

606

(1) Number of Pages (44.)
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(3) Initials of the Referencer DA

MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No.	606.	Press
B.P. No.	179-180.	Mis.
Dated	16. 5. 1874.	1965.

JS

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
16th May 1874.*

Read the following papers:—

No. 179. Proceedings of the Board of Revenue, dated 23rd September 1873, Miscellaneous No. 6,350.

THE Board resolve to forward the accompanying Newspaper Extract to the Collector of Bellary for report. It is there stated that the High Court have held "home-made beer not to fall within the section" (of Act I. of 1866, Madras), "making the sale of spirituous liquors without license penal." The nature of the beer should be stated, and copies of the correspondence furnished to the Board.

No. 179A. Proceedings of the Board of Revenue, dated 18th November 1873, No. 2,2.

Read again Board's Proceedings, dated 1 September 1873, Miscellaneous No. 6,350.

Read also the following papers:—

From J. H. MASTER, Esq., Collector of Bellary, to J. GROSE, Esq., Secretary to the Board of Revenue, dated 2 September 1873, No. 335.

WITH reference to the Proceedings of Board of Revenue, Miscellaneous No. 350, dated the 23rd September 1873, I have the honour to forward, herewith, copies of the correspondence* which in the case referred to, from which the required information with respect to the nature of the beer, etc., will be apparent.

* Docket, No. 79, dated 11th February 1873, from the District Magistrate to the Cantonment Magistrate, Bellary.
Letter, No. 32, dated 14th February 1873, from the Cantonment Magistrate to the District Magistrate.
Letter, No. 99, dated 18th February 1873, from the District Magistrate to the Registrar of the High Court.

ENCLOSURE

MEMORANDUM from the Acting Magistrate of Bellary, dated Tadpatri, 11th February 1873, No. 79.

THE undersigned has the honour to request that the entire papers relative to Case No. 565 of 1872, connected with Case No. 565-72, on the file of my Court.

(Signed) J. H. MASTER,
Acting Magistrate.

(True Copy) (Signed) J. H. MASTER,
Collector.

ENCLOSURE

From Captain G. H. OAKES, Cantonment Magistrate of Bellary, dated 4th February 1873, No. 32.

AGREEABLY to the request contained in your docket, I have the honour to forward, for perusal, all the papers connected with Case No. 565-72, on the file of my Court.

(Signed) J. H. MASTER,
Collector.

(True Copy)

3/606
Proceedings of the Madras Government, Revenue Department,
16th May 1874.

From J. H. MASTER, Esq., Collector of Bellary, to J. GROSE, Esq., Secretary
to the Board of Revenue, dated 8th October 1873, No. 361.

IN reply to the Board's official memorandum, No. 1,608, of the 15th instant, I have the honour to inform you that the defendant Ademolum referred to was a servant of Messrs. Norton and Co., who a license for the sale of beer. He did not hold a separate license in his own name.

THE Board resolve to submit this correspondence to Government and to inform them that the High Court have decided that the words used in Section 30, Madras Act I. of 1866 ("any spirituous liquor, wine, or intoxicating drug") do not make the unlicensed sale of beer to Soldiers a military cantonment penal under that section.

2. It is for Government to decide whether any alteration in the law is necessary.

No. 179B. Proceedings of the Board of Revenue, dated 14th March 1874, Miscellaneous No. 1,762.

Read Official Memorandum from the Acting Secretary to Government, Revenue Department, dated 27th February 1874, No. 39, regarding Messrs. Norton and Co.'s license for sale of beer at Bellary Cantonment.

THE Board think it will be sufficient if the words used in Clause 8, Form D, are substituted for those used in Clause 3, Form K.

2. The Collector of Bellary will report if he agrees with the Board.

No. 179C. Proceedings of the Board of Revenue, dated 8th April 1874, Miscellaneous No. 2,316.

Read the following letter from H. SEWELL, Esq., Acting Collector of Bellary, to J. GROSE, Esq., Secretary to the Board of Revenue, dated 21st March 1874, No. 68.

WITH reference to Proceedings of the Board of Revenue, Miscellaneous No. 1,762, dated 14th instant, I have the honour to state that the substitution of the words used in Clause 8, Form D, for those used in Clause 3, Form K, will meet all requirements of the case.

