

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	899	Press Mis.
112-13 Dated	4-4-	18 68.

Not to be folded or roughly handled

14

*Proceedings of the Madras Government, Revenue Department,
4th April 1868.*

No. 112. Read the following Proceedings of the Board of Revenue, dated 27th March 1868, No. 2,242.

Read the following papers :—

From J. FRASER, Esq., Magistrate, to the Chief Secretary to Government, dated Camp at Kotipally, 3rd February 1868, No. 28.

1. With reference to the enclosed copy of a letter, received yesterday from the Inspector of Police in charge of the town of Cocanada, I beg to be informed whether the practice therein referred to is illegal or not.

2. Captains of ships coming into the Cocanada harbour have often surplus stores, and among them Wines and Brandy to dispose of. When they do so, the Import duty payable is always levied, but I would ask, as the Captains of these vessels are not licensed Vendors of liquors, can they legally sell such to parties on shore for their private consumption ?

3. I would also ask what the law is in another very similar case. A gentleman about to leave his present station, and having liquors among other things to dispose of, circulates a list of property which he wishes to dispose of. He is not a licensed Vendor of liquor. Is it legal or not for him to include his disposable liquor in such list ? I know it is frequently done, and I have before now been asked is it legal or not ?

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From the Inspector of Police, to the Collector and Magistrate of Cocanada, dated 1st February 1868.

About (16) sixteen cases Brandy has been landed at the Sea Customs by Captain Edwards of the ship "Alexandria," eleven of which has been sold to Nandati Soobannah, Mrs. Beenlin and others in town. The Captain, I am aware, has no license for such selling. I, therefore, respectfully beg to know if such sale is permissible. I have already detained (5) five cases in the Customs House pending your answer.

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Transferred to the Revenue Department.

FORT ST. GEORGE,
13th February 1868.

(Signed) C. G. WALKER,
Under Secretary.

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Referred to the Board of Revenue for their remarks.

14th February 1868.

(Signed) W. HUDLESTON,
Secretary to Government, R. D.

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From the same Officer, dated 19th February 1868, No. 44.

Dated 3rd February 1868, No. 28.

1. With reference to my letter noted marginally, I find, on my return to headquarters, that Police Inspector Doyle's report of what occurred regarding some, at least, of the cases of Brandy referred to, omits certain particulars that may be important in coming to a decision in the case.

2. Some, if not all, of the cases were sold to the purchasers on board the "Alexandria," in the roadstead and brought ashore, to the Sea Customs House, that the Import duty might be paid by the purchasers.

*Proceedings of the Madras Government, Revenue Department,
4th April 1868.*

Referred to the Board of Revenue, in continuation of endorsement dated 14th instant.

FORT ST. GEORGE,
27th February 1868.

(Signed) R. S. ELLIS,
Chief Secretary.

1. The Board are of opinion that, according to the letter of the law, it is not competent to Captains or Pursers of Ships to sell liquor on land, but there would appear to be nothing applicable to sales at sea or beyond high watermark; and as regards sale by other private parties, it might be urged that the sale prohibited by law on the part of unlicensed Vendors is an *established retail sale*, and not an isolated instance of sale by private agreement, as in the case of persons leaving a station and parting with their property; but the Board apprehend that this interpretation of the law would not be correct, as by its strict letter *all sales* of liquors on land are prohibited to the public who have not been *licensed* to sell.

2. The Board think it desirable to obtain a legal opinion on both the points mooted by Mr. Fraser, and resolve, therefore, to request the Government Pleader to favor them with his views.

No. 113.

ORDER THEREON, 4th April 1868, No. 899.

Separate Revenue, No. 4.
Abkarry.

The Government think it desirable that the opinion of the Advocate General should be obtained by the Government Solicitor on the point raised.

(True Extract.)

(Signed) W. HUDLESTON,
Secretary to Government.

To the Board of Revenue.
„ the Government Solicitor.

Exd. S. T. Augustin.

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2. The Board think it desirable to obtain a legal opinion on both the points mooted by Mr. Fraser, and resolve, therefore, to request the Government Pleader to favour them with his views.

(True Copies and Extract.)

W. Wright
Sub-Secretary.

To the Secretary to Government, Revenue Department.
„ the Government Pleader.

Exd. J. Wright.

899
The Govt. think it desirable to
obtain the opinion of the Advocate Gen. &
the opinion of the Govt. Solicitor
on the point raised - L.H.
14 Copies to the Govt. Secy. & 6
4 Copies to the Govt. Pleader &
42. Apr. 1868