M.R.O. 1—38,000—16-10-39.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1328 Press Mis—

78-79

Dated 30—9— 1939

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, from 24th September to 4th October 1859.

No. 78. Read the following letter from Colonel J. C. BOULDERSON, Commissioner of Police; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 16th September 1859, No. 122.

1. With reference to the Orders of Government, of dates noted in margin, founded on letters to your address from Messrs. Lecot and Co., and Messrs. Appasawmy Pillay and Co., respectively dated 18th and 31st August of this year, in which those Mercantile Firms bring to the notice of Government that they have a large quantity of Sulphur on hand, (the first House viz., Messrs. Lecot and Co., 300 Barrels, and the latter 130 Candies), which they are desirous to dispose of, and the Government having requested me to state what objection there is to the sale of 25 Candies of Sulphur to one party named by Messrs. Appasawmy Pillay and Co., and whether I have any objections to arrangements which Messrs. Lecot and Co., may propose for the sale of the large stock in their possession; in reply I have the honor to quote paragraph 9 of the Orders of Government under date 19th of October 1857,*

Judicial Department dated 30th August 1859, No. 1164.
and
6th September „ 1200.

* Judicial Dept. No. 1365.

"Para. 9. Sections XVIII, XIX, XX and XXI relate to Sulphur and 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."

and in continuation to call your attention to the 2nd para. of my letter of date 9th February 1858 in which I addressed the Government as follows:—

"As Saltpetre is an article much in demand and in use in Madras, and the consumption of Sulphur is not great for ordinary purposes, the importation of the former may perhaps be allowed and the present restriction on that of Sulphur remain in force."

Judicial Department No. 255. and the Government under date 25th February of the same year, in reply observe, that by Section XII of Act XXVIII of 1857, no Arms, Ammunition, Sulphur, or Saltpetre can be imported by sea or land into any part of the territories without license, and in reply to the question by me in the 2nd para. of that letter I am informed that the Governor in Council is not prepared to relax the provision as respects Saltpetre, but the Commissioner of Police is authorized to grant licenses for the importation of Saltpetre and he may grant them freely, to any persons of respectability.

2. I have now the honor to report that since that time, the importation and sale of Saltpetre has been extensively sanctioned, but as the Government was not pleased to relax the Order restricting the importation and sale of Sulphur, I have limited the quantity which may be sold under the provisions of Section XX of the same Act to two pounds, for domestic purposes, and for fireworks and other special purposes, a License for a larger quantity has been granted.

3. If it is still the intention of Government to prohibit wholesale dealing in this article; I respectfully recommend that discretion may be allowed to me to dispose of each application that may be made to me according to its merits; but if the Government desire that the article should become common in the market, which it certainly would, if the Firms above mentioned are permitted to sell the large stock now in their possession, I recommend that Police restriction be entirely withdrawn, so far as the sale of stock in hand is concerned, because it would be impossible to preserve any check over it, and that it be confined to the prevention of any further importation of the article either by sea or land.

No. 79. MINUTE BY THE HONORABLE THE PRESIDENT, dated 24th September 1859.

I am clearly of opinion that so far as this Presidency is concerned, the restrictions upon the trade in Sulphur, which are of the most annoying kind, are no longer necessary; and I propose that we should write to the Supreme Government, recommending that they should be removed.

As there is no alternative between entire freedom of trade in such an article, and close, minute limitation, the decision upon Messrs. Lecot and Co.'s application should be postponed until we receive an answer from Calcutta.

The restrictions upon the sale of Saltpetre have been removed for some time without any bad consequences.

As the Act will remain in force, the restrictions both on Saltpetre and Sulphur may be re-imposed at any time if circumstances should require it.

(Signed) C. E. TREVELYAN.

No. 80. MINUTE BY HIS EXCELLENCY THE COMMANDER-IN-CHIEF, dated 24th September 1859.

I should be sorry to see the restrictions on the sale of Sulphur withdrawn yet. If it is not intended to manufacture this large quantity of Sulphur into Gunpowder, what do Lecot and Co. and others mean to do with it? Apparently there is no other purpose to which it can be applied. Since restrictions have been imposed on the importation and sale of Sulphur, powder has been scarce in the Nizam's unquiet territory, and it is very undesirable that we should again aid in furnishing H. H.'s restless subjects with the means of making themselves troublesome.

(Signed) PAT. GRANT.

No. 81. MINUTE BY THE HON'BLE W. A. MOREHEAD, dated 24th September 1859.

I would allow matters to remain as they are. Messrs. Lecot and Co. had permission to return the Sulphur to Pondicherry, this they have not seen fit to do. The fresh importations have been effected when it was well known that under the Act, the sale of Sulphur was not permitted.

(Signed) W. MOREHEAD.

No. 82. ORDER THEREON, 30th September 1859, No. 1326.

The Government are not prepared to relax the present restrictions on the sale of Sulphur, and they resolve, as recommended by the Commissioner of Police, to vest in that Officer discretion to dispose, according to their merits, of all applications for the sale or transport of Sulphur that may be referred to him by Government.

2. Messrs. Lecot and Co., and Appasawmy Pillay and Co., will be informed in reply to their letters under date the 18th and 31st August last, that the Government cannot permit them to dispose of their Sulphur except to such parties and in such quantities as may be approved by the Commissioner of Police.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Judicial Dept.

Memo.

