 21 only renders him *liable* to a penalty, and I conceive that a Magistrate would not be exercising a sound discretion if he were to prosecute a gentleman, *bonâ fide* disposing of his surplus stock of liquors without a license.

5. Up-country, I believe, this is done generally by circular. In Madras the auctioneer, who sells a gentleman's property, usually has a license to sell liquor.

6. I observe that, probably by a clerical error, the case put to me by the Board of Revenue is not quite accurately stated. I presume that the words "by persons" ought to be inserted after the word "public" in the last line of paragraph 1 of the Board's Proceedings.

(Signed) J. B. NORTON,
Advocate General.

8th April 1868.

No. 546. ORDER THEREON, 24th April 1868, No. 1,100.

Ordered that the Advocate General's opinion above recorded be communicated to the Board of Revenue, for information and guidance.

Separate Revenue, No. 17.
Abkarry.

(True Extract.)
(Signed) W. HUDLESTON,
Secretary to Government.

To the Board of Revenue.
„ the Government Solicitor.

Exd. S. T. Augustin.

against

Land Bds Bo of 27 March 1880 & 22 & 23 Dec 1880

4 April 1880 & 1899. Deeds also to follow

R. for Bds according to Abstract opinion

Ordered that

the Abst. opinion abovesd

Examined be approved

& the Bonds &c. for

Abst. & guid.

24 April 68

M. Capes Esq. the Bds of Land Decd 27

Lt — Govt Solicitors

Exc 112-113

4-4-68