

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1507-1508	Press
		Mis.
	19 to 23	
Dated	19-11-1915	

Not to be folded or roughly handled

Fort St. George, Judicial Consultation, 24th November 1857.

Read the following papers.

No. 19. From C. BEADON, Esq., Secretary to the Government of India; to H. FORBES, Esq., Acting Secretary to Government, Fort St. George, dated Fort William, the 15th October 1857, No. 1698.

SIR,

Home Department. In continuation of my letter, No. 1619, dated the 30th Ultimo, I am directed to forward for the information of the Government of Fort St. George, copy of a correspondence with the Government of Bengal, on the subject of the Arms Act.

2. The Governor General in Council desires me to request that the provisions of Sections XII to XXIII inclusive, and of Section XXXVI, may be brought at once into operation throughout the Presidency of Madras.

3. I am also directed to request that the Right Honorable the Governor in Council will favor the Government of India with his views as to any further steps which should be taken to give effect to the Act in the Madras Presidency.

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

From A. R. YOUNG, Esq., Secretary to the Government of Bengal; to C. BEADON, Esq., Secretary to the Government of India, Home Department, dated Fort Willam, the 23rd September 1857, No. 1803.

Judicial. SIR,

The Act relating to the importation, manufacture and sale of Arms and Ammunition, and for regulating the right to keep or use the same having been passed into Law, and promulgated on the 12th Instant, it is necessary to consider the proper method of carrying it into effect, and this appears to the Lieutenant Governor of Bengal to be of sufficient importance, to warrant him, in submitting his views to the Government of India for such instruction and correction, as may appear necessary.

2. Subject to the approval of the Government of India, the Lieutenant Governor proposes

No. 1. That the percussion caps and ammunition shall be stored alone in a receptacle, which shall not be made of any inflammable material.

No. 2. That such receptacle for percussion caps and ammunition shall not be opened, or the contents be taken therefrom, while any fire or artificial light, is within the place or room in which such percussion caps and ammunition, are stored.

No. 3. That the building in which the said arms, percussion caps and ammunition are stored shall not be constructed of grass, leaves, mats, or other such inflammable materials.

No. 4. That the percussion caps and ammunition when moved from one place to another, shall be placed in a box alone, and no fire or artificial light shall accompany the party or parties so conveying it.

No. 5. That the book to be kept under Section IX, shall be in the form* to be furnished by the licenser.

No. 6. Each arm or packet of ammunition and percussion caps shall have its own number in the stock books.

FORM OF BOOK.

Date of possession.	Stocks Register No.	Description of Arms and Ammunition.	How possessed.	Distin- guishing marks.	To whom sold.	Date of Sale.	Value.
15th July 1857.	53	Colt's Revolver.	Imported on Bond.	No. 17952.	J. Jones.	15th Sept. 1857.	Rs. 250
16th July 1857.	54	Percussion Caps.	Ditto.	Joyce's Anticorrosive.	John Thomas.	17th Aug. 1857.	3.8

4. He proposes under Section XV, to prohibit the transport in any direction, by any person or persons not acting on behalf of Government, of Arms, Ammunition, Military stores and Sulphur, and the transport by any such persons of Saltpetre, except towards Calcutta, for sale or storage or shipment there; the above prohibitions being made subject to exception in favor of persons licensed to transport by any such articles by any officer empowered to grant licences under Section VIII.

3. He proposes to constitute the Commissioner of Police, in Calcutta, licensing, Officer for Calcutta, under Section VIII, the licenses to be subject to the conditions noted in the margin.

5. With respect to the issue of orders regarding the sale or possession of Sulphur, under Sections XVIII to XXII inclusive, the Lieutenant Governor proposes to guide himself by such information as he may receive in reply to a call made on the Executive Officers in Calcutta and the Mofussil.

6. Regarding the method of enforcing the earlier Sections of the Act, the Lieutenant Governor is desirous of soliciting particular instructions.

7. These Sections of the Act seem not intended or expected to be at once put in force over all the territories subject to the British Indian Government, or even apparently over any large portion of them; but "in any district or place," in which it shall seem to the Executive Government requisite to enforce their provisions.

8. This precautionary form was doubtless adopted because of the unavoidable irksomeness and serious liability, to penalty, with which, the provisions of the Sections in question, must necessarily affect all persons subject to them.

9. For all persons in districts and places to which these sections may be extended, must give notice in writing within one week of the promulgation of the order, of all arms and all such deadly weapons named in the order as may be in their possession or in their premises in the possession of servants or retainers, and this may include the universal *lathee* of the Behar districts, and will certainly include the all but universal *tulwar*, and the order may, and probably will, concern districts where very few persons can read and write.

10. A further written notice must also be given in case any such arms should, subsequently to the first notice, come into a person's possession, or into the possession of any of his servants or retainers, and any wilful neglect to give these notices, is to be punishable by a fine extending to 500 Rupees.

11. It is needless to remark that this, like all penal laws in this country, will be taken advantage of by enemies and informers to oppress and annoy for evil purposes.

