

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.

1463

Press

~~MIS.~~

167-168

Dated

27.11.1861

19

56

Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
27th November 1861.*

No. 167. Read the following letter from C. COLLETT, Esq., Acting Collector Sea Customs, Madras; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 21st November 1861, No. 564.

In reply to the Order of Government, dated 15th instant, No. 1,391, I have the honor to state that the passing of the application to clear the Sulphur formed part of the business transacted by the Deputy Collector. But the Officer directly in fault was the Inspector, whose special duty it was to have called for the license. From the defective practice then prevailing the Deputy had no opportunity for detecting the oversight.

2. The Inspector's Department consists of the Inspector (salary 150 Rupees per mensem), and three Assistants. Among the duties of the Department are to check the applications with the Ship's Manifest and to require the production of, and examine Bills of Lading, and special permits and licenses, and to note the same on the application. The Inspector has no discretion allowed to him as to deviating from the rules of the House; but is bound to apply to the Collector or Deputy for orders in each instance. In this case it was his immediate duty to call for the special license required, to note its production on the application, or if not produced, to apply at once to the Deputy for orders.

3. The duty is levied on one form called "the application;" permission to remove is given on another called "the pass," both go to the Inspector, and are examined and compared, by him. For duty goods the pass order is not given by the Deputy till duty has been paid on "the application." For free goods the practice was for the Deputy to give orders on "the application" and "the pass" at once. This, not very long after I joined the Office, I, for various general reasons, considered bad and changed. The Sulphur was actually passed before this change; but still the forms went to the Inspector, and it was his special duty to have demanded the license.

4. I therefore considered him to be the Officer directly in fault. I discovered also four other similar instances which occurred in 1860, but from the quantities and the parties importing, the Sulphur may have been for medicinal purposes. I recorded in the Register a formal severe reprimand of the Inspector and his Assistants concerned. I may be permitted to add that though in the present instance there has been a grievous oversight, the Inspector has long held his office, and so far as my acquaintance with him goes, he has appeared to me to be generally a careful man.

No. 168. To the Secretary to the Government of India, dated Fort Saint George, 27th November 1861, No. 1,463.

I am directed to forward an Extract, paragraphs 3 to 8, from the Advocate General's report, 17th ultimo, on the prosecutions at the late Criminal Sessions of the Supreme Court, conducted by him on behalf of the Government. The case therein noticed was for importing Sulphur without license, in contravention of Act XXXI, 1860.

2. The defendant, who was acquitted, held a license from the Commissioner of Police, Calcutta, authorizing one Mooteram Sett to convey 35 maunds of Sulphur from Calcutta to Madras, and it was ruled by the Chief Justice that the Calcutta license was sufficient authority for the Madras Consignee of a Calcutta bunnea to import Sulphur into Madras without any license from any Madras authority, and that there was nothing in Section XVII to restrict the authority of such a license to the Presidency wherein it was issued, or to restrict the authority of the Calcutta Commissioner of Police to his own Town or Presidency, so far as such licenses were concerned. Under these circumstances, this Government submit, for the consideration of the Supreme Government, the Advocate General's suggestion that the Police authorities in Calcutta should be restrained from issuing licenses for the import of Sulphur into the Madras territories.

3. I am to add, in reference to the Advocate General's observation in paragraph 4, that the Collector of Sea Customs at Madras was instructed by Order of Government, 3rd November

Proceedings of the Madras Government, Judicial Department,
27th November 1861.

1859, No. 1,483, to keep in custody all Sulphur imported, until the owner might obtain for it a license from the Commissioner of Police. The Collector has been called on to explain under what circumstances the Sulphur which formed the subject of the indictment in question, was permitted to be cleared from the Custom House.

His reply is annexed.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

dist

Judicial. ✓

No. 1463.

The Secretary to the Govt. of India.

Sir.

I am directed to forward an extract, paragraphs 3 to 8, from the Advocate General's report, 17th ult., on the prosecutions at the late Criminal Sessions of the Supreme Court, conducted by him on behalf of the Govt. The case therein noticed was for importing Sulphur without license, in contravention of Act XXXI-60.

2. The defendant, who
was

who was acquitted,
held a license from
the Commissioner
of Police, Calcutta,
authorising one Moo-
teram Sett to convey
35 maunds of Sul-
phur from Calcutta
to Madras, and it
was ruled by the
Chief Justice that
the Calcutta license
was sufficient au-
thority for the Ma-
dras Consignee of a
Calcutta licence to
import sulphur
into Madras with-
out

without any license
from any Madras
authority. & that
there was nothing
in Section XVII to
restrict the authority
of such a license to
the Presidency where
it was issued, or
to restrict the au-
thority of the Cal-
cutta Commissioner
of Police to his own
Town or Presidency,
so far as such licen-
ses were concerned.
Under these circum-
stances, this Court
submits, for the
consideration of the
Supreme

Supreme Govt., the Advocate General's suggestion that the Police authorities in Calcutta should be restrained from issuing licenses for the import of Sulphur into the Madras territories.

3. I am to add, in reference to the Advocate General's observation in para 4, that the Collector of Sea Customs at Madras was instructed by Order of Govt., 3rd Novr. '59 N^o 1483

N^o 1483, to keep in custody all Sulphur imported, until the ^{owner} ^{might} obtain for it a license from the Commissioner of Police. The Collector has been called on to explain under what circumstances the Sulphur which formed the subject of the indictment in question, was permitted to be cleared from the Custom House. His reply is annexed.

Fort St. George,
27 November, 1861.

JF

15 Copies

Collector of Sea Customs
Letter to the Collector

div. of order

Proq. 1802

Univ. 1861. Department.

No. 4. 63.

PROCEEDINGS OF GOVERNMENT.

*At the Secretary to the
Government of India.*

Sept 1863
Dated 27th Nov 1863

*Answering an Extract
from 8 to 8, from the
General Report on the
Subject of Imparting
Education without
in continuation of
Sept 1860.*