M.R.O. 1—39,000—16-10-23.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 114	Press Mis.
18–19	
Dated 22 — 1 — ~~19~~ 1918	

Not to be folded or roughly handled

Fort St. George, Judicial Consultation, 26th January 1858.

No. 18. Read the following letter from CECIL BEADON, Esq., Secretary to the Government of India ; to T. PYCROFT, Esq., Chief Secretary to the Government of Fort St. George, dated the 23rd December 1857, No. 2046.

Home Department.

SIR,

I am directed by the Governor General in Council to acknowledge the receipt of your letter No. 1508, dated 19th Ultimo, reporting the proceedings of the Government of Madras in respect to the Arms Act, proposing to enforce the registry of Arms at once in the Town of Madras, and hereafter from time to time at discretion in other places ; and recommending the enforcement of the provision of Section 26 at once throughout the whole of the Presidency.

2. These proceedings and proposals are approved. Indeed the Governor General in Council desires to leave the Government of Madras to act in this matter as may seem to it most expedient, with the sole caution, that neither the registry of Arms nor the surrender of Cannon should be required, unless the means of enforcing those measures are available.

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

No. 19. ORDER THEREON, No. 114; dated 22nd January 1858.

Under the sanction conveyed in the above letter, the Right Honorable the Governor in Council resolves to extend to the Town of Madras, as defined in Section XII, Regulation 11 of 1802, the provisions of Sections I to VI and XXVI, Act XXVIII of 1857. The following Notification will accordingly be published in the Fort Saint George Gazette.

(Here enter Notification.)

2. The Right Honorable the Governor in Council approves the Notice submitted by the Commissioner of Police setting out the arrangements under which the registry of Arms and surrender of Cannon, Howitzers and Mortars is to take place. Applications for Licenses for these last named Arms will be submitted by the Commissioner with his remarks to Government for their orders. The Notice with the Notification of Government will be inserted in the Fort Saint George Gazette, and in all the European and Vernacular Newspapers at the Presidency, and will also be published by beat of tom tom throughout the Town.

3. Copies will also be given to the Agent in Chepauk, to be by him furnished to the chief members of the family and retainers of His Highness the late Nuwaub of the Carnatic, who are now exempted from the jurisdiction of the Honorable Company's Courts, under Act XVIII of 1857.

4. The Government approve the form of Certificate and of Register submitted by the Commissioner of Police with his letter of the 30th October 1857, No. 148, and authorize the entertainment temporarily of a Clerk on fifty Rupees a month, for the purpose of keeping the necessary Register and attending to all matters in this branch of the department under the Commissioner's orders.

5. Colonel Boulderson will keep the Government informed of his proceedings and of the quantity and description of Arms that may be registered, and of pieces of Ordnance that may be delivered up under the application of the Act.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Also the enforcement of the provisions

I think it most important that the Powers asked for by the Commissioner of Police should be conceded to him — I think that no sales or importation of Exportation of Arms or ammunition should be allowed to take place without the previous sanction of the Comr of Police being obtained — and I consider that a corresponding check should be enforced throughout the whole extent of this Presidency — The respectability of parties holding Licences is no safe guarantee — very respectable Madesmen — so considered

do sell and I have good reason for believing will sell Arms & Munitions of War without reference to any consideration other than obtaining the highest price —

JG

The only point for notice in the form of letter is, we should a license granted under sect VIII — require parties purchasing to obtain permission so to do before any legal sale can be effected

The control of the importation of arms & ammunition is provided for under sect XII & it is to be presumed that this will be exercised so as to prevent danger being incurred — in fact in this section the main force of the Act seems to exist

Sect XV also vests Govt with power to prohibit the transport of arms from or to any part of the country

Every person purchasing arms must also immediately register them & in so doing he may be required to state where he purchased them or how he procured them —

Under the above circumstances therefore to require parties to have the sanction of the Com^t to purchase arms — so in my opinion unnecessary —

Wide

Sec XI authorizes the imposition of such conditions in the Licenses as may thought necessary.

The Comr of Police as the officer responsible for the public peace has asked for the insertion of a clause requiring all purchases to be made with his previous sanction.

Extraordinary precautions are required in the present state of the country & irksome as this provision undoubtedly is, I wd concede it, as a temporary measure, on Col Bouthersons requisition. But it shd be relaxed as soon as tranquillity is restored.