12. Further, in all districts, to which these Sections may be extended, any person going armed may be stopped by "any Magistrate, Deputy Magistrate, or Assistant to a Magistrate, or by any European Commissioned Officer in the service of Her Majesty, or of the East India Company, or by any Member of a Volunteer Corps, enrolled by authority of Government, while on duty, or by any Police Officer;" and may be called in question touching his right to carry arms in the district, on a journey or otherwise, and may be put to his "reasonable proof" of exemption from the provisions of the law, if he be exempted, or must produce a license or certificate from a Magistrate or other Officer authorized to grant licenses to go armed, and failing these, may be disarmed by the Police Officer, or other functionary as above described.

13. All this, it is clear, may be the occasion of much hindrance and vexation, and may unavoidably sometimes so operate, as to inflict offence or degradation, or what will reasonably seem offence or degradation, to some of the persons concerned; besides that, it can hardly fail to be used, more or less in many cases, as an engine of extortion.

14. So that it would be reasonable to suppose before hand, what appears to be the purpose of the Legislature, namely, that the provisions of the Sections in question, ought not to be of general and universal application, but should be enforced only at particular times and places, upon special cause then and there apprehended, or having arisen.

15. This special cause, it is obvious, could only be the occurrence or expectation of insurrection, and the consequent evil use of arms, to the detriment of the public peace. And on such occasion, calling for the enforcement of these necessarily irksome and troublesome and possibly offensive provisions, it would seem—so the Lieutenant Governor has come to look upon it—as if this irksomeness and possible degradation and offence ought not to be imposed indiscriminately upon all, whether good subjects, or bad, but only upon the bad, or those likely to turn out bad subjects, upon an opportunity offering.

16. To this it may be answered that it is impossible to say with certainty, or even strong probability, before hand, who will, in the case apprehended, prove themselves to be good, and who, bad, subjects; and that all must therefore be subjected to an inconvenience, which, if it prevent and tend to subdue insurrection, must in the end prove beneficial to the good by coun-

teracting the aims of the bad. And this, no doubt, the Lieutenant Governor must admit, is true, so far as it applies, that is to say, so far as the impossibility or strong incertitude of discrimination between the well disposed and evil disposed, may really exist.

17. But in the present circumstances of the country, there may be some broad obvious distinctions of classes, as to the discrimination of which no real difficulty could possibly exist; and this, it appears to the Lieutenant Governor, is the case with the class of European British subjects, and the descendants of such subjects commonly called East Indians, or Eurasians, and European Foreigners, of whom it is certain that they will be found, in case of such insurrection as has unhappily occurred in parts of the British Indian Territory on the side of order and not of rebellion, and carrying arms for self defence and the repression of outrage, and not on the side of treason, and as these classes can easily be described, and every person belonging to them must carry in his visage and outward appearance, reasonable proof of the qualifications which cause his exemption, it would seem, as the Lieutenant Governor desires respectfully to submit, that no argument can be raised by which to justify the omission to exempt them in case of the extension of the Sections in question to any district or place. For the grievances occasioned by the Law however slight they may be, are, the Lieutenant Governor would submit, pure evil except so far as they may be necessarily imposed for the sake of the public good; and in the case of these classes, who cannot be insurrectionary in the present instance, but, on the contrary, are always the objects of murderous attack, by rebels and mutineers, and who may always be easily distinguished from any other classes, it appears in no way necessary for the public good to impose upon them (whatever may be the necessity in the case of others,) any of the grievances belonging to the Law in question; but on the contrary, it would rather seem for the benefit of peace and good order, and the prevention or repression of outrage and rebellion, that these classes, capable of such easy distinction, should be always exempt from any irksomeness or grievance in carrying arms, and rather encouraged so to do, than the contrary.

18. For these reasons I am directed to submit the intention of the Lieutenant Governor, in case he should have occasion to put in force in any district or place, the provision of Sections I to VI inclusive of the Act in question, invariably, under the power given him by Section VI to except "European British subjects and persons commonly known as East Indians, or Eurasians and European Foreigners," unless he shall be otherwise instructed by the Right Hon'ble the Governor General in Council.

19. Undoubtedly, I am directed to add, there may be other persons and classes whom it will be proper to exempt from the operation of the Sections in question, such as Zemindars like the Rajahs of Bettia and Hutwa, and Surackhela and Ramghur, and Raja Jye Mungul Singh, and the incumbent of Sasseram Shah Kubeerudeen, and also their retainers and followers, and many other such loyal and well disposed persons of various degrees, who have, in different parts of the country, vied with our own countrymen in courage and good faith and in exertions for the support of the Government. Some of these will obviously come to mind in case the Sections should be extended to their parts of the country, and others will be suggested by the local authorities, to whom the Lieutenant Governor proposes to make a reference for that purpose.

20. In order to prevent any vexation or difficulty arising out of that Section which requires persons, not having other "reasonable proof" of exemption, to produce a certificate of exemption from a Magistrate or other authorized Officer, the Lieutenant Governor proposes, to supply the Local Officers with printed forms of such certificates, and to direct them to furnish one, free of all cost and without awaiting application for it, to every exempted person, not of the class of European British subject, or European Foreigner, or Eurasian. These classes will not need certificates, their appearance being always "reasonable proof."