SUBMITTED to Government, in continuation of Board's Proceedings, 14th March 1874, Miscellaneous No. 1,762.

No. 180. ORDER THEREON, 10th May 1874, No. 606.

Separate Revenue, No. 14.

Abkari.

UNDER Section 30 of the Cantonment Act (I. of 1866), a man was charged at Bellary with selling beer (Norton and Co.) to a European Soldier.

*Proceedings of the Madras Government, Revenue Department,
16th May 1874.*

ENCLOSURE No. 3.

From J. H. MASTER, Esq., Magistrate of Bellary, to H. WIGRAM, Esq., Acting Registrar of the High Court, Appellate Side, dated Sengalgoodoor, 18th February 1873, No. 99.

I HAVE the honour, under Section 296 of the Code of Criminal Procedure, to submit, for the orders of the High Court, the record of a case brought before the Court of the Cantonment Magistrate of Bellary under the Cantonment Act of 1866, in which a man was charged with selling liquor (beer manufactured by Messrs. Norton and Co. at this place) to a European Soldier.

2. The Cantonment Magistrate discharged the charge on the ground that beer was not a "spirituous liquor."

3. I beg to submit that it is a "spirituous liquor." "Spirituous" means containing spirit; it does not necessarily mean that the liquor must be pure spirit.

4. The beer brewed by Messrs. Norton and Co. is allowed by the Revenue authorities to contain eight per cent. of alcohol, and there is no doubt that it is intoxicating.

5. If the present ruling of the Cantonment Magistrate be allowed to stand the consequences will be disastrous. It will be impossible to prevent drunkenness amongst the troops.

(True Copy.)

(Signed) J. H. MASTER,
Collector.

ENCLOSURE No. 4.

Translation of an Occurrence Report submitted to the Cantonment Magistrate by the Officer in charge of the Police Station at Bellary Bazaar, Bellary, on the 4th January 1873.

The prisoner Ademolum, who was charged on the 9th December 1872 with having sold beer to a Soldier, was discharged by the Magistrate as he was of opinion that it is not such a liquor as to cause intoxication, but I beg to be instructed whether Section 30 of the Cantonment Act is, or is not, applicable to the persons selling beer to such persons in future.

(True Copy.)

(Signed) J. H. MASTER,
Collector.

ENCLOSURE No. 5.

Proceedings of the High Court of Judicature at Madras, dated 14th March 1873, No. 563.

Read letter, dated the 18th February 1873, from the Acting Magistrate of Bellary, referring, for the orders of the High Court, under Section 296 of the Code of Criminal Procedure, the Proceedings of the Cantonment Magistrate of Bellary in Case No. 565 of 1872 as contrary to law.

(Here enter High Court No. 1,442 of 1873.)

In this case the defendant was charged with selling liquor to a Soldier in the Cantonment of Bellary without a license, an offence punishable under Section 30 of Madras Act I. of 1866.

2. The Cantonment Magistrate discharged the accused on the ground that country beer, the article sold, was not "spirituous liquor" within the meaning of the Act.

3. The High Court are of opinion that there is no ground for their interference. Home-made beer does not fall strictly within the section, and, in an enactment so highly penal, the enumeration of wine precludes the interpretation that beer is included in the generic term "spirituous liquor."

(True Extract.)

(Signed) H. WIGRAM,
Acting Registrar, Appellate Side.

(True Copy.)

(Signed) J. H. MASTER,
Collector.