In ordinary times simple registration is sufficient.

I wd extend the Act to all Distts

[illegible]

Memo

Fort Lan already 19 Oct 1857 notified that all the Sections of Act XXVIII - 1857 or the Arms Act - except 1 to VI - and XXVI were in force throughout the Presidency of Madras -

2 As regards these Sections the Fort on the same day called on all Magistrates for their opinion whether it was desirable to have a Registry of Arms for the whole of their Districts or in particular Towns & places only - and to describe the arrangements wh they would propose for bringing the first six Sections of the Act into operation -

3 Also what time should be given for complying with the provisions of Sect 26 of the Act when carried into effect -

4 When some replies had been received this Fort 19 Nov 57 addressed the Govt of India proposing to enforce the Registry of Arms at once in the Town of Madras, and requesting discretionary authority as to its introduction in other parts of the Presidency - recommending also the enforcement of the provisions

of Section XXVI at once throughout the Presidency—

5—The Govt of India 23 Dec 57 assist & desire to learn the Madras Govt to act in this matter as may seem to it most expedient with the sole condition that within the registry of Arms now the surrender of cannon should be required unless the means of enforcing those measures are available—

6—Replies to the Circular of 19 Oct have not been received from all Districts—It will be for future consideration into what parts of the Mofussil Sectⁿ I—VI of the Act should be introduced—It will be observed from the correspondence forwarded by the Govt of India 15 Oct 1857 that the Govt of Bengal consider that these Sections should be enforced only at particular times and places & upon special cause such as the occurrence or expectation of insurrection—In this view the Supreme Govt 15 Oct agree—observing

that it is better that these clauses should not be brought into permanent operation—but put in force in times of emergency only—when such exceptions, as regards the persons to be subjected to them, may be made, as the nature of the Crisis may suggest—

7. In regard to the Town of Madras however the Govt have recommended that these Sections—as well as XXVI—may be introduced, and the Supreme Govt have consented—with the general proviso that the Govt have the means of enforcing the measure—

8—The first thing to be done is to declare by notice in the Gazette that the provisions of Sections I—VI & XXVI of the Act have been put in force within the local limits of the Town of Madras as defined in Reg II. 1802 S XII

The time, if less or more than one week from date of publication of the order, within which notice of arms must be given or Sect 26 is to have effect should also be specified in the order—

9 also the weapons to which the order

is to apply — Are there any
more to be named than those
stated in the Act Sect 1 - dug.
-ger might perhaps be added —

10. The arrangements which he
would propose for carrying out
these sections are reported by
the Commissioner in his letter of
30 Oct last —

11. Further what if any exceptions
are to be made under C 4 Sect
VI - The Bengal Govt it will be
remarked proposed inva-
-riably to except "European
British subjects and persons"
commonly known as East Indians"
or Eurasian & European Foreigners".
but the Supreme Govt "did not
think it advisable that any local
Govt shd lay down that any class
even European British subjects
should invariably be exempted —

to subject European British
subjects to these sections
has as is well known excited
a great clamour in Calcutta.

It will be desirable to settle all
points with reference to this subject
at the next meeting of Council - which
I find on serving the Chf Sedr today - it will
be more convenient to hold on Thursday
~~[illegible]~~ of Tuesday next.

I cannot see why British born subjects
shd object to registering their arms.

I think it would be wise - as preparatory
to making arrangements for carrying out
the measure - that the Chf Sedr shd see
both the Commissr of Police - & the Chepauk Agent
to ascertain - if they have any objections to
urge or suggestions to make with respect
to carrying out the measure.

- For orders -

Colonel Boulderson wrote to me privately to the same effect as he has now done publicly, only he then he extended his recommendation to all the Provinces as well as to Madras - I replied that I could not share his opinion, but that if he addressed me officially, the matter should be laid before Govt. - Hence his present letter.

Colonel B. fears that under the licenses the sale of arms will become authorised to any extent instead of being restricted - & proposes that no sale should ever take place without his previous sanction. - But such a course would be to set aside the licenses intended by the Legislature, & introduce a harassing system of perpetual interference. - It also seems unnecessary to me on the following grounds.