21. Submitting then these observations upon the Law and the manner of enforcing it, the Lieutenant Governor will await the directions of the Right Hon'ble the Governor General in Council, and be prepared to act as he may be instructed.

(Signed) A. R. YOUNG,
Secy. to the Govt. of Bengal.

Fort St. George, Judicial Consultation, 24th November 1857.

From C. BEADON, Esq., Secretary to the Government of India ; to A. R. YOUNG, Esq., Secretary to the Government of Bengal, dated the 15th October 1857, No. 2100.

SIR,

Home Department I am directed to acknowledge the receipt of your letter, No. 1803, dated the 23rd ultimo, in which the Lieutenant Governor of Bengal submits his views, as to the mode in which Act No. XXVIII of 1857, (the Arms Act) shall be carried out.

2. His Honor proposes at once to bring into force the last 30 Sections of the Act, Sections VII to XXXVI inclusive. To this, I am desired to say, there is, for the most part, no objection. Sections VII to XI inclusive have already been put in force under the instructions conveyed in my letter, No. 1987, dated the 30th ultimo.

3. His Honor proposes certain conditions in which, under Section VIII, licenses to manufacture and deal in arms and ammunition, including percussion caps, are to be granted, and he intends to constitute the Commissioner of Police licensing Officer, under that Section, for the Town of Calcutta. The conditions are perhaps more minute than is necessary, and are framed apparently more for conservancy purposes, than with any view to the objects of the Act. By one of the conditions, the sale of any ammunition after sunset, unless the dealing takes place in the dark, is practically prohibited, a precaution which does not appear to the Governor General in Council to be required. Moreover it is the opinion of His Lordship in Council that licenses, for the manufacture of percussion caps and gunpowder, should not be granted, except by the Government.

4. The Lieutenant Governor proposes under Section XV to prohibit any unlicensed person from transporting arms, ammunition, military stores and sulphur, in any direction, except on behalf of Government, and from transporting saltpetre, except towards Calcutta ; and His Honor also proposes that the Officers who give licenses, under Section VIII shall also be the Officers to give licenses under Section XV. To this there is no objection.

5. Before extending the provisions of Section XXVI to the Lower Provinces, I am directed to request that the Lieutenant Governor will name a day after which His Honor proposes that the possession of cannon shall become unlawful. There are places near to which it will be desirable to have the means of enforcing this Section at once.

6. The Lieutenant Governor asks instructions as to the way in which His Lordship in Council desires to give effect to the opening Sections of the Act, Sections I to VI inclusive. His Honor considers that these Sections should be enforced only at particular times and places and upon special cause, such as the occurrence or expectation of insurrection. In this view, the Governor General in Council agrees. It will be better that these clauses should not be brought into permanent operation ; and if they are put in force in times of emergency only, such exceptions can then be made as the nature of the crisis may suggest. But His Lordship in Council does not think it advisable that any local Government should lay down that any class, even European British subjects, should "invariably" be exempted.

Council Chamber, }
The 15th October 1857. }

(Signed) C. BEADON,
Secretary to the Government of India.

(True copies)

(Signed) C. BEADON,
Secretary to Government of India.

No. 20. From Colonel J. C. BOULDERSON, Commissioner of Police ; to E. MALTBY, Esq., Acting Chief Secretary to Government, Fort St. George, dated 30th October 1857, No. 148.

SIR,

I have the honor to acknowledge the receipt of the Circular No. 1366, dated the 19th Instant, and with reference to which, I beg to state that I am decidedly of opinion, that under present circumstances, it is desirable to "call for a Registry of Arms," and offensive weapons of every description, in possession of all persons residing within the local limits of this Presidency town ;

Fort St. George, Judicial Consultation, 24th November 1857.

and with this view, and in accordance with the desire of Government, I would suggest the following arrangements for giving effect to that object.

First.—The publication of a notice in the Official Gazette that, under the provisions of Section I of Act XXVIII of 1857, the Registry will be made at the office of the Commissioner of Police.

Second.—The appointment of certain days, in which the Registry in each of the seven Police Divisions will be made.

Third.—The publication of a notice of the days appointed, in the Official Gazette, and in the several European and Vernacular newspapers at the Presidency ; and also proclaiming the same by beat of tom-tom ; and drawing particular attention to the penal consequences of neglecting to register.

Fourth.—The appointment of an efficient and intelligent Clerk to the office of the Commissioner of Police, for the purpose of keeping the necessary Register ; and attending to all matters of this branch of the department, under the orders of the Commissioner ; salary Rupees fifty per month.

The following I submit as the form of Certificate to be delivered, if required, under Section III of the Act.

No. Page of Register.

I. A. B., Commissioner of Police, for the town of Madras, do hereby certify, under Section III of Act XXVIII, that C. D., merchant, residing at Kilpauk, has, under date the 10th November 1857, given at this office, the notice required by Section I, of the above recited Act, of the number and description of Arms at present in his possession, viz.,

One Revolver.
One Musket.
&c. &c. &c.

Madras, Police Commissioner's Office, }
11th November 1857. }

A. B.
Commissioner of Police.

The Register of Arms ought to be alphabetical, to facilitate reference, and I would propose that it be in the form here submitted.

