

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	691	Press
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Dated	18-5-19	189

Not to be folded or roughly handled

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*Proceedings of the Madras Government, Judicial Department,
from 18th to 27th May 1859.*

No. 3. Read the following letter from W. E. UNDERWOOD, Esq., Collector of Sea Customs; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 14th April 1859, No. 177.

1. I have the honor with reference to a letter from Messrs. McDowell and Co., requesting permission to export 50 canisters of Gunpowder to a licensed dealer at Berhampore, to report that the Collector is restricted by the order of Government, No. 1540, dated 24th November 1857, from giving a license for the exportation of Gunpowder except to Bengal and Bombay.

2. If I may be permitted to offer an opinion, I would suggest that the Commissioner of the Mofussil Police should intimate to this Department, and the Commissioner of Police of Madras, the names of individuals in the interior who are licensed to sell Gunpowder, and further that a limit should be placed on the extent to which they are to be supplied.

3. The export of arms, ammunition and Military stores should be placed under the most unceasing, and vigilant control, and their sale in the Provinces I think objectionable. Officers and gentlemen can supply themselves with them from the Presidency. This however is more a question for the Commissioner of Police, and may be safely left in his hands; but I would respectfully express a very strong opinion that no Gunpowder should pass from the Presidency either by land, or by sea, except under his permission given, a license from him, or he may permit the Collector of Sea Customs, and the Commissioner of Police, to use their discretion in granting licenses under any instructions he may give.

4. I trust I may not be considered as obtruding an opinion in suggesting that the sale of these articles may not be left to the discretion of individual Magistrates, as in this case, it is probable that stringent rules may be enforced in one District, while much less supervision and control over their sale exists in another. It is in the power of the Commissioner of Police to issue rules for the guidance of Magistrates, and thus ensure uniformity of practice, as well as the exercise of vigilance in all places.

No. 4. MINUTE by the HONORABLE the PRESIDENT, dated 28th April 1859.

The present case may be disposed of as suggested in para. 2nd; but as our power of interfering at all expires under the Act in September. I cannot advise any prospective regulations.

(Signed) C. E. TREVELYAN.

No. 5. ORDER THEREON, 18th May 1859, No. 691.

The Collector of Sea Customs will ascertain from Messrs. McDowell and Co., who is the licensed dealer at Berhampore to whom they wish to send their Gunpowder; and from the Magistrate of Ganjam whether there would be any objection to such dealer having the powder. If there be none, Mr. Underwood may permit the export. He may deal similarly with any like applications that may be made to him.

2. With regard to the further points mooted in the Collector's letter, it is observed, that Act XXVIII of 1857, imposing restrictions on the importation, manufacture and sale of arms and ammunition, will expire in September next. The Honorable the Governor in Council is not therefore prepared to introduce any prospective regulations.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

ed from Madras by land
without

Judicial Department

Memorandum

Read letter from the Collr. of Sea Customs.

N^o. 177 dated 14th April 1859.

Act XXVIII. 1857 and
a Memo of the correspondence
that has occurred upon it are
put up.

2. With respect to para 1
of Mr. Underwood's letter it
is submitted that he might
be directed to ascertain from
Messrs. M^r. Dowell & Co. who
the licensed dealer in question
is, and then find out from the
Collector of Ganjam in whose
District Berkampore is
whether there would be any
objection to let him have the
powder, and act accordingly.

3. With regard to the
other points mooted by Mr.
Underwood, Arms and Am-
munition cannot be export-
ed from Madras by land
without

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See Precis - para 10. Note -
also para 4.

without a license from the
Commissioner of Police who
would of course advise the
Magistrate of the District
to which the Arms and
ammunition were being
taken. It does not appear
why the Commissioner of the
Mofussil Police should in-
timate to the Collector of
Sea Customs the names of
individuals in the interior
licensed to sell gun powder,
or the limit within which
they are to be supplied. Arms
and ammunition will not
often be sent by sea to the
out ports. when they are
they might be consigned
to the care of the Magistrate
there and it might be left
to him to allow the articles
to be passed to the Consignee
if he saw no objection.
To this extent the order of
24th November 1857 which
prohibits the Collector of
Sea Customs from granting
licenses for the exportation
of Arms and Ammunition
by

Precis - para 20.

by sea to any places except
Calcutta and Bombay
might be relaxed.

At present arms
and ammunition cannot
be manufactured and
sold without the order of the
local Magistrate. It will
be for consideration whether
more that this is now required.

JF

Mr. Ellis

Judicial Department.

Proceedings of the Madras Government.

Read the following letter:

From The Collector of Sea
Customs.

(Here enter 14th April 1859 No. 177.)

Minute by the Hon^{ble} the
President.

" 28th do.

Order thereon 18th May 1859 No. 691.

The Collector of Sea
Customs will ascertain from
Mess^{rs} McDowell and Co.
who is the licensed dealer
at Berhampore to whom
they wish to send their
Gunpowder; and from the
Magistrate of Ganjam so
whether there would be
any objection to such
dealer having the
powder. If there be
none Mr Underwood may
permit

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24-11-57

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with any like applica-
tions that may be made
to him.

2.- With regard to the
further points mooted in
the Collector's letter, it is
observed that Act XXVIII
of 1857 imposing res-
trictions on the importa-
tion, manufacture and
sale of Arms and Am-
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Honorable the Governor
in Council is not there-
fore prepared to intro-
duce any prospective
regulations.

JF