*Proceedings of the Madras Government, Revenue Department,
16th May 1874.*

2. The Section in question provides for the punishment of persons bartering, selling, or supplying "any spirituous liquor, wine, or intoxicating drug to or for the use of any European Soldier, &c."
3. The Cantonment Magistrate dismissed the charge on the ground that beer was *not* a spirituous liquor.
4. The High Court on a reference declined to interfere. They said "Home-made beer does not fall strictly within the Section, and in an enactment so highly penal the enumeration of *wine* precludes the interpretation that beer is included in the generic term 'spirituous liquor'."
5. The Collector submits that Norton's beer is spirituous liquor; it contains 8 per cent. of Alcohol, and is no doubt intoxicating.
6. The Board (Proceedings, 1 November 1873, No. 2,350) ask Government to decide whether any alteration in the law is necessary in consequence of the High Court ruling.
7. They were intermediately requested to state whether, "as Messrs. Norton and Co.'s license for the sale of beer is in Form K (Board's Standing Order No. 198), the proviso that no sale of liquor should be made 'to any European Non-Military duty' is not sufficient to meet the case; or should the words 'on Military duty' throw any doubt upon the liability of the vendor, in a case such as that of Norton's beer, under reference, whether the substitution of the words 'not to sell or give any liquor to any European Soldier' (as in Clause 8 of Form D) would not be ample to render the vend of beer to a European Soldier punishable without altering the words of Section 30, Act I. of 1866 (Madras)."
8. They replied (14th March 1874, No. 1,762, Miscellaneous) that it will be sufficient if the words used in Clause 8 of Form D, are substituted for those used in Clause 3, Form K, and subsequently reported (8th April 1874, No. 2,316, Miscellaneous) that the Collector agreed with them.
9. The Government are averse to seeking an alteration in the law, unless absolutely necessary. They are of opinion that the license should be altered as proposed, and as it will be revocable on breach of any of its conditions, there will be a sufficient remedy in case of unauthorized sales.

(The Extract.)

(Signed) C. G. MASTER,
Acting Secretary to Government.

To the Board of Revenue.

Exd. F. R. Bantleman.

No. 2,350.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 18th November 1873.

Read again Board's Proceedings, dated 23rd September 1873, Miscellaneous No. 6,350.

Read also the following papers:—

From J. H. MASTER, Esq., Collector of Bellary, to J. GROSE, Esq., Secretary to the Board of Revenue, dated 29th September 1873, No. 335.

WITH reference to the Proceedings of the Board of Revenue, Miscellaneous No. 6,350, dated the 23rd September 1873, I have the honour to forward, herewith, copies of the correspondence* which passed in the case referred to, from which the required information with respect to the nature of the beer, etc., will be apparent.

* Docket, No. 79, dated 11th February 1873, from the District Magistrate to the Cantonment Magistrate, Bellary.
Letter, No. 32, dated 14th February 1873, from the Cantonment Magistrate to the District Magistrate.
Letter, No. 99, dated 18th February 1873, from the District Magistrate to the Registrar of the High Court.

ENCLOSURE No. 1.

MEMORANDUM from the Acting Magistrate of Bellary, to Captain G. H. OAKES, Cantonment Magistrate, dated Tadpatri, 11th February 1873, No. 79.

THE undersigned has the honour to request that he will be good enough to forward, for perusal, the entire papers relative to Case No. 565 of 1872, on his file, in which one Ademolum was charged by the Police of the Cowl Bazaar with an offence under Section 30 of Act I. of 1866.

(Signed) J. H. MASTER,
Acting Magistrate.

(True Copy.)

(Signed) J. H. MASTER,
Collector.

ENCLOSURE No. 2.

From Captain G. H. OAKES, Cantonment Magistrate, to J. H. MASTER, Esq., Magistrate of Bellary, dated 14th February 1873, No. 32.

AGREED to the request contained in your docket, No. 79, dated the 11th February 1873, I have the honour to forward, for perusal, all the papers connected with Case No. 565-72, on the file of my Court.

(True Copy.)

(Signed) J. H. MASTER,
Collector.

ENCLOSURE No. 3.

From J. H. MASTER, Esq., Magistrate of Bellary, to H. WIGRAM, Esq., Acting Registrar of the High Court, Appellate Side, dated Sengalgoodoor, 18th February 1873, No. 99.

I HAVE the honour, under Section 296 of the Code of Criminal Procedure, to submit, for the orders of the High Court, the record of a case brought before the Court of the Cantonment Magistrate of Bellary under the Cantonment Act (I. of 1866), in which a man was charged with selling liquor (beer manufactured by Messrs. Norton and Co. at this place) to a European Soldier.

2. The Cantonment Magistrate dismissed the charge on the ground that beer was not a "spirituous liquor."

9/3/88

Oct. of 1874

REVENUE.

To

THE BOARD OF REVENUE.

Dated May 16th.

Recd.

By

G. O., 16th May 1874, No. 606.

MAY

No. 179-180.

License for Sale of Beer by Messrs. Norton
and Co. of Bellary.—Consider that the —
should be altered by the substitution of certain
words used in Clause 8, Form D, for those used in
Clause 3, Form K, with remarks.