Register of Arms, offensive weapons and ammunition in possession of parties residing within the local limits of the Presidency.

Number.	Names.	Occupation or calling.	Place of residence.	No. and description of Arms.	Date of Registry.	Date of Certificate.

(Signed) J. C. BOULDERSON,
Commissioner of Police.

No. 21. From Captain J. G. RUSSELL, Officiating Agent to the Governor of Fort St. George, at Kurnool ; to E. MALTBY, Esq., Acting Chief Secretary to Government, Fort St. George, dated 29th October 1857, No. 28.

SIR,

With reference to your Circular, No. 1366 of the 19th Instant, I have the honor to inform you that I consider it desirable to call for a Registry of Arms in the whole district, instead of in particular towns or places only, and that Sections I to VI of Act XXVIII of 1857, may be brought into operation, by giving a specific notice throughout the district, calling upon parties to have their Arms of all kinds registered within a certain time, (say 3 months) or subject to the penalty laid down in the provisions in question.

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2. Being thus impressed with the absolute necessity of disarming all dangerous classes, * 7th April 1857. I had, as a local measure of safety to the public, directed* the heads of Police to open a Register and to recommend for permits to wear Arms only those who could be trusted, confiscating the Arms of all parties concerned in any crime.

3. To comply with the provisions of Section XXVI of the Act in question, I am of opinion that not less than 30 days' time may be sufficient, but I am not aware of there being a cannon, howitzer or mortar of any description in this district.

(Signed) JOHN G. RUSSELL, Captain,
Officiating Agent to the Governor.

No. 22. From J. SILVER, Esq., Magistrate of Tinnevely; to E. MALTBY, Esq., Acting Chief Secretary to Government, Fort St. George, dated 6th November 1857, No. 381.
SIR,

In reply to your Circular letter in the Judicial Department, No. 1366, enquiring whether in my opinion, it is desirable to call for a Registry of Arms in the whole of my district, or any particular towns or places only, I have the honor to inform you, that I do not consider it necessary at present, to bring Sections I to VI of Act No. XXVIII of 1857, into operation in Tinnevely.

2. There are numerous Zemindars in this district, who each of them and their dependants, possess a few guns and match-locks, and spears, but these weapons are chiefly, if not altogether, kept for purposes of hunting. The Zemindars generally are quiet and well disposed, their conduct having undergone a great change for the better in this respect, from what it was in former years. It is seldom that any serious affray is heard of, in which the dependants of any of the Zemindars are concerned.

3. Should I see reason afterwards, to consider that the provisions of Sections I to VI of the Act in question should be brought into operation in Tinnevely, I will duly communicate my sentiments to the Government.

4. As regards Section XXVI of the Act, I do not believe that there is in the possession of any one in the district, a piece of Ordnance worth the name of a cannon.

(Signed) J. SILVER,
Magistrate.

No. 23. From W. ROBINSON, Esq., Acting Magistrate of Malabar; to E. MALTBY, Esq., Acting Chief Secretary to Government, Fort St. George, dated Calicut, 31st October 1857, No. 161.

SIR,

With reference to your letter, dated 19th October 1857, I beg to state, that I consider it highly expedient that the Registry of Arms required by Act XXVIII of 1857, should extend over the whole district of Malabar, and be put in force with as little delay as possible.

2. In Malabar, the Registry of Arms in the country is of more importance than in the towns. The latter are occupied by trading classes who are, and always have been, well affected. In the country, the population, Hindoo and Mopla, is of a formidable character. It is scattered over a country naturally very inaccessible, where houses are of considerable strength, enclosed by high earthen walls.

3. With reference to Section VI, Clause 4 of the Act, I propose to except no class in the country. It is most desirable to restrict the number of offensive weapons distributed among the people, to what is necessary for ordinary purposes of defence in times of peace; and the Magistracy should have an idea of the number and nature of the weapons in the possession of the people, as well in the little forts and strongholds of the Rajah, as in the smaller huts of the ordinary ryot.

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4. A law for the Registry of Arms is thoroughly understood in Malabar by the people; such a measure was in the strictest operation during the first quarter of a century of our rule, and never should have been abandoned. We have now an opportunity of reviving that most wholesome precaution, with the assent, as to its expediency, of every reasonable native in the country. The rebellion in Bengal gives us, as all feel, a right to exact this guarantee of the people.

5. In carrying out the provision of the Act, I propose to address a Circular to the Rajahs and principal inhabitants, setting out the provisions of the Act with a few words of explanation and advice, and to require them to make returns (a printed form will be served on each of them) * 10 days within a certain short period* of all weapons in their possession. The ordinary ryot will be required by proclamation, to make a return of his weapons to the Adighary of his village. A register must then be opened in each talook for the registry of Arms of all descriptions.

6. Every licensed weapon must, I think, be stamped in such way as the Government may direct, and all newly manufactured weapons should be stamped before they leave the manufacturer's hands.

7. With a view to expedition and system and to spare the people as far as possible, I would propose the appointment, as soon as all the returns have come in, of an itinerating Gomastah in each talook, who should proceed to the different districts with the necessary assistant (iron smith,) and there examine, register and stamp every species of weapon, without necessitating attendance at the talook office. I beg sanction for the sum, viz., Rupees 744.

