M.R.O. 1—89,000—16-10-79.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

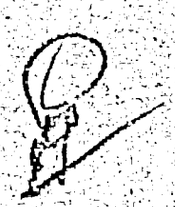
G.O. No. 1011 Press
~~Mis.~~

80-81

Dated 12. 8. 1881 ~~19~~

3/4

Not to be folded or roughly handled



No. 80. Read the following letter from J. SILVER, Esq., Magistrate of Tinnevelly; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 27th July 1861, No. 220.

I have the honor to report that since the introduction of Act XXXI of 1860, regarding Arms and Ammunition, no application has been received for licenses either to manufacture or sell Saltpetre; but licenses have been granted on application to parties, to sell Percussion Caps, Gunpowder, Shot, &c., and also Sulphur. Applications have been made and licenses granted to respectable individuals for repairing and selling Fowling pieces, and for importing Percussion Caps, Gunpowder, and Shot.

2. A case has now been referred to me by the Acting Joint Magistrate, in which certain parties are charged with having been in possession of seven Toolams of Saltpetre, valued at Rupees 14, which is stated to have been manufactured by them for sale, without a license.

3. In Sections V to XVI of the Act which relate to "manufacture," "sale," or keeping or exposing for sale Arms and Ammunition, the words used are "Arms or Percussion Caps, Sulphur, Gunpowder, or other Ammunition," while Sections XVII to XXIII which relate to the "import" and "transport" of Arms and Ammunition, have the words "Arms, Percussion Caps, Sulphur, *Saltpetre*, Gunpowder, or other Ammunition. Thus it is not clear to me from the wording of the Act, and from the Orders of Government issued thereon, whether Section V has reference to "Saltpetre," although it forms one of the ingredients of Gunpowder.

4. I therefore beg to be favored with the instructions of Government, as to whether parties manufacturing or selling Saltpetre without a license, after the same has been duly made known, are liable to punishment under the provisions of the Act in question, as the point seems a doubtful one; and so long as a strict supervision is exercised over the import and sale of Sulphur, in addition to Arms and Ammunition, it seems almost unnecessary to require parties to take out licenses for the manufacture and sale of Saltpetre.

5. I beg to forward copy of the letter from the Acting Joint Magistrate on this subject. Mr. Kindersley informs me, that to the best of his belief, no licenses were taken out for the sale of Saltpetre in South Arcot, where he was lately employed.

From F. M. KINDERSLEY, Esq., Acting Joint Magistrate of Tinnevelly; to J. SILVER, Esq., Magistrate of Tinnevelly, dated Courtallum, 24th July 1861, No. 27.

I have the honor to request that you will favor me with your opinion as to whether parties manufacturing or selling Saltpetre without a license are liable to punishment under Act XXXI of 1860?

2. I have had two cases of this nature committed for trial before me. The first I have dismissed, cautioning the parties, as the quantity of Saltpetre found in their possession was excessively small, only 16¼ palams of the value of between three and four Annas, and also as what was found, seemed by its appearance to have been manufactured some time ago.

3. In the second case, the quantity of Saltpetre is much larger, being seven Toolams of the value of Rupees 14. The party himself says, that he bought it for the purpose of reselling it, some time ago. In neither case, does there appear to have been any attempt at concealment; and if the parties have infringed the Regulations, it is I think through ignorance, and not from any intention to evade the Law. I would therefore recommend, that if any punishment be required, it should be simply that of forfeiture of the Saltpetre seized.

4. But I am not clear from the wording of the Act, whether the parties are liable to any punishment at all; and it is on this point that I request your opinion; meanwhile I have remanded the second case, having taken security from the party to appear when required.

* *V to XVI.*

5. In the Sections* which relate to the manufacture, sale, or keeping or exposing for sale of Arms and Ammunition, the words used are "Arms or

Proceedings of the Madras Government, Judicial Department,
12th August 1861.

† *XVII to XXIII.* Percussion Caps, Sulphur, Gunpowder, or other Ammunition," while the Sections† which relate to *import* and *transport* of Arms and Ammunition, have the words " Arms, Percussion Caps, Sulphur, *Saltpetre*, Gunpowder, or other Ammunition."

6. Sulphur is exceptionally treated also, Section XX especially authorizing its detention; therefore the mere fact of Saltpetre forming one of the ingredients of Gunpowder, as well as Sulphur, would hardly be grounds for supposing that it comes under Section V of the Act because Sulphur is mentioned therein.

(True Copy.)

(Signed) J. SILVER,
Magistrate.

No. 81. ORDER THEREON, 12th August 1861, No. 1,011.

Ordered that a copy of Proceedings 4th January last, No. 3, be furnished to the Magistrate of Tinnevelly.

(Signed) J. D. SIM,
Secretary to Government.

Exd. F. Cartledge.

Pro. 1st Sept. 1860. No. 113-
28th Dect. — " 1804/181

1861
12 Augt

80–81.
C.S. to sup. Rg.

Judl. 891 (Pro. 1st Sept.)
From Govt. Copy
The Magistrate of
Tinnevelly
To the Chief Secretary to
Government
Fort St. George
Dated 27th July 1861
Rec'd 2nd August —
No. 220
Enclosure 1
No. 1259

Requesting instructions as to whether parties manufacturing or selling Saltpetre without a License, are liable to punishment under the provisions of Act XXXI of 1860.

With an Order

No. 1011 — 12th August 1861.

Ordered that a copy of Proc. 4th Sawry. last No. 3, be furnished to the Magistrate of Tinnevelly.

V dl

Mr.

J. D. S

The Magistrate of Tinnevelly — With No. 3/1861 Sy.