M.R.O. 1—38,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1095	Press ~~Mis.~~
208-209		
Dated	29-8-	№ 1860

516

Not to be folded or roughly handled

1895-1911

Proceedings of the Madras Government, Judicial Department, 29th August 1860.

No. 208. Read the following letter from J. D. ROBINSON, Esq., Acting Magistrate of North Arcot, to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated Palamanér, 18th August 1860, No. 58.

I have the honor with reference to the Proceedings of Government and their Order thereon dated 9th July 1860, No. 852, to submit free translation of a deposition taken from Narrain Chetti affording explanation on those points on which additional information is sought.

2. This deposition will I believe satisfy Government that the transaction of which there is question is one of a purely commercial character, and that the omission on Narrain Chetti's part to obtain a Permit was the result of ignorance respecting the present state of the law in regard to dealings of this nature, and not of a wilful breach of orders. The history of this transaction proves, it must be admitted, that Act XXVIII of 1857, has for the last 18 months at least been to all practical purposes a dead letter ; and indeed I find on reference to the records of my Office that a Circular was issued in March 1859, by my predecessor (of which I beg to enclose translation) removing all restrictions and authorizing the free sale of Sulphur and such like articles throughout the district.

Under what instructions that Circular was issued does not appear, as Act XXVIII of 1857 was nominally in force until the 11th September last and was by Act XXVI of 1859, continued till the 30th June of the current year. I now learn from the Supplement to the Fort Saint George Gazette dated the 10th instant, that it is to continue in force until the 1st October when it will be replaced by the new Act No. XXXI of 1860.

3. There can therefore be no longer any doubt respecting the real intentions and wishes of Government on this subject, and I shall therefore at once proceed to enforce the provisions of the Act and bring future transactions of the kind under the cognizance of the Magistracy and Police.

4. As under the explanation above given, Narrain Chetti could not fairly be held to have rendered himself liable to the penalties prescribed in Section XIII of the Act, I beg respectfully to solicit the instructions of Government as to how I am to deal with the 44 maunds of Sulphur now under detention in Salem, and the 56⅓ maunds which still appear to remain as stock-in-hand at Wallajapeta.

Free Translation of Tamil Deposition given before the Deputy Magistrate of North Arcot.

By Narainsami Chetti (son of Papi Chetti) Berichetti caste, Sivamatham sect, aged 36, merchant, resident of Wallajapet in the Talúq of Wallaja, Zila Chittúr.

On the 15th of Margali of the year Sitharthi equivalent to the 28th December 1859, Vythialinga Chetti sent to me from Pondicherry 4 casks of Sulphur (in rolls) packed on two carts, which according to the current measurement of Pondicherry, weighed 229½ lbs. being equivalent to 92 maunds ; of which the casks themselves weighed 6½ maunds so that of Sulphur there were only 85½ maunds valued at Rupees 149-10-0 being Rupee 1-12-0 per maund. This consignment was delivered on the 28th Margali, (10th January 1860) at my godown in Wallajapetta by two bandy men named Chinnavarden and Peria Varaden who went away without giving me the permit they had brought with them. Of this Sulphur, 23½ maunds have been sold from time to time by retail for cash.

On the 4th March 1860, (the 23rd Masi) I sent 44 maunds packed in two casks on one cart *In charge of 2 bandymen named Chengen and Anaji Rau.* to Karupu Targan a tradesman at Salem with whom I have dealings. I have also posted a letter to the said Karupu Taragan on the 28th of Masi (9th March) asking him to take the Sulphur and remit to me its value Rupees 7-7-0 ; or if he be not disposed to take it for that price to get it sold on my account and remit to me the sale proceeds.

As I was not aware that it was a matter of necessity to obtain a permit from the Government I never thought of procuring one.

Of the quantity I first received, I have yet 16 maunds in my shop.

Again on the 19th Ani of Rauthri year (30th June) the said Vythialinga Chetti sent me 12 bags of Sulphur weighing 2,160 French lbs. equivalent to 86¼ maunds, or deducting 1½ maunds, the weight of the bags, strings, &c, 84¾ maunds valued at Rupees 148-5-0 which was brought down on two carts and delivered to me at Wallaja on the 26th Ani (7th July) by cartman Perumal and others with a permit which I have now produced—of this quantity I have 44 maunds still in my shop, the rest having been sold in retail. Except on these two occasions, I have never received Sulphur from Pondicherri; nor have I ever sold any other Sulphur than that then imported.

I have perused the letter just shown me. It is the one, which I mentioned I had written to Karupu Taragan. The said Karupu Taragan informed me by post that the Sulphur which I sent had been stopped by the local authorities, because unaccompanied by a Government Passport, and begged me to satisfy the Government and secure the property as he would not be responsible for the same.