8. One month should be given for complying with the provisions of Section XXVI of the Act.

(Signed) W. ROBINSON,
Acting Magistrate.

No. 24. From J. BIRD, Esq., Magistrate of Trichinopoly; to T. PYCROFT, Esq., Chief Secretary to Government, Fort St. George, dated 13th November 1857, No. 141.

SIR,

Para. 1. I have the honor to acknowledge receipt of your Circular letter, No. 1366, of date the 19th Ultimo, requesting opinion of the expediency or otherwise for calling for a registry of Arms under certain portions of Act XXVIII of 1857, in the whole of this district, or in particular towns or places only.

2. I have given the subject my careful consideration, and I am of opinion, there is nothing in the political or social state of this Province to make necessary the putting in force of the first six Sections of the Act in question. The people of this town of Trichinopoly itself, and of the whole district, have behaved so loyally and well during the past months of trial and anxiety that, I should be sorry to see them called on for a registry of Arms, or required to do any thing indicating a distrust of them on our part.

3. I exhibit in the margin* a return I have obtained from the several talooks, shewing proximately the number of Arms supposed to be possessed by the inhabitants of the entire Province. The amount is not great when distributed among a population of more than eight hundred thousand souls.

4. As regards Section XXVI, it seems quite inapplicable to the southern districts where the manufacture or use of cannon, howitzer or mortar are unknown to the people. And of consequence, I give no opinion. The Section says, if no time be mentioned in the order of Government, then one week after the publication of such order in any district or place, no person shall manufacture or use such Arms without a license. This seems time sufficient.

(Signed) J. BIRD,
Magistrate.

* Fire Arms 590, Pistols 129, Bayonets 49, Swords 1002, Spears 621, Spear heads 39, Daggers 382.

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No. 25. From T. J. KNOX, Esq., Acting Magistrate of Masulipatam; to E. MALTBY, Esq., Acting Chief Secretary to Government, Fort St. George, dated 31st October 1857, No. 434.

SIR,

19th October 1857.

Para. 1. In reply to your Circular, No. 1366, I have the honor to report as follows.

2. I understand my opinion is required as to the policy of introducing certain portions of Act XXVIII of 1857, generally or partially into this district. I will confine myself therefore to these points, remarking however that I would have advocated the propriety of not introducing Sections I to VI of this Act, to any part of this district.

3. However, as the question is now put to me, I beg to reply that I do not think it is necessary to extend these Sections to the whole district. The inhabitants of these parts are generally very awkward with, and unused to fire arms, which are, I believe, the arms chiefly contemplated by this Act, and the parties who keep fire arms are well known, being Shikarees: a number of Mokhassa peons who are by the tenure of the land, required to have match-locks, and a few of the hangers on in each Zemindar's retinue, and the scarcity of sulphur which can be so easily maintained, is, I believe, a sufficient check upon these parties far more than the restrictions as to percussion caps, for I do not believe there is a percussion gun in the district, save among Government officers, and perhaps as a curiosity with 2 or 3 of the richer Zemindars.

4. I therefore propose to include only the towns of Masulipatam and Ellore under this Act, for if evil is hatching in this district, it will be in them.

5. I would require every man having fire arms, bayonet, sword or spear, to produce them before me, and receive from me a certificate, of which I would retain a duplicate, describing the weapon and the private marks on it, by which at any time he could identify as his own, and in the case of a proprietor or Zemindar, I would allow him a certificate for his entire stock with the names of his retainers entitled to use them; in fact, I consider the provisions of the Act simple and easy to be enforced, of course a man travelling with his registered arms must carry his certificate with him to satisfy the Magistrate of the next district.

6. I would arrange this in Masulipatam in November, and do the same for Ellore when on circuit there in December.

7. As for Section XXVI, I feel sure there is no howitzer or mortar in the district. I do not know of any cannon, though it is probable that some of the ancient Zemindars have an old gun used perhaps on state occasions for salutes, and dangerous only to the man who fires it.

8. The time necessary to be allowed, is of no moment, for I am sure a license may be given to any body having such articles in their possession.

(Signed) T. J. KNOX,
Acting Magistrate.

No. 26. From G. N. TAYLOR, Esq., Acting Magistrate of South Arcot; to EDWARD MALTBY, Esq., Acting Chief Secretary to Government, Fort Saint George, dated 28th October 1857, No. 306.

SIR,

In reply to your Circular letter, No. 1366, dated 19th Instant, I have the honor to state that if it be determined to extend the provisions of Sections I to VI of Act XXVIII of 1857, and to call for a registry of Arms, throughout this Presidency generally, I am not of opinion that any portion of this district, ought to be exempted from the operations of the Act.

2. My recent arrival in the district, does not enable me to speak from personal observation, but I am informed that on more than one occasion, within the last few years, serious loss of life has occurred, and a considerable amount of property been plundered by the unlawful use of deadly weapons, in caste disputes. I am also given to understand that numerous pensioned Cavilgars and other turbulent characters among the cultivators and inhabitants of the jungly tracts in particular, notoriously furnish arms to professional robbers for purposes of plunder and dacoity.