9/606
THE Board resolve to submit this correspondence to Government and to inform them that the High Court have ruled that the words used in Section 30, Madras Act I. of 1866 ("any spirituous liquor, wine, or intoxicating drug") do not make the unlicensed sale of *beer* to Soldiers in a military cantonment penal under that section.

2. It is for Government to decide whether any alteration in the law is necessary.

(True Copies and Extract.)

J. G. Gole

Secretary.

To the Acting Secretary to Government, Revenue Department,
with copy of Board's Proceedings, dated 23rd September 1873,
Miscellaneous No. 6,350.

Copy to the Collector of Bellary.

3. I beg to submit that it is a "spirituous liquor." "Spirituous" means containing spirit; it does not necessarily mean that the liquor must be pure spirit.
4. The beer brewed by Messrs. Norton and Co. is allowed by the Revenue authorities to contain eight per cent. of alcohol, and there is no doubt that it is intoxicating.
5. If the present ruling of the Cantonment Magistrate be allowed to stand the consequences will be disastrous. It will be impossible to prevent drunkenness amongst the troops.

(True Copy.)

(Signed) J. H. MASTER,
Collector.

ENCLOSURE No. 4.

Translation of an Occurrence Report submitted to the Cantonment Magistrate by the Officer in charge of the Police Station at Cowl Bazaar, Bellary, on the 4th January 1873.

The prisoner Ademolum, who was charged on the 9th December 1872 with having sold beer to a Soldier, was discharged by the Magistrate as he was of opinion that it is not such a liquor as to cause intoxication, but I beg to be instructed whether Section 30 of the Cantonment Act is, or is not, applicable to the persons selling beer to such persons in future.

(True Copy.)

(Signed) J. H. MASTER,
Collector.

ENCLOSURE No. 5.

Proceedings of the High Court of Judicature at Madras, dated 14th March 1873, No. 563.
Read letter, dated the 18th February 1873, from the Acting Magistrate of Bellary, referring, for the orders of the High Court, under Section 296 of the Code of Criminal Procedure, the Proceedings of the Cantonment Magistrate of Bellary in Case No. 565 of 1872 as contrary to law.

(Here enter High Court No. 1,442 of 1873.)

In this case the defendant was charged with selling liquor to a Soldier in the Cantonment of Bellary without a license, an offence punishable under Section 30 of Madras Act I. of 1866.

2. The Cantonment Magistrate discharged the accused on the ground that country beer, the article sold, was not "spirituous liquor" within the meaning of the Act.
3. The High Court are of opinion that there is no ground for their interference. Home-made beer does not fall strictly within the section, and, in an enactment so highly penal, the enumeration of *wine* precludes the interpretation that beer is included in the generic term "spirituous liquor."

(True Extract.)

(Signed) H. WIGRAM,
Acting Registrar, Appellate Side.

(True Copy.)

(Signed) J. H. MASTER,
Collector.

From J. H. MASTER, Esq., Collector of Bellary, to J. GROSE, Esq., Secretary to the Board of Revenue, dated 18th October 1873, No. 361.

In reply to the Board's official memorandum, No. 1,608, of the 15th instant, I have the honour to inform you that the defendant Ademolum referred to was a servant of Messrs. Norton and Co., who hold a license for the sale of beer. He did not hold a separate license in his own name.

Revenue Department.

Miscellaneous No 1762.

Proceedings of the Board of Revenue.

Dated 14th March 1874

Read Official Memorandum from
the Acting Secretary to Government, Revenue
Department dated 27th February 1874 No 39,
regarding Messrs. Norton & Co's license
for sale of beer in Bellary Cantonment.

The Board think it will be suffi-
-cient if the words used in clause 8 of
Form D, are substituted for those used
in clause 3 Form K.

The Collector of Bellary will report
if he agrees with the Board.

True Extract,

J. G. Rose
Secretary.

To the Ag. Secretary to Government.
Revenue Department.

W. H. P. H. P.
Capt. J. H. P. H. P.

Miscellaneous No. 6350.

Proceedings of the Board of Revenue
Dated 23^d September 1873.

The Board resolve
to forward the accom-
panying Newspaper
Extract to the Collector of
Bellary for report. It
is therein stated that
the High Court have
held "none made
bees not to fall within
the section" (of Act I
of 1866 Madras) "making
the sale of spirituous
liquors without a license
penal". The nature of
the

3812/73
R

Minutes 1874 Sept
No 854
Proceedings of the Board
of Revenue

Dated 12th }
Sept 14th } March 1874.
Revised 16

Memorandum No 1762.