I - Licenses need not be granted to any but persons of respectability -

II - Instead of their being granted without conditions as Colonel B. supposes, they are subject in all cases to the conditions specified [illegible] Sections IX & X of the Act - The [illegible] of Police has thus an insight [illegible] actions & whenever they are such as to excite suspicion he sees [illegible] revoke a licence (see Sec[illegible]

C 11 Lang
1921.

III. - All importations of arms & ammunition by dealers must be licensed in every case by the Commissioner of Police - who can therefore prevent any excessive quantity being brought into the place. -

IV - A Register of arms is about to be ordered in Madras under Sections 1 to VI of the Act as soon as Col. Bouldersons report on the subject is received - & then all arms held by persons in excessive or unnecessary quantity will be taken away from them -

V - I propose, with the approval of Govt, publishing an order in the Gazette prohibiting, under Sect XV of the Act, the transport of arms or ammunition without passports

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I circulate with Colonel Bouldersons letter a correspondence (just received) between the of Bengal & India regarding the working the Arms Act. - It will that it is proposed there to bring

Sect XV into force & prohibit the unlicensed transport of arms & ammunition. -

It is further declared that the registering of arms is only to be called for there in disaffected & dangerous localities, and I hope that the same course will be followed in this Presidency, since it would be difficult to work the Act without much trouble & annoyance to the people from the act of our subordinate Officers. -

Magistrates have been called upon to report in what part of their Districts they wish to have a registry of arms.

[signature]

I think Md Commissr of police has some reason for requiring some more specific restriction on the sale of arms than the mere license - the part of the licensee [illegible] to persons of respectability only [illegible] no safe-guard - persons wh[illegible] [illegible] any amount to any -

Note, No importation of arms takes place without the Commissioner's license so that he knows all particulars [illegible]

treaty is given there -

May Section 12. the license of Govt must be obtained for the importation of arms. but unless the foreign is either consulted previously to giving permission or informed on its being granted - he may be ignorant of the number of arms introduced.

No doubt continued reference will be hereafter - so is any restriction upon mercantile transactions - but it is obviously a matter of importance - that any large sale of arms should take place - & this may be affected: not so rapidly but as effectually for future movements - by single purchases continued for a lengthened period

Prevention is better than cure - tho' the Remedy of this action is the usual rule in British politics & I would at all events for the present - [illegible]

Commissr request:

[illegible] 26. be [illegible] [illegible]

[illegible] from Supreme Govt 30 Sept 57

[illegible] do 15 Oct 57

1. Forwd correspc. with Bengal Govt on the subject of the Arms act -

2. Requesting that Sections XII to XXIII inclusive & SXXXVI may be brought at once into operation throughout the Presidency of Madras -

3. And that the Madras Govt wd. favor Supreme Govt with their views as to any further steps to be taken to give effect to the Act in the Madras Presy. -

The correspondence forwd. with the above would seem that the Earl 30 Sectr. - inclusive - of the Act have been [illegible] throughout the Bengal Presidency

but that it is intended to restrict the ~~introduction~~ enforcement of Sect^n I—XI to particular times & places and upon special cause such as the occurrence or expectation of insurrection —

Under date 19 Oct 1857 a notice was published in the Fort S. George Gazette notifying that all the Sect^n of the Act were put in force throughout the Madras Presidency except I — VI & XXVI —

A circular was issued on the same date to all Magistrates calling on them for their opinion whether it was desirable to call for a Registry of Arms for the whole of their District or in particular Towns & Pl[illegible] only — and to describe the a[illegible]-ments they would prop[illegible]

S I — VI of the Act into operation —

also what time should be given for complying with the provisions of S 26 of the Act when brought into operation —

Ans^d by Mag^s of
South Arcot — Tinnevelly
Kurnool — Coimbatore
Madras — Masulipatam
Malabar

On the 10 Nov — 57 the transport from one place to another without a licence of Arms or Military Stores was prohibited —

On the 9 Nov. got at the instance of the Comr of Police ~~[illegible]~~ directed that no sales of arms or ammunition should be made in excess of a fixed quantity without his previous sanction — The C^r was requested to state what the limit should be —

A Register of Arms is also about ordered at Madras under S I — VI [illegible] as soon as Col D's report [illegible]