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3. Without reference therefore to recent political events, it would seem that the proposed registration of arms is a desirable measure, viewed only with respect to the ordinary preservation of the peace of the Province. The Joint Magistrate is however of opinion, that the call for a registry of arms in possession of private individuals, is unnecessary, and would create an alarm in the minds of the people, which does not now exist. But it seems to me that no well-disposed person can reasonably object to give notice to the Magistrate, of the arms in his possession, provided he is not subjected to loss and inconvenience by unnecessary detention from his business or his home. Certificates are in fact now granted annually at the Jummahbundy, to Shikarries and others who apply for permission to use fire arms for the destruction of tigers and other beasts of prey. Under the Act, this practice will be extended, and will receive the sanction of the Law.

4. The arrangements I would propose for carrying out the provisions of Sections I to VI of the Act, are the following.

5. The greatest possible publicity should, in the first instance, be given to the order of Government extending the provisions of these Sections to the entire district. Printed translations of the order and of the Sections should be furnished to Tahsildars and their subordinates down to the talook officer in charge of every circle of villages. It will be the duty of the latter officer to make the contents of the order known to all the Munsiffs within his range, who in their turn will publish it in their respective villages. A copy should be sent to every Zemindar, Poligar or independent landholder, and it should also be published in the District Gazette for general information.

6. A period of six weeks after publication of the order of Government, in each town or village, might be allowed as the limit within which the written notices specified in Section I should be given to the Magistrate. It will not be necessary for each party to present the notice in person, but for the convenience of applicants in all parts of the district, Registers should be opened in the offices of the Magistrate, the Joint and Head Assistant Magistrates.

7. Certificates might be given to those who require them on their application either in person or by Vakeel, but only after the Magistrate has satisfied himself, by reference if necessary, to the talook Police officers, that the applicant can safely be left with arms in his possession, no detention should in any case be allowed to occur; the registry can be made at once on presentation of the notice, and the applicant permitted to return to his village, whither the required certificate can be subsequently transmitted for delivery to him, in case the Magistrate should hesitate to grant it at once.

8. The above are all the precautions that occur to me as necessary in bringing these Sections into operation. It is probable that the Registry will be very imperfect, and the order not strictly attended to within the prescribed period, but I think there can be no doubt that the registry, so far as it may be expected to go, will considerably strengthen the hands of the Magistracy.

9. With regard to the questions asked in the 2nd para. of your letter, I am disposed to think that six weeks after publication of the order of Government, will be sufficient time to allow for complying with the provisions of Section 26 of the Act. I am led to believe that there are very few cannon of any description in the district.

(Signed) G. N. TAYLOR,
Acting Magistrate.

No. 27. From E. B. THOMAS, Esq., Magistrate of Coimbatore; to E. MALTBY, Esq., Acting Chief Secretary to Government, Fort St. George, dated 3rd November 1857, No. 65.

SIR,

1. I have the honor to acknowledge receipt of Circular No. 1366, in the Judicial Department, with reference to putting in force Sections I, II, III, IV, V, VI and XXVI of Act XXVIII of 1857.

2. I consider that it would be highly desirable to call for a general registry of arms, throughout the whole district. There is no hardship inflicted on individuals, in requiring them

Fort St. George, Judicial Consultation, 24th November 1857.

to obtain permission to retain their arms, whereas the registration will afford a mass of useful information to the authorities as to the general distribution of arms throughout the district, and the classes who have particularly provided themselves with them, at the same time that it will be a wholesome check against their recent accumulation for purposes hostile to the peace of society.

3. The arrangements which I would suggest for carrying out the provisions of the Act would be, to open a general Register at the Huzoor Cutcherry, of which I should publish a notice in the District Gazette, and direct Tahsildars, Ameens and others to make the order generally known, applications throughout the district, might, in the first case, be made to the respective Tahsildars in the talooks, who would refer to head quarters, forwarding a list of the applicants, and stating at the same time what is known of their general character.

4. It would then, upon this report, or on the result of other enquiries, remain with the Magistrate to grant or withhold the license. I would allow one month to all parties for sending in their applications, reckoning from the date of the District Gazette publication, and I would also fix the same period for complying with the provisions of Section XXVI.

(Signed) E. B. THOMAS,
Magistrate.

No. 28. ORDER THEREON, No. 1507; dated 19th November 1857.
Ordered that the following letter be despatched.

No. 29. From T. PYCROFT, Esq., Chief Secretary to the Government of Fort Saint George ;
to the Secretary to the Government of India, Home Department, dated the 19th Novem-
ber 1857, No. 1508.

SIR,

I am directed by the Right Honorable the Governor in Council to acknowledge the receipt of your letter of the 15th Ultimo, No. 1698, forwarding copy of a correspondence with the Bengal Government on the subject of the Arms Act, and requesting that the provisions of Sections XII to XXIII inclusive, may be brought at once into operation throughout the Presidency of Madras. This Government are also invited to favor the Government of India with their views as to any further steps which should be taken to give effect to the Act in the Madras Presidency.

