

Revenue (1897) Department.

PRESS SERIES.

G.O., No. 153

DATED 11 th March

[Despatch Abstract.]

1 approving & ordering the publication in
three successive issues of the Fort St George & B.
Gazettes draft notifiⁿ for the amendment
of rule 51 of the Distillery & Warehouse Rules

BACK PAPERS.

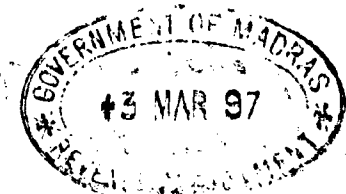
G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Revenue (1897) Department.

CURRENT No.



The submitted to the H. M. with
the explanatory appended with
the.

The Hon. Mr. Bliss C. S. E.

mark the report

From The Secretary to the Commissioner
of Salt, alkali and Separate Revenue
Madras

In Orders

With a view to enable the Board to
deal effectively and permanently with
obstruction & disregard of the reasonable
authority of the officer in charge of distilling
a warehouse and to pass special orders
in the case of individual distillers where
the interests of the revenue necessitate them,
the Board proposes to modify Rule 51 of
the Distilling and warehouse Rules by
adding a clause to the effect that
distillers and warehouse keepers shall
be bound by all special orders issued by
the Commr in the regard to individual distillers.
2. Under Rule 44 of the distilling &
warehouse rules, the Commr may either
fine the licensee or confiscate the
deposit and cancel the license for

Inis No. 773

Dated 26th February 1897

Received

Registered

Enclosures

Spare copies

SUBJECT.

Submitting to Government
for approval and publication
in the Fort St George Gazette
a draft notification mo-
difying Rule 51 of the Dis-
tillery and Warehouse Rules

c. 5/3/97. R. C. 9/3/97
R. C. 9/3/97

BACK PAPERS.

G.O.	No.	Department.	Date.

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G.O.	No.	Department.	Date.

every breach of the rules or of the conditions of the license. He cannot suspend the license.

From the concluding sentence of para 2 of the current, it appears the Comr wishes to have this power. In the English Spirits Act, 1880, Cases of obstruction of officers is provided for in Section 152, which runs as follows: -

"If any person by himself or by any person in his employment obstructs, hinders, or molests an officer or an officer of Customs in the execution of his duty, or any person acting in the aid of any such officer, he shall incur a fine of two hundred pounds, and if the offender is a distiller the Comr may, upon his conviction, suspend or revoke his license."

Even under the English enactment a conviction is necessary to warrant suspension of license.

The Comr's (Board's) object may be attained without difficulty by simply inserting a condition ^{to that effect} in the distillery or warehouse license ^{under} ~~with reference to~~

Section 26(c) of the Madras Abkari Act ^{The Collector} which gives the power of cancelling or suspending a license at will if the conditions of the license provide for such cancellation.

3. The Board's proposal may be

The H. Secy. to be in
Even in supposing that the Comr in England has summary powers of suspending licenses - Not having this maybe, I doubt as a whole in the H. P. to lead me to suppose that the H. Secy desires to obtain such a power finally. What it wants is the power of making particular rules as to particular distilleries or particular persons, in order to make it to require ~~to~~ in the case of such distilling such attention as is needed in the individual case & to exercise due discipline over the continuance. For instance, I can imagine the H. Secy asking that Mr. Bill of Wellikappam shall not in future be admitted within any distillery or be allowed to transact any distilling business with the

officers of the Dept. -
I see no harm, therefore, in the H. Secy's proposal ^{4/3/97} amendment of the rules. Perhaps some such powers were contemplated it, it was used to go to the great expense of getting an expert out from home to aid in perfecting our distilling management

AS
9/3/97

Dr. W.
H. P. Secy

approved and the draft Notice sent to the Gazette.

I believe that this is a very tricky power to put into the H. Secy's hands without any check or hindrance. It is uncontrolled except. The suspending of a license for a shop is a small matter & but to suspend a distilling license may mean ruin to the distiller. To refuse as in England a previous conviction is something of a check though but a very faint one. Why the power should be given is not very apparent in these ~~circumstances~~ ^{in cities} of easy venturing calling for it, and it is always open to the H. Secy to refuse to renew the license at the end of a year if necessary.

11/5/97

NOTE FOR THE SECRETARY.

C 121875

The paper was treated as
urgent with reference to the request
contained in paragraph the B.D. Note

which runs as follows:—

"As the time is fast approaching
for the issue of licences for the coming
year, the Board requests that
early orders may be passed on the
suggestion made above"

A.R.
87267

11/8/97.