What therefore now seems to be required is.
Returns to the Circular sent to the Magistrates on the 1st ult. regarding the registration of arms & possession of ordnance —

Report of Com. of Police — Madras — or limit to be placed on quantity of arms and ammunition to be sold at Madras without special permission in each case — &
His report on arrangements to be made for registry of arms at Madras — has been answered 30 Oct 1857 —

Reference from Trichinopoly — 24 Oct 1857 —
To inquire whether the power of granting licences under the Act for sale of arms should be extended to Supts of Mil. Police —

Memo

I have no reason to suppose that British born subjects generally would object to registering their arms. No such objection is felt in Ireland when a district is proclaimed, or placed under the Insurrection Act, by the Lord Lieutenant.

Under the words of Section I, "or other deadly weapon to be specified in such order", I am clearly of opinion that the words "or other description of bludgeon", proposed by Mr Elliot to follow the word "lathi" or lattee, would not be a sufficient specification. The words "club or bludgeon loaded or bound with any metal" would perhaps meet the end proposed. I confess however that such an addition strikes me as neither necessary nor expedient — not necessary, because if any parties commence a serious insurrection, I think it may be safely assumed that their arms will be of a somewhat more deadly description — not expedient, because I think it may give an air of ridicule to the whole measure by raising the question if walking sticks generally, or any particular sorts, are included — and because also I think that in the case of native pedestrians, & of searches in native houses, it may give rise to cases of vexatious & irritating interference [illegible] part of the Police. It would be ve[illegible]

steel & iron maces, battle-axes, and Khond axes — but, as regards these, the two former especially, I think there are so few of them, those few chiefly heir-looms or curiosities, and so unlikely to be used or manufactured, in, or with a view to, any insurrection, that it would be hardly worth while to specify them. Fire-arms, swords or spears in the case of open insurrection, and dagger if concealment was sought or assassination contemplated, seem to me to be the sort of weapons with which men bent on mischief would supply themselves.

W. Sydney Smyth

[illegible]

To stand as originally drafted — 16.1.58 —

Notification.

The Right Honorable the Governor in Council does hereby extend the provisions of Sections I, II, III, IV, V, VI & XXVIII of Act XXVIII of 1857 to the town of Madras as defined in Sect XII Regulation 11 of 1802 and he does hereby order that within ten days from the publication of this order, every person resident within that town shall give notice in writing to the Commissioner of Police for the town of Madras of any fire arms, bayonet, sword, spear, spear head or dagger of any description whatever which shall be in his possession or shall be on his premises in the possession of his retainers or servants. Such Notice must specify the number and description of arms so possessed and also in the case of arms so possessed by

by retainers or servants the names of such retainers or servants and in what capacities they are respectively employed.

The arrangements for receiving Notices and granting certificates under Sect I. III of the Act will be published by the Commissioner of Police and the attention of all parties is called to the penalties prescribed respectively in Sect II and V for wilful neglect to give Notice. or for carrying Arms without a certificate. They are informed that no parties will be exempted from a compliance with these provisions except those specified in Sect VI. of the Act and to the extent therein specified.

Parties resident in the said town are in like manner to give notice of all Arms of the description above specified which shall at any

any subsequent time come into their possession or into the possession of any of their retainers or servants.

The Right Honorable the Governor in Council further declares the provisions of Sect XXVI of the Act to be in force within the town of Madras from this date. All parties having in their possession any cannon howitzer or mortar are required to surrender it or to apply for a license for it within ten days from this date. after which time all persons having in their possession without a license any cannon. howitzer or mortar will be subjected to the penalties prescribed in that Section

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Then will follow Sections I, VI and XXVI of Act XXVIII of 1857.

By Order

(Signed) T. Pycroft

Chief Secretary

Notice

A. H. signed by Com. of Police

The Commissioner of Police having been appointed Registrar of Arms under the provisions of Act XXVIII of 1857 hereby gives Notice that the Inspectors of each Police Division are prepared to receive for him at their respective Police Jemadar's Tannahs written Notices from parties having Arms of the description named in the above order. The Notices besides specifying the number and description of Arms in the possession of the party giving the Notice and of any of his retainers and Servants who may have such arms in their possession must also particularize.

The name of the party in full.

His place of residence, giving the name of the Street and number of the house.

His occupation or calling.