As I was not aware that Act XXVIII of 1857 was in force, and that I should obtain a License, I beg that I may be pardoned for the mistake I have made in sending Sulphur without such authority to Salem, and request that the 2 casks of Sulphur now under embargo in that Zila may be obligingly restored to me.

I understand that the permit which was sent with the 1st consignment from Pondicherri is missing, but its duplicate may be obtained at the Sayer Kacheri of Pondicherri.

Q.—When you say that permit was sent along with Sulphur transmitted to you from Pondicherri on both occasions, why did you not follow the same course when you sent Sulphur to Salem?

A.—Commodities exported from Pondicherri to any part of the British territory are subject to duties or provided with passports within the limits of Pondicherri, but it has never been usual to obtain permits for Goods exported or imported to and fro, between Wallajapet and Salem; I knew nothing about the order requiring permits and did not therefore think of applying for one. I therefore repeat my request that I may be pardoned for the mistake into which I have inadvertently fallen and that my merchandize may be restored to me.

I have heard the deposition, it is written as I have deposed.

(Signed) NARAINA CHETTI.

27th July 1860.

Given before me this 27th day of July 1860.

(Signed) M. NARASIMHA PANTULU,
Deputy Magistrate.

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Translation of a Circular Order issued by C. Whittingham, Esq., Acting Collector of North Arcot, to all Tahsildars.

With reference to the Circular issued on the 22nd September 1857, prohibiting the sale of Sulphur, &c., in the villages of your Táluq, you are now informed that as the period for which this prohibition was to hold good has expired, the interdiction has been removed and the merchants are at liberty to sell Sulphur according to their wish.

(Signed) C. WHITTINGHAM,
Collector.

CHITTOOR,
30th March 1859.

(True translations.)

(Signed) J. D. ROBINSON,
Acting Collector.

Proceedings of the Madras Government, Judicial Department,
29th August 1860.

No. 209. ORDER THEREON, 29th August 1860, No. 1,095.

The Government are willing to believe that Narraina Chetty in importing, selling and sending to Salem for sale the Sulphur mentioned in his deposition acted in ignorance of the provisions of the Act XXVIII, 1857. They will not therefore subject him to the penalties which might be inflicted under that enactment.

Act XXVIII, 1857, *Sections XVIII—XX.*
Notification of Government, 19*th October* 1857.

2. By the present law, the sale of Sulphur, except in reasonable quantities for medicinal purposes, is prohibited. The Government direct that the Sulphur now referred to in deposit. On Act XXXI, 1860, coming into operation, it may be made over to both at Salem and Wallajah Pettah be retained who may be duly licensed to sell Sulphur under the provisions and subject to the requirements of that Act.

Sections V—XVI.

3. The Government are utterly at a loss to conceive how the Magistrate of North Arcot could have issued such a Circular as that of which a copy has been forwarded by the Acting Magistrate. That proceeding was wholly unauthorized. Mr. J. D. Robinson will see that the law is carefully enforced for the future.

4. It would seem that the large quantity of Sulphur now in question was imported by land in two consignments from Pondicherry to the South Arcot District without any license from the Magistrate, the Permit produced by Narraina Chetty being apparently merely a Custom House Rawannah. Copies of these papers will be sent to the Magistrates of Districts adjoining Foreign Settlements and their attention called to the subject. They will observe that by Section XVII of the new Act XXXI, 1860, no Arms, Ammunition, Sulphur, &c., can be imported either by sea or by land into any part of the territories in the possession and under the Government of India, except under a license from the Governor General of India in Council, or from some Officer authorized in that behalf by the Governor General of India in Council. It will hereafter be determined what Officers are to be thus authorized.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Judicial Department.

Proceedings of the Madras Government.

Read the following letter from the Acting Magistrate of North Arcot.—

(Here enter 18th Augt. 1860, No. 258.)

Order thereon 29th August 1860, No. 1095.

The Government are willing to believe that Narrania Chetty in importing, selling, and sending to Salem for sale the Sulphur mentioned in his deposition, acted in ignorance of the provisions of the Act XXVIII – 1857. They will not therefore subject him to the penalties which might be inflicted under that enactment.

2. By the present law, the sale of Sulphur, except in reasonable quantities for Medicinal purposes is prohibited.

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& XVIII – XX –
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Section V – XVI.

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× or from some Officer, authorized in that behalf, by the Governor General of India in Council –

what officers are to be thus authorized.—

J.H.

To the Magistrates of North Arcot.
South Arcot
Salem.
Tanjore.
Rajahmundry.
Malabar.
Canara.
Inspector Genl Police

Desp'd 1st