Draft Notification

After the words "be enacted" in
Rule 51 of the Distillery and Warehouse
Rules, published on pages 373-381 of the
East St George Gazette, dated 5th May
1891, Part I, as amended by Notifications

No 195 dated 20th April 1892;

No 42 dated 31st January 1893;

No 43 dated 23rd January 1893;

No 105 dated 8th February 1893;

No 186 dated 9th April 1894;

No 229 dated 11th May 1894;

No 321 dated 28th June 1894;

No 140 dated 5th March 1895;

No 185 dated 6th April 1895;

No 207 dated 27th April 1896,

insert the following:—

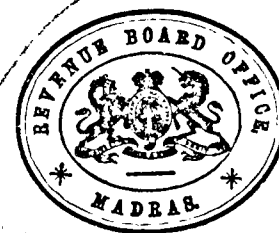
"and by all Special orders issued by the
Commissioner with regard to individual
distilleries."

Commandant.

Assistant Secretary

C.6 153
11-3-97

9/25/97
-4/3/97



110

Proceedings of the Board of Revenue

(Separate Revenue.)

Dated 26th February 1897.

His No. 773.

Resolution

The Board begs to bring to the notice of Government that the present distillery rules give neither it nor its Subordinates sufficient power of maintaining discipline within distillery limits, and enforcing that strict compliance with the requirements of the Department which is such a marked feature in distillery management in the United Kingdom. They are also faulty in not empowering it formally to issue special orders with regard to individual distilleries, many of which are, as Government is aware, extremely defective in construction and arrangement and require special precautions to be taken and detailed instructions to be attended to.

2. Under Rule 38, all persons entering a distillery are under the orders of the distillery officer in respect of their conduct and proceedings

while within it. Rule 50 authorizes the distillery officer to eject and exclude persons who have committed any breach of the rules or are intoxicated, riotous or disorderly, and by a combination of the two, it might be possible to deal with contumacious or offensive conduct, provided the distillery officer took the initiative at once and ejected ^{the} offender. It would, ^{however} be impossible to expect most distillery officers to maintain discipline in so summary a manner and it would also in the opinion of the Board be inexpedient that they should be encouraged to do so for many reasons. What is required is that the Board itself should have power to deal effectively and if necessary permanently with obstruction or disregard of the reasonable authority of the officer in charge and to pass special orders with regard to individual distilleries where the interests of the Revenue necessitate them. The Board understands that such powers are exercised in England, where the authority of the officer in charge is absolute, inside each

each distillery and disregard of his orders would be visited by Summary Suspension of the license.

3. The Board therefore begs to suggest that Rule 51 of the Distillery Rules be modified by the insertion of the words "and by all Special orders issued by the Commissioner with regard to individual distilleries," after the words "be ejected."

4. As the time is fast approaching for the issue of licenses for the coming year the Board requests that early orders may be passed on the suggestion made above.

5. A draft notification is herewith submitted.

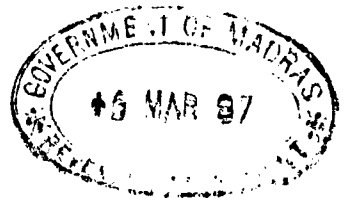
(True Extract)

Commence
Assistant Secretary
To the Secretary to Government,
Revenue Department
with one draft notification.

2/382
- 2/23/27

Revenue (1897) Department.

CURRENT No.



Order

Placed

From The Secretary to the Commis.
- sion of Salt, Ardu and
Customs & Revenue, Madras

No. 791

Dated 2nd March 1897.

Received

Registered

Enclosures

Spare copies

SUBJECT.

Inviting the attention
of Government to a certain
section of the Spirits
Act, 1880, in connection
with the Board's suggestion
to modify rule 51 of the
Distillery and Warehouse
Rules.

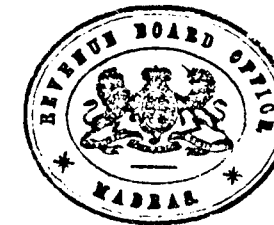
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BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.



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18-4-59.

38

Proceedings of the Board of Revenue

(Separate Revenue),

Dated 2nd March, 1897.

Mis No. 791

Resolution.

In continuation of Board's Pro-
ceedings Mis No 773, dated 26th February
1897, the Board begs leave to
invite the attention of Government to
Section 152 of the Spirits Act, 1880, 43 &
44 Victoria, chapter 24, which provides
an effective means of maintaining order
and discipline in English distilleries.
There is no similar provision in force
with regard to them in this presidency.

(True Extract).

To
The Secretary to Government,
Revenue Department.

Commandant
Assistant Secretary

2/2/97

189 .
Board of Revenue
(Separate Revenue).
MADRAS.

To

Proceedings, dated
No.

189 ,

Subject.

