

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1452	Press
	25-26	~~Mis.~~
Dated	9-11-1918	

Not to be folded or roughly handled

MS

Fort St. George, Judicial Consultation, 10th November 1857.

No. 25. Read the following letter from Colonel J. C. BOULDERSON, Commissioner of Police; to E. MALTBY, Esq., Acting Chief Secretary to Government, Fort St. George, dated 29th October 1857, No. 144.

SIR,

I have the honor to acknowledge the receipt of your letter, No. 1375, Judicial Department, of date 20th October 1857, with which you forward two forms of Licenses for use under Act XXVIII of 1857. The form of License for Manufacturers and Dealers in Arms, Ammunition, &c., is framed under provisions 8 and 9 of the Act, without reference apparently to Section XI, which provides that Licenses granted under provisions of Section VIII, shall be subject to such condition as shall be thought necessary.

Permit me to observe, that the Licenses sent to me for issue, contain no conditions whatever; and if vendors of Arms and Ammunition are furnished with such a License, they may sell to any extent, and to whomsoever they please, provided they keep in a book an account of stock in trade, with the names of purchasers. In fact, instead of affording any restriction against the sale of Arms and Ammunition, it will render controul more difficult than before, because a License could not be revoked or suspended under the provisions of Section XI, unless by the breach of some condition of License.

At present there is a very large supply of Arms, expensive and cheap, Ammunition, Sulphur and Saltpetre in the hands of dealers at the Presidency; and I consider it necessary that here, at all events, dealers should be placed under strict restrictions, both as to the amount of sales, and as to the parties to whom they may sell.

I beg respectfully to recommend that no sales, or importation, or exportation of Arms, or Ammunition, should be considered legal, without the sanction of the Commissioner of Police, in each transaction, having been previously obtained.

(Signed) J. C. BOULDERSON,

Commissioner of Police.

No. 26. ORDER THEREON, No. 1452; dated 9th November 1857.

In this letter, the Commissioner of Police represents that the form of License prepared for the sale of Arms, under Act XXVIII of 1857, is in his opinion insufficient for the object in view, and calculated to facilitate rather than controul their sale. He therefore recommends an order being passed that no sales of Arms are to take place without his sanction being first obtained in every instance.

2. It is observed that Colonel Boulderson is in error in one of the arguments which he uses to support this recommendation, Licenses can always be revoked or suspended under Section XI of the Act, by the Officer who issued them, when he sees cause for doing so. This power would be exerted on a License being abused, and checks against abuse are provided in the Sections which direct that registers of all sales are to be kept for the inspection of the Police authorities under a heavy penalty, and that no Arms are to be imported without a License, the Commissioner being the Officer to whom applications must be made in every instance before an importation of Arms being permitted. In addition to these precautions, orders are about being issued for a registry of Arms, and to forbid the transport of Arms or Ammunition without the authority of a Government Officer.

3. Deferring however in some degree to the views of the Commissioner of Police, Government resolve to authorise him, under Section XI of the Act, to insert a condition in the Licenses that no sales of Arms or Ammunition are to be made in excess of a fixed quantity without his previous sanction. The object in view will thus be attained while interference with petty transactions and much trouble and inconvenience will be avoided.

4. Colonel Boulderson is requested to state the limit within which he proposes to leave the sale of the different descriptions of Arms unfettered under these instructions.

(Signed) E. MALTBY,

Acting Chief Secretary.

Exd. F. Cartledge.

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nition, it will render controul more
difficult than before, because a License
could not be revoked or suspended
under the provisions of Section XI,
unless by the breach of some condition
of License.

At present there is a very
large supply of Arms, expensive and
Cheap, Ammunition, Sulphur and
Saltpetre in the hands of Dealers
at the Presidency; and I consider
it necessary that here, at all events,
Dealers should be placed under
strict restrictions both as to the
amount of sales, and as to the
parties to whom they may sell.

I beg, respectfully to recom-
mend that no sales, on Importation,
or Exportation of Arms, or Ammu-
nition should be considered legal
without the sanction of the Commis-
sioner of Police, in each transaction,
having been previously obtained.

I have the honor to be,

Sir,

Your most obed. Servant

Commissioner of Police

N^o 144.

Madras, Police Commissioner's
Office, 29th October, 1857.

From

Colonel J. C. Boulton
Commissioner of Police

To

D. Malby Esq^r
Acting Chief Secretary to Government
Fort St. George.

Sir,

I have the honor to acknowledge the receipt of your letter N^o 1375, Judicial Department, of date 20th October 1857, with which you forward two forms of Licenses for use under Act XXVIII of 1857. - The form of License for Manufacturers and Dealers in Arms, Ammunition &c. is framed under provisions 8 and 9 of the Act, without reference apparently to Section XI, which provides that Licenses granted under provisions of Section VIII, shall be subject to such condition as shall be thought necessary.

Permit me to observe that the Licenses sent to me for issue contain no conditions whatever; and if Vendors of Arms and Ammunition are furnished with such a License, they may sell to any extent, and to whomever they please, provided they keep in a Book an account of Stock in trade, with the Names of purchasers. - In fact instead of affording any restriction against

Judicial Department
N^o 145

Extract Mins. of Cons. 9/9 November 1857.

Read letter from the Commissioner of Police d 29 Oct 1857 N^o 144.

It is represented that the forms of License prepared for the sale of arms under Act 28 of 1857 is in his opinion insufficient for the object in view, & calculated to facilitate rather than controul their sale. - He therefore recommends ^{an order being passed} that no sales of arms are to take place without his sanction being first obtained in every instance.

- 2 - It is observed that Col Boulton is in error in one of the arguments which he uses to support this recommendation. Licenses can always be revoked or suspended by the Officer who issued them, when he sees cause for doing so. - This power would be exerted on a License being stated, and checks against abuse are provided in the Sections which direct that registers of all sales are to be kept ^{for the inspection of} ~~for the inspection of~~ the Police Authorities under a heavy penalty, & that no arms are

to be imported without a license, the
Commissioner being the officer to whom ap-
plications must be made in every instance
before an importation of arms being per-
mitted. - In addition to these precautions
orders are about being issued for a registry
of arms, & to forbid the transport of arms
or ammunition without the authority
of a Govt. Officer

3. - Deferring however ^{in some degree} to the views of
the Commissioner of Police, Govt. would
to authorize him, under Sect XI of the
Act, to insert a condition in the License
that no sales of arms or ammunition are
to be made in excess of a fixed quantity
without his previous sanction. The
object in view will thus be attained
while interference with petty transactions
& much trouble & inconvenience will
be avoided.

4. - Colonel Boulderson is requested to

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state the limit within which he
proposes to leave the ^{the different descriptions of} sale of arms import-
-ed under these instructions.

J. M.

To the Comt of Police - Dispt 12th

Eng to Council - Nov 13
Medical 1857 & 1858

No 1452

Contracted Nov. 18: of Nov. 18:

28/9-1808/1807-

25-420