M.R.O. 1—38,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 586 Press Mis.

139-141

Dated 18.4.1863 19

3/3

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
18th April 1863.

Read the following papers:—

No. 139. From Lieutenant Colonel W. J. WILSON, Commissioner of Police; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Madras, 18th March 1863, No. 43.

With reference to the application made by Messrs. Binny & Co., as contained in the copies of correspondence noted in the margin and forwarded herewith, I have the honor to state that I have examined the License held by Messrs. Soobroya Chetty & Co. of Bangalore, and find it to be correct.

From, dated 12th March 1863.
To „ „ „ „
From „ 17th „ „

2. There are two points connected with this application to which I request your attention.

I. The unusually large quantity of Gunpowder for which the transit License is now sought, viz., 1,250 lbs.

II. The Gunpowder belongs to Alfred Burton, Esq., of London, and is apparently to be purchased by Messrs. Soobroya Chetty & Co., through Messrs. Binny Co. of Madras. The sale may therefore be said virtually to take place here, but Messrs. Binny & Co. have not taken out any License for the sale of Arms and Ammunition, and Messrs. Soobroya Chetty & Co. being residents of Bangalore are not obliged to take out a License on Stamp paper as prescribed by the Arms Act, No. XXXI of 1860, so that they are so far in a better position than Licensed dealers in Madras, and I therefore submit for consideration whether Agents for Licensed dealers in Foreign States should not be called upon to take out Licenses on Stamp paper for the sale of Arms and Ammunition in cases like the present.

From Messrs. BINNY & Co.; to the Commissioner of Police, Madras, dated Madras, 12th March 1863.

We have the honor to request a License to remove from the Government Powder Magazine 301—310, ten-half Barrels Gunpowder, each containing 250½ lb. Cannisters, which we require for dispatch to Messrs. Soobroya Chetty & Co., Merchants, Bangalore.

From Lieutenant Colonel W. J. WILSON, Commissioner of Police; to Messrs. BINNY & Co., Madras, dated Madras, 12th March 1863.

In reply to your letter of this day's date, I have the honor to inform you that I am not authorized to grant a License for the transport of Gunpowder in excess of 50 lbs. without the special sanction of Government.

In this case before I can make the requisite application, it will be necessary for me to know on whose account the Gunpowder was imported, and to whom it at present belongs, and likewise whether Soobroya Chetty & Co., have had their License renewed for 1863, as their last License expired in December 1862.

From Messrs. BINNY & Co.; to the Commissioner of Police, Madras, dated Madras, 17th March 1863.

We have the honor to acknowledge receipt of your letter of 12th instant, and to inform you in reply that the Gunpowder in question was imported for sale on account of Alfred Burton, Esq., of London, and it belongs to him at present.

We enclose for your satisfaction Soobroya Chetty's License for 1863, which please return after perusal, and we have to request that you will make the necessary application to Government and favor us with a License to remove the 10½ Barrels referred to in our letter of 12th instant, from the Government Magazine.

(True Copies)

(Signed) W. J. WILSON,
Commissioner of Police.

Proceedings of the Madras Government, Judicial Department,
18th April 1863.

Referred for the opinion of the Advocate General.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

23rd March 1863.

No. 140. From JOHN ROBERT BOYSON, Esq., Government Solicitor, Madras; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Madras, dated Madras, 2nd April 1863, No. 194.

I have the honor to acknowledge the Order of Government noted in the margin, relative to Messrs. Binny & Co.'s application for a License for removal of certain Gunpowder from the Government Magazine for transmission to Bangalore.

Dated 23rd March 1863, and endorsed on the Commissioner of Police's letter to Government of the 18th idem, No. 43.

2. I obtained from Messrs. Binny & Co., such further information as I considered necessary to enable the Advocate General to advise upon the case and having submitted it and the papers which accompanied the order above noted for his consideration and also conferred with him thereon, I now forward a copy of his opinion.

3. I have suggested to Messrs. Binny & Co., that they should at once apply for a License under Act XXXI of 1860 for the sale of Arms and Ammunition.

4. I return the order above acknowledged with its enclosure.

COPY—OPINION.

I was at first under the impression that the sale of this powder was direct to Soobroya Chetty of Bangalore by Mr. Burton of London, and that Messrs. Binny & Co.'s share in the transaction was confined to writing a letter, which might as well have been written by Soobroya Chetty and to remitting Soobroya's money (whenever paid) to Mr. Burton, and under such circumstances I should have been of opinion that Messrs. Binny & Co. need not take out a License under Act XXXI of 1860.

I find, however, from inquiries made by the Government Solicitor that the powder is still Mr Burton's, and the sale thereof made here by Messrs. Binny & Co. as his Agents. I am therefore of opinion that they ought to be required to take out a License under Act XXXI of 1860.

(Signed) T. SYDNEY SMYTH,
Advocate General.

1st *April* 1863.

(True Copy.)

(Signed) J. R. BOYSON,
Government Solicitor.

No. 141. ORDER THEREON, 18th April 1863, No. 586.

The Advocate General's opinion will be communicated to the Commissioner of Police, and to all Magistrates of Districts.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

Exd. T. McMootry.

Proceedings of the Madras Govt.
Read the following letters—
From the Commr.
of Police — Enter 18th Mar. 63 No. 43.
" Govt. Solicitor — 2nd Apl — " 194
Order — 18th April 1863 No. 586
The Advocate Genl's opinion
will be communicated to
the Commissioner of Police, and to
all Magistrates of Districts.

The Commissioner of Police.
" Magistrate of