

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

1/606

606

Read the following papers:—

No. 179. Proceedings of the Board of Revenue, dated 23rd September 1873, Miscellaneous 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 'prohibition' (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. 2,5
Read again Board's Proceedings, dated 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 23rd September 1873, No. 335. Board of Revenue, Miscellaneous 6,350, dated the 23rd September 1873. I have the honour to forward, herewith, copies of the correspondence* which in the case referred to, from which required information with respect to the nature of the beer, etc., will be apparent.

ENCLOSURE

MEMORANDUM from the Acting Magistrate of Bellary, dated Tadpatri, 11th February 1873.

The undersigned has the honour to request that the entire papers relative to Case No. 565 of 1872, connected with 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

From Captain G. H. OAKES, Cantonment Magistrate of Bellary, dated 4th February 1873.

AGREEABLY to the request contained in your document, 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.

300

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

From J. H. MASTER, Esq., Collector of
to the Board of Revenue, dated

IN reply to the Board's official memo-
I have the honour to inform you that the
a servant of Messrs. Norton and Co., who
did not hold a separate license in his own

THE Board resolve to submit this
inform them that the High Court have
Madras Act I. of 1866 ("any spirituous li-
make the unlicensed sale of beer to Soldier
that section.

2. It is for Government to decide
necessary.

No. 179B. Proceedings of the Board
Miscellaneous

Read Official Memorandum from the Ac-
Department, dated 27th February
and Co.'s license for sale of beer

THE Board think it will be sufficient
are substituted for those used in Clause 3.

2. The Collector of Bellary will re-

No. 179C. Proceedings of the Board
Miscellaneous

Read the following letter from H. SEW-
to J. GROSE, Esq., Secretary to
1874, No. 68.

WITH reference to Proceedings of
No. 1,762, dated 14th instant, I have the
the words used in Clause 8, Form D, for the
all requirements of the case.

SUBMITTED to Government, in con-
March 1874, Miscellaneous No. 1,762.

No. 180. ORDER THEREON, 10

Separate Revenue, No. 14.

Abkari.

ellary, to J. GROSE, Esq., Secretary
8th October 1873, No. 361.

lum, No. 1,608, of the 15th instant,
endant Ademolum referred to was
a license for the sale of beer. He
e.

spondence to Government and to
that the words used in Section 30,
wine, or intoxicating drug") do not
a military cantonment penal under

other any alteration in the law is

Revenue, dated 14th March 1874,
1,762.

Secretary to Government, Revenue
4, No. 39, regarding Messrs. Norton
Bellary Cantonment.

e words used in Clause 8, Form D,
m K.

if he agrees with the Board.

Revenue, dated 8th April 1874,
2,316.

Esq., Acting Collector of Bellary,
Board of Revenue, dated 21st March

Board of Revenue, Miscellaneous
four to state that the substitution of
used in Clause 3, Form K, will meet

tion of Board's Proceedings, 14th

May 1874, No. 606.

UNDER Section 30 of the Canton-
ment Act (1. of 1866), a man was charged
Bellary with selling beer (Norton and
a) 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 it 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 or Soldier's wife."
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 enumeration of wine prescribed 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 Beer 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 the vendor, in a case such as that of the words 'not to sell or give any Beer 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 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.

(T 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 Admolum 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.

AGREESABLY 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."

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.

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

(True Copy.)

(Signed) J. H. MASTER,
Collector.

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(True Copy.)

(Signed) J. H. MASTER,
Collector.

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

1-58/5-1

Colt. of 1874

REVENUE.

To

THE BOARD OF REVENUE.

Dated May 16th.

Recd.

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

MADE
No. 179-180.

License for Sale of Deer by Messrs. Norton
and Co. of Bellary.—Considers 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. E. Cole

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 Coel 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. 503.
Real 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 *prine* 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.

11/606

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—
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. G. G.
Secretary.

To the Secy. to Government.
Revenue Department.

C. J. G. G.
C. J. G. G.

1873.

Board of Revenue,
MADRAS.

RECEIVED, 16th NOVEMBER 1873, No. 2,350.

Aug 25 9 10 1/73 -

Encl. 1

Received 26th Nov

No. 2,350 - 15 Nov 74

NOVEMBER
No. 2,350.