The

The names of his servants or retainers having arms and the capacities in which they are employed.

Parties who may be unable to write, may attend in person at the Jemadar's Tannahs in their respective Divisions, to give the above information.

Certificates of the date of giving such Notices, with the number and description of Arms, specified therein, will, when there be no objection, be ~~given to each party~~ granted on application ~~made to~~ by the Commissioner of Police by ~~him in due course~~.

Application for licenses under Sect XXVI of the Act for Cannon-howitzer or mortar or for the surrender of such Arms must be made to the Commissioner of [illegible] in person at the [illegible]

P.T.O.

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A. H. signed by Com. of Police

The Commissioner of Police having been appointed Registrar of Arms under the provisions of Act XXVIII of 1857 hereby gives Notice that the Inspectors of each Police Division are prepared to receive for him at their respective Police Jemadar's Tannahs written Notices from parties having Arms of the description named in the above order. The Notices besides specifying the number and description of Arms in the possession of the party giving the Notice and of any of his retainers and Servants who may have such arms in their possession must also particularize.

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Certificates of the date of giving such Notices, with the number and description of Arms, specified therein, will, when there be no objection, be ~~given to each party~~ granted on application ~~made to~~ by the Commissioner of Police by ~~him in due course~~.

Application for licenses under Sect XXVI of the Act for Cannon-howitzer or mortar or for the surrender of such Arms must be made to the Commissioner of [illegible] in person at the [illegible]

P.T.O.

The above notification — Sections of the Act & Commissioners Notice will be published in the Fort St. George Gazette and in all the English newspapers — & ... Translations in Tamil Telugoo & Hindostani published in the Vernacular ~~Languages~~ newspapers —

The Notification & Notice will also be proclaimed by beat of tom tom thro' the Town in the Vernacular — and translations stuck up all over the Town —

It will take a few days to get all the translations ready

Judicial Department.

No. 114

Extract from the Minutes of Consultation Dated 22nd January 1858.

Read the following letter from the Secretary to the Govt. of India

Here enter 23d Dec 1857.

Under the sanction conveyed in the above letter the Right Honorable the Governor in Council resolves to extend to the Town of Madras as defined in Sect XII Reg: 11 of 1802 the provisions of Section 1 to VI and XXVI - Act XXVIII of 1857. The following Notification will accordingly be published in the Fort St. George Gazette.

(Here enter Notification)

The

2. The Right Honorable the Governor in Council approves the Notice submitted by the Commissioner of Police setting out the arrangements under which the registry of Arms and surrender of Cannon howitzers and mortars is to take place. Applications for licenses for these last named Arms will be submitted by the Commissioner with his remarks to Government for their orders. The Notice with the Notification of Government will be inserted in the Fort St. George Gazette and in all the European and Vernacular Newspapers at the Presidency and will also be published by beat of tom tom throughout the Town.

3. Copies will also be given to the Agent in Chepauk to be by him furnished to the Chief Members of the family

and retainers of His Highness the late Nawaub of the Carnatic who are now exempted from the jurisdiction of the Honble Company's Courts under Act XVIII of 1857.

4. The Government approve the form of Certificate and of register submitted by the Commissioner of Police with his letter of the 30th Oct. 1857, No. 148, and authorize the entertainment temporarily of a clerk on fifty Rupees a month for the purpose of keeping the necessary register and attending to all matters in this branch of the department under the Commissioner's orders.

5. Colonel Boulderson will keep the Government informed of his proceedings and of the quantity and description of Arms that may

may be registered - and of pieces of Ordnance that may be delivered up under the application of the Act.

JP

To Commr. of Police with 150 Copies each of the Notification &c in English Hind: Tam: & Telugu } Dispd. 23d

~~Paras 2, 3.~~ to the Govt. Agent at Chepauk. with 20 Copies of the Notification in Hindustani & one in English 23d.

Acct. General Civil Auditor } Dispd. 15th Feb. JP

18-19

In Dy. to Cons. 26th January
Judicial 1858. Depart.

No. 114
Ex. Mins. Cons.
Dated 22nd Jan. 1858

Directing the extension to the Town of Madras the provision of Sec. I to II of the Admn. Act and authorizing the entertainment of a Clerk temporarily on 50 Rs. a month.

No. 530/9 April 1858 No. 748
2035/60