No 1

I am clearly of opinion that so far as this Presidency is concerned — the restrictions upon the trade in Sulphur which are of the most annoying kind are no longer necessary, and I propose that we should write to the Supreme Government recommending that they should be removed — As there is no alternative between entire freedom of trade in such an article, and the close minute supervision which has been hitherto exercised over the sale of Sulphur, I see no other course open to us than to withdraw the decision upon Messrs Lecot & Co's application.

Besides the large quantities of Sulphur — 300 barrels & 130 Candies — referred to in Colonel Boulderson's letter, the Collector of Sea Customs has recently, 17 Augt. reported the arrival of 50 bags more, weighing 126 maunds, from Pondichery, consigned to P. Yagambarah Chetty.

2. The state of the law in regard to Sulphur will be seen from the Precis which has been put up. By the Notification of the Govt. of India, 14 Augt. 1857, & by the provisions of Act XXVIII 1857, the importation & possession of Sulphur, its

should be postponed
until we receive instrs to transport or sale,
answer from Calcutta — except on account of

The restrictions upon Govt, or with their
the sale of Saltpetre ~~have~~ sanction, is prohibited
have been removed
for some time without
any bad consequences —

As far as I am
aware the
restrictions both on Saltpetre
and Sulphur may be removed
at any time if circumstances
should render it

Wm Que
24 Sept 55

Note: Some consignments have been offered for sale to the Ordnance Dept — but they are now supplied for years, & can buy no more.

3. Applications from parties importing Sulphur have, as will appear from the Proceedings, been variously dealt with. In some cases, the importers have been allowed to keep their Sulphur under a licence for its protection but not to sell it. The importers have, in some instances, been allowed to re-export it. Mess^rs Lecot & Co received the permission in preference to this very consignment of Sulphur, but have not availed themselves of it. In other cases, the Holders of Sulphur have been permitted to sell it with the knowledge of the Magistrate.

I should be sorry to see the restrictions on the sale of Sulphur withdrawn at present. It is not intended to manufacture this large quantity of Sulphur & I consider what we have at Ishapore will be sufficient for all purposes

4. The cases of Messrs Lecot & Co & Apras Aroony Pillay & Co have thus been referred to Colonel Boulderson, & they complain that he will not let them sell it in larger quantities than two lbs at a time, at which rate from the great stock in their hands — they would hardly ever be able to get rid of it.

5. Colonel Boulderson's reply is now circulated for orders. It will be for consideration whether restrictions on the sale of Sulphur are any longer required. If they are, it does not appear how they can be maintained, except by leaving the matter to the discretion of the Police authorities.

6. It does not appear for what purpose so large a quantity of Sulphur can be required

List to date. The Saltpetre
exportations have been
effected to see it
was the Calcutta
that under the
act for sale of Saltpetre
has but recently
been lifted

required - I am not aware that it is extensively used here, except for the manufacture of gunpowder and fireworks.

Mr. Forbes tells me that restrictions are still maintained on its sale at Calcutta.

Foreign 1859 Sept.r

Alluded to by the Board
the Proceedings &c.
Govt. the Govrs. in Coun.
& the Board of Millions

No 1326

Sept.r 1859 - 1786 & 1787

Despatch from the
Secretary to the
Govt. of India
forwarding Petition

C 22 Sept.r
R 27 "

List of Papers

Pros. 2d Sept.r 1859 Nos 21 & 22
" 9th " " Nos 32 & 33
" 30th Oct.r 1857 Nos 40 & 42
" 2d March 1858 No 16 & 17

Pros. of Govt. 6th Oct.r
Judicial 1859 Dept.t No 1532
from
Colonel P. C. Balderston
Commissioner of Police
to
T. Pycroft Esq.re
Chief Secretary to Government
Fort St George

Dated 16th Sept.r 1859.
Rec.d " "

No 1326

No 122. No 1532.

With reference to the orders of Government of 30th August and 6th Sept.r 1859, calls attention to certain orders of Government respecting the importation or sale of Saltpetre, and states that if it is still the intention of Government to prohibit wholesale dealing in that article that discretion may be allowed him to dispose of each application according to its merits, but if Government should decide that the article should become common in the Market, recommends that the Police restrictions be entirely withdrawn.

For Orders
[illegible]

C 22 Sept.r
R 27 "

78

Judicial.

Proceedings of the Madras Government.

Read letter
from the Commissioner of Police 16 Sep/59
No 122.

Minute by the President in Council — Enter 24th September 1859.

No. by the Commander-in Chief

Do. by the Hon'ble Mr. Maxwell } Order. 30 dept/59 No. 1305.

The first and last pre-
-paid to relax the
present restrictions
on the sale of sulphur,
and they resolve &c.
-ing, as recommend-
-ed by the Commis-
-sioner of Police, to
vest in that Officer
discretion to dispose,
according to the cir-
-cumstances, of all appli-
-cations for the sale or
transport of sulphur
that may be expressed
to him by Govt —

Dispatch.

2 Boyes Lewis & Co
and Appraisers of
Pilling & Co will be
to permit in reply
to their letter under
date the 18th & 21 Augt
last that H. Govt
cannot permit them
to dispose of their
Sulphur except to
such parties & in
such quantities
as may be approved
by the Commissioner
of Police.

Commissioner of Police
Boyes Lewis & Co
Appraisers Pilling & Co

Dispatch