C. No 1875 & 1880

48

Sep. Rev. No 16.

G. O. of 11th Mar. 1897, No 153.

The draft notification
is approved and will be
published in three
successive issues of the
Fort Saint George and
District Gazette.

11/1/97.

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1073/97

(List from orders).

To

The S^d of Revue (Sep: Revue)

The S^d of Govt: Press with
notification

kept
26/2/97

35/
26

Print
and
Gazette
11/3/97

Government { 1897 } of Madras.
REVENUE.

Recd.

Regd.

} 1897.

Enclosures

Spare copies

G.O., No. 153, 11th March 1897.

MARCH.

Distillery and Warehouse Rules.

The draft notification for the amendment of rule 51 of the —, approved and ordered to be published in three successive issues of the Fort St. George and District Gazettes.

GOVERNMENT OF MADRAS.
REVENUE DEPARTMENT.

READ—the following Proceedings of the Board of Revenue (Separate Revenue), Mis. No. 773, dated 26th February 1897 :—

Resolution—Mis. No. 773, dated 26th February 1897.

The Board begs to bring to the notice of Government that the present distillery rules give neither it nor its subordinates sufficient power of maintaining discipline within distillery limits, and enforcing that strict compliance with the requirements of the department which is such a marked feature in distillery management in the United Kingdom. They are also faulty in not empowering it formally to issue special orders with regard to individual distilleries, many of which are, as Government is aware, extremely defective in construction and arrangement and require special precautions to be taken and detailed instructions to be attended to.

2. Under rule 38, all persons entering a distillery are under the orders of the distillery officer in respect of their conduct and proceedings while within it. Rule 50 authorizes the distillery officer to eject and exclude persons who have committed any breach of the rules or are intoxicated, riotous or disorderly, and by a combination of the two, it might be possible to deal with contumacious or offensive conduct, provided the distillery officer took the initiative at once and ejected the offender. It would, however, be impossible to expect most distillery officers to maintain discipline in so summary a manner, and it would also, in the opinion of the Board, be inexpedient that they should be encouraged to do so for many reasons. What is required is that the Board itself should have power to deal effectively and if necessary permanently with obstruction or disregard of the reasonable authority of the officer in charge and to pass special orders with regard to individual distilleries where the interests of the revenue necessitate them. The Board understands that such powers are exercised in England, where the authority of the officer in charge is absolute, inside each distillery and disregard of his orders would be visited by summary suspension of the license.

3. The Board therefore begs to suggest that rule 51 of the distillery rules be modified by the insertion of the words "and by all special orders issued by the Commissioner with regard to individual distilleries," after the words "be enacted."

4. As the time is fast approaching for the issue of licenses for the coming year, the Board requests that early orders may be passed on the suggestion made above.

5. A draft notification is herewith submitted.

(True Extract).

(Signed) EDMUND MILLETT,
Assistant Secretary.

To the Secretary to Government, Revenue Department,
with one draft notification.

READ—the following Proceedings of the Board of Revenue (Separate Revenue), Mis. No. 791, dated 2nd March 1897 :—

Resolution—Mis. No. 791, dated 2nd March 1897.

In continuation of Board's Proceedings, Mis. No. 773, dated 26th February 1897, the Board begs leave to invite the attention of Government to section 152 of the Spirits Act, 1880, 43 and 44 Vict., Cap. 24, which provides an effective means of maintaining order and discipline in English distilleries. There is no similar provision in force with regard to them in this presidency.

(True Extract.)

(Signed) EDMUND MILLETT,
Assistant Secretary.

To the Secretary to Government, Revenue Department.

ORDER—No. 153, Revenue, dated 11th March 1897.

Separate Revenue No. 16.

The draft notification is approved and will be published in three successive issues of the Fort St. George and District Gazettes.

(True Extract.)

(Signed) G. STOKES,
Ag. Secretary to Government.

To the Board of Revenue (Separate Revenue).
" the Superintendent, Government Press, with notification.

NOTIFICATION.

After the words "be enacted" in rule 51 of the Distillery and Warehouse Rules, published on pages 373—381 of the *Fort St. George Gazette*, dated 5th May 1891, Part I, as amended by Notifications No. 195, dated 20th April 1892; No. 42, dated 23rd January 1893; No. 43, dated 23rd January 1893; No. 105, dated 8th February 1893; No. 186, dated 9th April 1894; No. 229, dated 11th May 1894; No. 321, dated 28th June 1894; No. 140, dated 5th March 1895; No. 185, dated 6th April 1895; and No. 207, dated 27th April 1896, insert the following: "and by all special orders issued by the Commissioner with regard to individual distilleries."

Exd. Shaik Karim.

25 Copies.