2. In reply, I am instructed to state that, on receipt of

2. In reply, I am instructed to state that, on receipt of your previous letter of 30th September last No. 1619, the whole Act excepting Sections I to VI and Section XXVI was declared to be in force within the Territories subject to the Government of Fort Saint George. I enclose for the information of the Supreme Government a copy of the Resolution, 19th October 1857, recorded upon the occasion. In reference to the remaining Sections of the Act, or those relating to the registry of Arms, the Magistrates were by Circular desired to state their opinion whether it was desirable to call for a registry of Arms in the whole of the Districts, or in particular Towns or places only, and to describe the arrangements which they had to propose for bringing Sections I—VI of the Act into operation. They were also asked what time should be given for complying with the provisions of Section XXVI when brought into operation. Replies have been received from several Magistrates. Some deem the enforcement of Sections I—VI in the Districts under their charge unnecessary, but the majority would carry them out within their respective jurisdictions generally or partially.

3. I am now directed to state, that this Government would propose with the sanction of the Government of India to enforce registry of Arms at once throughout the Town of Madras. As regards the Provinces, they would desire to exercise their discretion in carrying out the registry in those Districts and at those times in and at which it seemed to them expedient to introduce the measure. They would enforce the provisions of Section XXVI at once throughout the whole of the Presidency including the Town of Madras.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

No. 1698

FROM

C. BEADON, ESQUIRE,
Secretary to the Government of India,

To

H. Forbes Esq
Acting Secretary to Govt Fort Saint George

Dated the 15th October 1857.

SIR

HOME DEPT.

HOME DEPT. IN continuation of my letter, No. 1619, dated the 30th ultimo, I am directed to forward for the information of the Government of *Fort Saint George*, copy of a correspondence with the Government of Bengal on the subject of the Arms Act.

2. The Governor General in Council desires me to request that the provisions of Sections XII. to XXIII. inclusive, and of Section XXXVI. may be brought at once into operation throughout the Presidency of *Madras*

3. I am also directed to request that the *Right Honble the Govr in Council* will favor the Government of India with his views as to any further steps which should be taken to give effect to the Act in the *Mab-as Presidency*.

I have the honor to be,

SIR,

Your most obedient Servant,

For William
The 15th October 1857.

Secy. to the Govt. of India.

To be kept in the
 for one of the
 same date
 previously
 sent down -
 in which there is
 a misprint

Your most obedient Servant,

Curzon

Secy. to the Govt. of India.

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No 1845. 8 1843.

From the Acting Magistrate of Masulipatam

Dated 31st October 1837

From the Master of Combaros 1736 November 1851

For Orders.

The answers from the several
collectors should be circulated
at the same time.

Monahgan with Dr Knox in ^{two} extracts
the operation of the act to the three towns
specified. It has extended to the whole debt of
the Mag. held responsible that its provisions
are fully carried out.

Should wait for all the letters - if it

Dr To Consul-Genl & Hon^r
Judicial-Offr. Washⁿ

From the Secy: to the Gov^r
of Indiana. — 1890
2/15
N/30 Dec 1891.

105/ace copy.

No. 1789.
2 cents

Enclosed for the information
of this Govt Copy of a copy of
above with the original before
the subject of this document.
Recd that the provisions
of the XII to XIII conclusions,
of the XII to XVII among the through
as once into operation
throughout this decision,
Regulated to be favored with
the heart of this Govt is to
any similar steps which
should be taken & give
a shot at the act in Madras.

was deemed right to send the
act to the whole of my district
there was no use in asking the
Collector for an opinion on the subject
15th W. C. L.

As the Circular to Collectors has been
reconsidered I have sent for answers
to it - but in my opinion the provisions
of the Act should extend to the whole
of my District & part of this was
lacking at the Presidency. L. G.

Memorandum

These letters are in reply to the Circular
sent to all Magistrates consulting them
about introducing into their District
Sections 1 to 6 & 26 of the Arms Act
No 28 of 1857.

At the Presidency Colonel Boulderson
wishes to call at once for a Registry of
arms, and Govt are desirous of this mea-
sure being carried out.

The other letters are from the Officers in charge
of Malabar, Karnool & South Arcot & all
three advocate a registry of arms throughout
their Districts.

This is a very important question, calling
for much consideration, as the Act is likely
to cause irritation by the interference & res-
trictions which it authorises & by the power
of annoyance & oppression which it gives
Police Officers. - This point was forcibly brought
forward by the Govt of Bengal, & in reply to
their enquiry the Supreme Govt replied that
the Act was not intended to be brought into
general operation, but to be applied only to dis-

- affected & dangerous localities where
earthquakes were expected

- Whatever may be thought of Malabar
& Karnatak on this point of view, South
Arcot is not a dangerous locality,
and as this Presidency has remained
quiet & loyal it seems impolitic to
cause alarm & ^{among its rural population} ~~embarrassment~~ by introducing
Classes 1 to 6 of the Arms Act in places
where it is not absolutely necessary as
such a feeling would be a real ~~embarrassment~~ ^{difficulty}
- It appears however advisable to bring
Section 26 (which relates to the possession
of cannon) into general force -

- When it has been decided in what
parts of the Provinces a registry of Arms
is to be called for, the next question is
whether the measure is to be carried out
at once, or after some troops have arrived
from England. JH

Memorandum.

