

MADRAS RECORD OFFICE.

Government of Madras.

Indivul DEPARTMENT.

G.O. No.	1365	Press ~~Mis~~
	40.41	
Dated	79 - 10 - 18	1887

Not to be folded or roughly handled

Fort St. George, Judicial Consultation, 20th October 1857.

No. 40. Read the following letter from C. BEADON, Esq., Secretary to the Government of India; to H. FORBES, Esq., Acting Secretary to the Government of Fort St. George, dated 30th September 1857, No. 1619.

SIR,

Home Dept. I am desired to request that under the power vested in the local Government by Section XXXIII, Act No. XXVIII of 1857, the provisions of Sections VII, VIII, IX, X, and XI of that Act may be extended to the whole of the territories under the Government of Madras,

(Signed) CECIL BEADON,
Secy. to the Govt. of India.

Fort William,
the 30th September 1857. }

No. 41. ORDER THEREON, No. 1365, dated 19th October 1857.

In this letter Mr. Beadon conveys the request of the Government of India, that Sections VII, VIII, IX, X and XI of Act No. XXVIII of 1857, for regulating the manufacture and sale of Arms and Ammunition, may be declared in force in all the territories of this Presidency.

2. The grave events which have been passing in Northern India, and the previous want of clear laws on this subject, a want which was recently brought to the notice of the Supreme Government in a letter dated 9th July No. 901, directed the attention of the Right Honorable the Governor in Council to this Act on its being passed by the Legislature, but before measures were taken for carrying out its provisions it was deemed advisable to ascertain in what manner it had been brought into force in the Bengal Presidency, and what forms of Licenses were used on the occasion.

3. Some doubt was also felt from the terms and mode in which the Act is framed, whether some of its provisions were not in force as a part of the Law of the land from the date of its promulgation without any declaratory Notification of the Local Executive Government. This doubt is however removed by Mr. Secretary Beadon's letter which shows that in the opinion of the Government of India, a formal notice is required from the Local Government to bring the Act or any portion of it into operation.

4. Although therefore the Government is still without information regarding the forms of License and other particulars connected with the promulgation of the Act in Bengal, they proceed to consider its provisions and more especially that part of it, to which the Government of India have invited their attention.

5. Sections I to VI relate, it is observed, to the important point of registering Arms now in possession of private individuals, and taking into safe custody such as are in excess of a reasonable number. The mode and time of carrying out these important provisions will vary in different places, and the necessary arrangements require detailed and careful consideration. The orders of Government will therefore be passed on this subject hereafter.

6. The next Sections VII to XI relate to Licenses for the manufacture and sale of Arms, Ammunition, and Percussion Caps, and form that portion of the Act which the Government of India wish to be brought into general and immediate operation. A Notification prepared for the purpose will accordingly be published in the Official Gazette and Forms of Licenses be issued to the different Officers authorized to distribute them. The Government deem it advisable that no manufacture or sale of Percussion Caps should take place without their immediate knowledge, and accordingly arrange that Licenses for this purpose are to be issued only by the Commissioner of Police at the Presidency. Other Licenses are to be granted in the Provinces by the Magistracy of each District, and at the Presidency by the Commissioner of Police.

7. The next 3 Sections of the Act XII, XIII and XIV, place a restriction on the importation of Arms or Ammunition into the Presidency, either by land or by sea, without a License. It is important and necessary that this part of the law should be at once brought into force, and a Notification to this effect will be accordingly published. Licenses will be granted by the Commissioner of Police at the Presidency and by the Magistracy in the Provinces.

8. The next 3 Sections empower Government to prohibit the transport of Arms or Ammunition, when it appears necessary and authorize the detention either of Arms or Ammunition when

Fort St. George, Judicial Consultation, 20th October 1857.

they are being moved from one place to another under suspicious circumstances. These Sections will also be at once declared in force.

9. Sections XVIII, XIX, XX and XXI, relate to Sulphur and are in accordance with the order recently issued by the Government of India, prohibiting until further notice, its transport or sale. They will be included in the part of the Act to be notified as in force.

10. The remaining Sections XXII to XXXVI give authority for working the Act and carrying out its general provisions, and objects. It is necessary therefore to bring these also into operation with the exception of Section XXVI which is reserved until Sections I to VI are declared in force.

11. Thus all the Act will be brought into force except Sections I to VI, and Section XXVI which relate to the registry of Arms now in the possession of private persons and are reserved for future orders. The following Notification is ordered to be published in the Official Gazette.

NOTICE.

1. Under the power given by Section XXXIII, Act 28 of 1857, the Right Honorable the Governor in Council declares that Act, excepting Sections, I, II, III, IV, V, VI and XXVI to be in force within the territories subject to the Government of Fort St. George.
2. Applications for Licenses to import, make or sell Arms or Ammunition at the Presidency must be made to the Commissioner of Police, and in the Provinces to the local Magistracy.
3. All applications to make or sell Percussion Caps either at Madras or in the Provinces must be made to the Commissioner of Police.
4. The order of the Government of India No. 1574, dated 14th August 1857, prohibiting the sale or transport of Sulphur, until further notice, continues in force.
12. The following Circular letter will be sent to all Magistrates, calling for their opinion as to the mode of bringing Sections I, II, III, IV, V, VI and XXVI of the Act into operation.

(Signed) E. MALTBY,
Acting Chief Secretary.