S.O. No 606 16 May 174.

Subject

Noting that it will be
sufficient if certain words
used in clause 8th and 9th are
substituted for those used in
clause 10th & 11th, regarding the
Anten 16th & 17th for each of the
in Bally Cantons, & regarding
the 18th to report if the agreement
the Board.

(M.C. (1874) 15)

179 B.

the beer should be
stated and copies of the
correspondence fur-
-nished to the Board.

Truly yours

Wm. C. Stokes

By Secretary

To The collector of
Bellary
with New paper
by tract.

(True copy)

J. G. Cole
Secretary

B. M. Smith
C. D. Smith & Co.

17
606

Pl 41 2

Enclaves in Buenos
Provincia dated
18th June 1884, 1885,
to the Secretary &
Governments of the

Dec 3812/73

Pl. 276 May 74

661
MISCELLANEOUS No. 2316.

19/606
REVENUE DEPARTMENT.

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 8th April 1874.

N^o 68. Read the following

From

The *Ag* Collector of
Bellary

To

The Secretary to the Board of Revenue
Madras.

SIR,

With reference to Proceedings
of the Board of Revenue, Miscellaneous
N^o 1762 dated 14th Instant, I have the
honor to state that the substitution of
the words used in clause 8 Form D
for those used in clause 3 Form A will
meet all requirements of the case.

Bellary Collector's Office

21st March 1874

I have &c

Sig^y? J. Sewell
Ag. Collector.

Submitted

Submitted to Government
in continuation of Board's Proceedings
14th March 1874 Miscellaneous No. 1762.

1. True Copy and Extract

G. E. Grose
Secretary.

To
The Secy to Government
Revenue Department.

W. H. Loeber
Cp. Memorandum

21
606 1/2

Handwritten text in a cursive script, possibly a list or account, located in the upper right section of the page. The text is arranged in several columns and includes various characters and symbols, such as "21", "606 1/2", and "1/2".

Rev. Sept.

23

Memorandum

The law (Act I of 1866)
is the Magistrate's guide
for punishing the offender
and he declines to punish
a man for selling "beer"
to a soldier, as he considers
that that liquor does
not fall under "any
spirituous liquor, wine,
or intoxicating drug," the
words used in the Act.
The license already prohib-
its explicitly the sale
of "beer" to soldiers, and a
breach of the license is
punishable under the
Alkany Act, but the
provisions of the Military
Cantonments Act are
different.

See para: 2 of the letter from
the Commr of Bellary of 7th July
1872, recorded in the No. of Govt.
of 1st Aug 72, No. 1326.

different, and in what-
ever manner the licence
may be altered, the
Cantonment Magistrate
will still decline to
punish the offender
unless the Act is
amended.

The licence requires
no amendment.

27/2/74

D.

Form of engagement to be executed in dupli-
cate by persons placed in charge of a shop, by
Abkarry Renters, under the provisions of Section
8 of the Abkarry Act (Madras Act III of 1864).

I, E. J. being appointed to the charge of
a shop (or shops) at by F. D. Renter of the
exclusive privilege of vending in the
of do hereby bind myself as follows:

- 1st To place my licence with a duplicate copy
of this engagement subjoined thereto in a con-
spicuous place in my shop.
- 2nd To sell all liquor at the prices inscribed
on the sign-board of my shop.
- 3rd To prevent all drunkenness or disorder or
gaming within my shop.
- 4th Not to harbour robbers, thieves or riotous
persons; but on the contrary to give information
to the nearest Magistrate or Police officer of any
suspected persons who may resort to my shop.
- 5th Not to receive any grain, jewels, goods,
wearing apparel, or other property in barter, or pawn
for liquor; but on the offer of any such, to give
information

in consideration of the payment of a fee of Rupees
Fifteen, hereby licence C.D. to vend by retail at
all spirituous and fermented liquors
other than those included in the Abkary farm
of during the Revenue year ending June 30th
186, on the following conditions.

1st That the said C.D. shall not sell to
any one Arrack or Toddy or any other liquor which
may be included in the Abkary farm of

2nd That the said C.D. shall not permit
any person to remove from his premises more than
one pint of any of the liquors purchased from him.