Under date 15 Oct 1857 the Supreme Govt
expressed that S XX to XXXIII inclusive
and S XXXVI - of Act XXVIII. 1857 or the
Arms Act might be brought at once into
- operation throughout the Pres^y of Madras. This
had ^{already} been done - by C O 14 Oct notifying
that all the Sections of the Act except I-VI
and XXXVI were put in force within the Madras
Presidency -

2 The Supreme Govt at the same time
15 Oct decided the views of the Madras Govt as
to any further steps to be taken to give effect
to the Act in this Presidency -

This also had been anticipated by
the Govt Circular already quoted which
called on all Magistrates to state their
opinion whether it was desirable to carry

a Registry of Arms for the whole of
the District or in particular Towns &
Places only and to describe the arrange-
ments they would propose for bringing
S 1 - VI of the Act into operation —

also what time should be allowed
for complying with the provisions of S 26
of the Act or that relating to the possession
of Arms —

4 Replies have now been recd from the
Magistrates of ^{civil} ~~the~~ District and an
abstract sent in circulation with some re-
marks made upon them by Mr Malby W

South Arcot - Tirunelveli

Kannoor - Malabar

Madrass - Coimbatore

Mandhat - Trichinopoly

Those from Coimbatore have already been
sent out in circulation. The Mag of Coimbatore
is for introducing the Act throughout his
District. The Mag of Mandhatam would
at the most confine it to a few towns. I

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The Bengal Govt - it will be remarked
propose to restrict these Sect 1 - VI to particular
times & places & upon special cause such
as the occurrence or expectation of a
rebellion - and this the Supreme Govt ap-
proves —

The Supreme Govt - in our view
authorizes us to extend these Sections to
Madrass as they do others - but asks
us what further steps we wish propose
to take —

Shall anything be done
beyond writing for the other reports from
the Provinces & on their receipt reporting
our views for the orders of the Supreme Govt -
we respect S 1 - VI as well as S XXVI
We shall anything be done without
reference, at Mandhatam in the Provinces
and if so is the arrival of fresh troops to
be awaited —

I would ask attention to the
observations of Mr Malby in regard
to the expediency of carrying out these

Section, unimpaired. Which seems
to be no judgment.

Judicial Department

N^o 1507

Extracts from: of 19 November 1857.

Read the following papers

From the Secy to the Gov of India - 15 Oct 1857 - N^o 1498.

From Com^r of Police for the Town of Madras

20 Oct 1857 - N^o 148.

From the Agent Kurnool 29 Oct 1857 N^o 149

From the Mag of Trichinopoly 6 Nov 1857 N^o 1501

Malabar - 31 Oct 1857 - 141.

Trichinopoly - 10 Nov 1857 - 141.

Manipal - 31 Oct 1857 - 141.

Sonk Anul 29 Oct 1857 - 141.

Madras

Coinator - 3 Nov 1857 - 141.

Ordered that the following letter be despatched -
N^o 1508.

Secretary to the Gov of India Home Dept.

Despatch 23rd

At

By

I am to acknowledge
the receipt of your letter of
the 15 ult. No 1698 pres^t

copy of a correspondence
with the Bengal Govt on the
subject of the Arms Act
and reporting that the
provisions of Sec XII to XXI

My attention has been directed to the
fact that the Bengal Govt have
expressed their opinion that the
provisions of the Arms Act
are not sufficient to meet the
requirements of the Bengal
Govt and they have requested
that the Government of India
should consider the matter.

Well

Copy to Secy. 24th Nov

Just to Secy Dept

N^o 1507

Despatch from the Secy to the Gov of India

of Administration

Despatch 19th Nov 1857

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inclusive may be brought at
once into operation throughout the
Presidency of Madras - This Govt
are also invited to favor the Govt
of India with their views as to any
further steps which should be taken
to put effect to the Act in the Madras
Presidency -

2. In reply I am instructed
to state that, on receipt of your
previous letter of 30 Sept last no
1619, the whole Act excepting Sects
1 to VI and Sect XXVI were declared
to be in force within the Territories
subject to the Govt of Fort St George. I
enclose for the information of the Supreme
Govt a copy of the Resolution - 19 Oct 57.
recorded upon the occasion - to wit.
- under the remaining sections of the
Act, or those relating to the Registering of
Deeds, the Magistrates were by Circular

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directed to state their opinion whe-
-ther it was desirable to call for a
Register of Deeds in the whole of
the District, or in particular
Towns or Places only, and to
describe the arrangements wh-
they had to propose for bringing
Sections 1-VI of the Act into
operation - They were also
asked what time should be given
for complying with the provisions
of Sects XXVI when brought
into operation -

3. Replies have been received from the
Magistrate at this - Some
deem the enforcement
of Sect 1-VI in the District
unnecessary and
the Magistrate would
carry them out
within their jurisdiction
- in some instances
however by a
particular
I am now directed
to submit a précis of the
replies of the several Mag-
istrates as far as they have yet been
received, and to state that
the Govt would wish with
sanction
the prosecution of the Govt
of India to be proceeded
with.



18 Mar.
1944