Beer.—Correspondence from Collector of Bellary with reference to charge of selling beer to a Soldier preferred against one Adenolam, and acquittal of prisoner by Cantonment Magistrate, which was approved by High Court, on ground that beer is not a "spirituous liquor," submitted to Government.

Wm. O. W. 11/29/73

Wm. O. W.

Transferred to the Department of

the early amendment of the

suggestion by the revision of the

of the revenue of the

11/12/73

11/29/73

Miscellaneous No. 6350.

Proceedings of the Board of Revenue

Dated 23rd September 1873.

The Board resolved to forward the accompanying Newspaper Extract to the Collector of Bellary for report. It is therein stated that the High Court have held "none made been 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

2012/73

Memorandum 1874 Sept 23
No. 854
Proceedings of the Board
of Revenue

Dated 14th March 1874.
Revised 16th

Ministerial Order No. 1762.

S.O. No 606 of 16 May 1874.

Subject

Noting that it will be
sufficient if certain marks
on the labels & stamps are
substituted for the usual in-
scribed words, regarding the
British & Co's license for sale of their
in Balling Cantonment, & regarding
the 1874 report of the revenue
at Board.

1993

(11) (11) (11)

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

Very truly
yours

Wm. C. Lott

By Secretary

To The Collector of
Bellary
with Newspaper
by train.

(True copy)

J. C. Lott
Secretary

By Wm. C. Lott
Cop. by Wm. C. Lott

Box 1 2

Indonesian and Chinese
Prescriptions and
18th century MSS
to the boundary of
Samarang and B.O.

Dec 31/2/93

Ms. 2/6 May/94

641
MISCELLANEOUS No. 2316.

19/606
REVENUE DEPARTMENT.

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 8th April 1874.

N: 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: 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 seen

Sig: J. H. Sewell
Ag. Collector.

Submitted

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

(True Copy and Extract)

G. G. G.
Secretary.

To The Secretary to Government
Revenue Department.

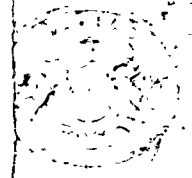
W. H. Locker
C. P. Mearns

21
606

Handwritten notes in a grid-like structure, possibly a ledger or account book. The text is written in cursive and includes various numbers and symbols, such as "1/2", "1/4", "1/8", "1/16", "1/32", "1/64", "1/128", "1/256", "1/512", "1/1024", "1/2048", "1/4096", "1/8192", "1/16384", "1/32768", "1/65536", "1/131072", "1/262144", "1/524288", "1/1048576", "1/2097152", "1/4194304", "1/8388608", "1/16777216", "1/33554432", "1/67108864", "1/134217728", "1/268435456", "1/536870912", "1/1073741824", "1/2147483648", "1/4294967296", "1/8589934592", "1/17179869184", "1/34359738368", "1/68719476736", "1/137438953472", "1/274877906944", "1/549755813888", "1/1099511627776", "1/2199023255552", "1/4398046511104", "1/8796093022208", "1/17592186044416", "1/35184372088832", "1/70368744177664", "1/140737488355328", "1/281474976710656", "1/562949953421312", "1/1125899906842624", "1/2251799813685248", "1/4503599627370496", "1/9007199254740992", "1/18014398509481984", "1/36028797018963968", "1/72057594037927936", "1/144115188075855872", "1/288230376151711744", "1/576460752303423488", 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Rev. Dept.

Memorandum

The Law (Act 1 of 1883)
is the Magistrate's guide
for punishing the offender,
and he declines to punish
a man for selling "beer"
to a soldier, as he envisions
that that liquor does
not fall under "any
spirituous liquor, wine,
or intoxicating drug," the
words used in the Act.
The license already prohibi-
ts explicitly the sale
of "beer" to soldiers, and a
breach of the license is
punishable under the
Albany Act, but the
provisions of the Military
Cantonments Act are
different.

Side para: 2 of the letter from
the C.M. of Bellary of 4th July
1872, recorded in the L.R. of Govt.
of 1st Decr/72, No. 1326.

Rev. Sept.