3rd That the said C.D. shall not sell or
give any liquor to any European Non-Commissioned
Officer or Soldier on Military duty, without the
permission in writing of the Commanding Officer.

4th That the said C.D. shall not sell
any liquor between the hours of 9 P.M. and 6 A.M.
except to lodgers in his house or to bona fide
travellers driving between those hours.

5th That the said C.D. shall prevent all
drunkenness or gaming or disorder within his pre-
-mises, and shall conform in all other respects
to the provisions of the Abkary Act.

information to the nearest public officer.

6th Not to allow any quantity of liquor exceeding one Imperial gallon to be removed by an individual at one time from any shop under any pretence whatever.

7th Not to open my shop before sun-rise, not to keep it open after 8 P.M. and not to harbour any person in it during the night.

8th Not to sell or give any liquor to any European Soldier or Sailor or to any member of the Mofussil Police, while on duty, nor to sell any liquor on credit.

K.

Form of Retail License for Hotels, Refreshment Houses, Taverns &c. for sales of liquors other than those included in the Abkary Rent to be consumed only on the premises.

I, A. B. Collector of the District of
being duly authorized by the Board of Revenue
under Abkary Act (Madras Act III of 1864)
in

29
600

That this license shall be revocable by
me forthwith, if the said C. D. fails to comply
with any of the conditions contained in it, and
with the sanction of the Board of Revenue.
shall be revocable for any other cause on giving
fifteen days' notice of such re-call.

Given under my hand and seal this
day of in the year 186, at,

H. A. B. Collector.

N.B. A breach of any of the conditions
of this license will render the said C. D. liable
to the penalties prescribed in the Abkary Act.

1866-16 May 17/4

Amendment of house for sub
bus

Revenue Department.

31/606

Memo for Orders. on N. 1140

Proceedings Board of Revenue
submitting letter from Col. of
Bellary expressing concurrence as
to proposed alteration in clause
3 form K of Mep. Norton & Co.
license for sale of beer in Bellary
Cantonment.

H.E. 8th April 1874, No. N. 2316.

As I understand, the
Atkary Act is
inoperative in
Bellary - no al-
teration of the Li-
cense will be of
avail. to secure
punishment under
the Cantonment
Act. And the

Under section 30 of the
Cantonment Act (I of 1868)
a man was charged at
Bellary with selling beer
(Norton & Co) to a European
Soldier.

2. The section in question
provides for the punishment
of persons bartering, selling
or supplying "any spirituous
liquor, wine or intoxicating
drug to or for the use of any
European soldier."

The

S. O. 606. 16th May 1874

C. 1st May 1874

33/600
necessary in consequence of
the High Court ruling.

7. They were immediately
requested to state whether
as Messrs. Norton & Co's license
for the sale of beer is in Form
H, Board's Standing order
198, the proviso that no sale
of liquor should be made
"to any European Non Com-
missioned Officer or soldier
on Military duty" is not
sufficient to meet the case;
or should the words "on
Military duty" throw any
doubt upon the liability of
the vendor, in a case such as
that under reference, whether
the substitution of the words
"not to sell or give any liquor
to any European Soldier" (as
in clause 8 of Form D) would
not be ample to render the

vend

I agree
R

necessary in consequence of

3. The Cantonment Magistrate dismissed the charge on the ground that beer was not a spirituous liquor.

4. The High Court on a reference declined to interfere. They said "Home made beer does not fall strictly within the section and in an enactment so highly penal the enumeration of wine precludes the interpretation that beer is included in the generic term 'spirituous liquor'."

5. The Collector submits that Norton's Beer is spirituous liquor - it contains 8 per cent of Alcohol and is no doubt intoxicating.

6. The Board (Proceeding 18th November 1873 No. 2350) ask Government to decide whether any alteration in the law is necessary

latter used.
be altered, if
H.R. the Court
in (brief can take
it necessary.

The License
is revocable for
breach of any of the
conditions - & the
is an. I think
that in the law a
sufficient remedy

I do.
75.