Notes

Ex. Min. of Cons. 17th Oct. 1857
Read letter from the Secy to the Govt of India dated 30 Sept 1857 No. 1619.

In this letter Mr. Beadon conveys the request of the Govt of India that Sections VII, VIII, IX, XX, XXI of the Act No. XXVIII of 1857 may be declared in force in all the territories of the Presidency.

2. The grave wants which have been pressing in Northern India, and the previous want of clear laws on this subject, a want which was recently brought to the notice of the Supreme Govt in a letter dated 9th July 1857, directed the attention of the R. G. to the Govt to this Act on being passed by the Legislature its promulgation but before taking measures for carrying out its provisions it was deemed advisable to ascertain in what manner it had been brought into force in the Bengal Presidency & what forms of Licenses were used on the occasion.

3. Some doubt was also felt from the

terms & mode in which the Act is framed
whether some of its provisions were not in
force as a part of the Law of the Land from
the date of its promulgation without any
notification of the Local Executive Govt.

This doubt is however removed by Mr
Secretary Meadows letter which shows
that the opinion of the Govt of India
a formal notice is required from the
local Govt to bring the Act or any portion
of it into operation.

4 - Although therefore the Govt is still
informed regarding
without the forms of Licenses & other
particulars connected with the promul-
gation of the Act in Bengal, they pro-
ceed to consider its provisions &
more especially that part of it to
which the Govt of India have invited
their attention.

5 - Sections 1 to VII relate, it is observed,
to the important point of registering
arms now in possession of private indivi-
duals, & taking into safe custody such
as are in excess of a reasonable number.
The mode & time of carrying out these

important provisions will vary in
different places, & the necessary arrange-
ments ~~must~~ ^{be} ~~made~~ ^{carefully} ~~considered~~ ^{considered}
- them - The orders of Govt will therefore
be issued on this subject hereafter.

6 - The next Sections VIII to XI relate to
Licenses for the manufacture & sale of
arms, ammunition, & percussion Caps,
& from that portion of the Act which
the Govt ^{of India} wish to be brought into general
& immediate operation. - A notification
prepared for the purpose will accordingly
be published in the Official Gazette
& forms of Licenses be issued to the
different Officers authorised to distri-
bute them - The Govt deem it advise-
- ble that no manufacture ^{in sale} of percussion
Caps should take place without their
- licence & accordingly arrange that licenses
for this purpose are to be issued only by
the Commissioner of Police at the Presi-
- dency - Other licenses are to be granted
in the Provinces by the Magistrate
of each District, & at the Presidency
by the Commissioner of Police.

Mr. J. W. Over

7 - The next 3 Sections of the Act
 XII - XIII & XIV, ~~relate~~ place a restriction
 on the importation of arms or ammuni-
 into the Presidency either by land or by sea
 - ~~without~~ without a license. - It is impor-
 - and it is necessary that this part of the
 law should be at once brought into
 force & a notification to this effect
 will be accordingly published. Licenses
 will be granted by the Commissioner
 of Police at the Presidency & by
 the Magistracy in the Provinces. -

8 - The next 3 Sections ^{empower} ~~authorize~~ Govt to
 prohibit the transport of arms or ammuni-
^{when it appears necessary} ~~when it appears necessary~~ and authorize the detention either
 of arms or ammunition when they are being
 moved from one place to another under
 suspicious circumstances. - These Sections
 will also be at once declared in force.

9 - Sections XVIII - XIX - XX & XXI relate to Sulphur
 & are in accordance with the order recently
 issued by the Govt of India prohibiting
 further sale or transport of Sulphur.
 They will be included in the part of the Act

10 - The remaining Sections XXII to XXXVI
^{working the act &} give ~~the necessary~~ authority for carrying
 out the general provisions & objects.
 It is necessary therefore to bring them
 also into operation with the exception of Section
 XXVI which is reserved until Sections 1 to VI are declared in force

11 - Thus all the Act will be brought
 into force except Sections 1 to VI ^{and that XXVI} which
 relate to the Registry of arms now in
 the possession of private persons & are ~~reserved~~
 for future orders. - The following
 notification is ^{advised to be} ~~approved~~ published
 in the Official Gazette
 Notice

1 Under the power given by 133 Act 20 of 1857
 the Act H. the Govt C declares that Act ^{and 26th} excepting
 the 1-2-3 4-5-6 Sections, to be in force within
 the territories subject to the Govt of India

2 Applications for licenses to import, make or sell
 arms or ammunition at the Presidency must
 be made to the Commissioner of Police, and
 in the Provinces to the ^{local} Magistracy.
 The order of the Govt of India No 1574 dated
 14 August 1857, prohibiting the sale or transport
 of Sulphur until further notice continues in
 force -

J. J. Turner

3. The application to make or sell
 arms or ammunition at the Presidency
 must be made to the Commissioner of Police
 in the Provinces to the Magistracy

12 - The following Circular letter will be
sent to all Magistrates, asking for their
opinion as to the mode of bringing Section
12, 3, 4, 5, 6 & 26 of the Act into operation

The

To the Magistrates of the several Districts }
Agent at Kurnool }
Comd of Police at Madras. } Draft 22/10

Madison, 20th Dec 1857
Medical 1857/1858

8th/13th/57

Contract. Medical 1857/1858

27th Dec 1857
St. 1857/1858

St. 1857/1858

Qy. 1857/1858

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