1874
Recd. No. 20. Sept.

PROCEEDINGS OF THE BOARD
OF REVENUE.

No. 1140.

Dated 8th April 1874
Depd. 8th }
Recd. 9 }

S.O. No 606-16 May/74.
SECRET.

Submitting to
Govt. letter from City
of Melbourne expressing
concern & ~~anxiety~~ ^{anxiety}
regarding alteration
in Clause 8 Statute
of Public Houses &
the license for sale
of beer in Melbourne
-Tombent.

179 L.

C. 1140. May/74. By 74

Rev. Sept.

1874
Recd. No. 20. Sept.

PROCEEDINGS OF THE BOARD
OF REVENUE.

No. 1140.

Dated 8th April 1874
Depl. 8th
Recd. 9th

S.O. No 606-16 May/74.
SECRET.

Submitting to
Govt. letter from City
of Melbourn expressing
concerns over the
purposed alteration
in Clause 8 Statute
of 1869: Norton &
Co's license for sale
of beer in Melbourn
-townment.

179 L.

C. 1140. 1874. 1874.

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 in
violation of the law.

The licence requires
no amendment.

[Faint, illegible handwriting]

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

I, *[Name]* being appointed to the charge of
a shop (or shops) at *[Place]* by *[Name]* of the
exclusive privilege of vending *[Goods]* in the
of *[Place]* do hereby bind myself as follows:

- 1st To place my licence with a duplicate copy
of this engagement pinned 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

27/6/66
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 Abkarny farm
of during the Revenue year ending June 30
1866, 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 Abkarny farm of

2^d 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.

3^d 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 Abkarny Act.

information to the nearest public officer.

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

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.

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 Licence for Hotels, Refreshment Rooms, Taverns &c. for sale of liquors other than those included in the Mofussil Act to be consumed only on the premises.

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

29
606

Form D 12

That this licence 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 revocation.

Given under my hand and seal this
day of the year 1861 at

H. A. B. Collector

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

[Faint, mostly illegible handwritten text, possibly a duplicate or continuation of the license terms.]

Revenue Department

21/606

Memo for Orders on N. 1140

Proceedings Board of Revenue
submitting letter from Collr of
Bellary expressing concurrence as
to proposed alteration in clause
3 form 3E of Mep^r Norton's
license for sale of beer in Bellary
Cantonment.

Y.C. 8th April 1874, No. N. 2318.

As I, 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, under the

Under section 30 of the
Cantonment Act (I of 1868)
a man was charged at
Bellary with selling beer
(Norton's) 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 or

The

C. 1:606. 16th May 1874

C. 1:606. 16th May 1874

33600
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.
commissioned 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

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 submitted 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 und. he attended, 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 it is a sufficient remedy.

- L. B. L. 75
I propose to move a ptg to alter the law if it can be worked
L. B. L.

33/600
Necessary in consequence of

3. vend of beer to a European
Soldier punishable without
altering the wording of
section 30 Act I of 1808
(Madras)

8. They replied (14th
March 1874 No 1702 Min.)
that it will be sufficient if
the words used in clause 8
Form D are substituted for
those used in clause 3 Form
H and subsequently re-
ported (8th April 1874 No 2316
Min.) 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.

W. L.

Am. M. L.

27
606

Memorandum

Proposed alteration in
Clause 3 term R of Mess
Norton & Co's License for
Sale of Beer in Bellin
Dt. —

200

Memo for Order

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

Revenue Dept.

No. 606

Proceedings of the Madras Government
Dated 16th May 1874.

Read the following
Res. of the Board of Revenue.

Submg. correspondence from
Col^l of Bellary with reference to
charge of selling beer to a soldier
preferred against one Adensham,
a constable of prisoners by Canton-
ment Magistrate.

H.E. 18 Nov 1873, No 2350.

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.

12 March 1874, No 1762.

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

8 April 1874, No 2316.

Under section 30 of the Canton-
ment 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. 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-
"ness 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

shall 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
wording 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.

from dictation

Q. M.

14 To the Hon. Sec. of the Interior
28 May 1874

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Proposed alteration in
clause 3 Form R of the
North's License for sale
of beer in Balling

add
600

87

606

despatch

179-180