It is suggested that
a petition should be
made if it can be avoided
4/5/75

3. vend of beer to a European
Soldier punishable without
altering the wording of
section 30 Act I of 1806,
(Madras)"

8. They replied (14th
March 1874 No. 1702 Nois)
"that it will be sufficient if
the words used in clause 8
Form D are substituted for
those used in clause 3 Form
K and subsequently re-
ported (8th April 1874 No. 1310
Nois) that the Collector
agreed with them.

9. The question for
decision is whether this will
suffice or whether the law
should be altered.

10. In a separate note
prepared by the 1st Assistant
the view is upheld that the
license requires no amendment

and

25/606

and that in whatever
manner it may be altered
the Cantonment Magistrate
will still decline to furnish
the offender

11. Copies of the two forms
of license adverted to in
para 7 supra are put up.

12 Orders are requested.

[Signature]

[Signature]

$$\begin{array}{r} 27 \\ \hline 606 \end{array}$$

Memo for Order

Proposed alteration in
Clause 3 Form K of Mess
Norton & Co's License for
Sale of Beer in Hellen
Dt -

No

302

Memorandum for Order

Proposed alteration in
Clause 3 Form K of Messrs
Norton & Co's License for
Sale of Beer in Bellary

21-

Revenue Dept.

No. 606

29
606

Proceedings of the Madras Government
Dated 16th May 1874.

Read the following
Proc. of the Board of Revenue.

Submg. correspondence from
C.M. of Bellary with reference to
charge of selling beer to a soldier
preferred against one Ademolun,
residential of prisoner by Cantonment
magistrate.

Substitution of certain words used in
Form D for those in Form K. regarding
Messrs. Norton & Co's License for
Sale of Beer in Bellary Cantonment.

Submg. letter from J.W. of Bellary
concurring with Board in the proposed
alterations in Form K. of Messrs.
Norton & Co's License.

H.E. 18 Nov. 1873, No. 2350.

12 March 1874. No. 1762.

8 April 1874, No. 2316.

Under section 30 of the Cantonment Act (I of 1866) a man was charged at Bellary with selling beer (Norton & Co's) to a European soldier.

2. The section in question provides for the punishment of persons bartering, selling, or supplying "any spirituous liquor".

liquor, wine or intoxicating

6. The Board (Proceedings
18 Nov. 1873, No 2350) ask
Govt. to decide whether any
alteration in the law is necessary
in consequence of the High
Court ruling -

7. They were interme-
diately requested to state
whether "as Messrs. Norton & Co
licences for the sale of beer is
in form K, (Board's Standing
order 198), the proviso that
no sale of liquor should be made
'to any European Non-com-
missioned officer or soldier on
Military duty' is not suf-
ficient to meet the case, or
should the words 'on Military
duty' throw any doubt upon
the liability of the vendor,
in a case such as that under
reference, whether the substi-
tution of the words 'not to
sell

liquor, wine or intoxicating
drug to or for the use of any
European soldier, &c."

3. The Cantonment Magistrate
dismissed the charge on the
ground that beer was not
a spirituous liquor.

4. The High Court on a
reference declined to interfere.
They said "Home made beer
"does not fall strictly within
"the section and in an exact-
"ment so highly penal the
"enumeration of wine pre-
"cludes the interpretation that
"beer is included in the generic
"term 'spirituous liquor.'"

5. The collector submits
that Norton's beer is spirituous
liquor - it contains 8 per cent
of Alcohol and is no doubt
intoxicating.

The

sell or give any liquor to
any European soldier
(as in clause 8 of Form D.)
would not be ample to
render the vend of beer
to a European soldier pun-
ishable without altering the
working of section 30 Act 1 of
1866 (Madras)."

8. They replied (14 March
1874, No 1762, Min.) that
it will be sufficient if the
words used in clause 8 Form D
are substituted for those
used in clause 3 Form K
and subsequently reported
(8 April 1874, No 2316, Min.)
that the Collector agreed with
them.

9. The Govt are averse
to seeking an alteration
in the law unless absolutely
necessary. They are of
opinion

opinion that the License
should be altered as pro-
posed and as it will be
revocable for breach of
any of its conditions there
will be a sufficient remedy
in case of unauthorized
sales.

Q. M.

to from orders

Q. M.

14 To the Hon^{ble} of Rev Dec 28 May 74

90

Proposed alteration in
clause 3 Form K of Messrs
Norton & Co's license for sale
of beer in Billings

(Hd)
600

21

600

Despatch

179-180