M.R.O. 1—89,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No.	1574	Press / ~~Mis.~~
249-51 **Dated**	31-10-~~19~~ 1864	

5/6

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
31st October 1864.

Read the following papers:—

No. 249. From V. H. LEVINGE, Esq., Magistrate of Madura; to J. D. SIM, Esq., Secretary to Government, Judicial Department, Madras, dated Madura, 10th September 1864, No. 298.

Referring to Section 7, Act XXXI of 1860, I solicit the instructions of Government as to whether the Chief Magistrate of the District only is competent to issue licenses under the aforesaid Section, or whether any Magistrate in charge of a Division of the District also can grant such licenses.

Referred for the opinion of the Advocate General.

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

FORT SAINT GEORGE,
26th September 1864.

No. 250. From J. R. BOYSON, Esq., Government Solicitor, Madras; to J. D. SIM, Esq., Secretary to Government, Madras, dated 3rd October 1864, No. 530.

I have the honor to acknowledge the receipt of the order of Government noted in the margin, requesting the Advocate General's opinion as to the authority by whom licenses should be granted under Section 7 of Act XXXI of 1860.

Dated 26th September 1864, and endorsed on letter from Magistrate of Madura to Government of the 10th idem, No. 298.

2. I have submitted the matter for the consideration of the Advocate General; and,

3. I now forward a copy of his Opinion, and return the order above noted.

(Signed) H. G. PRICHARD,
For Government Solicitor.

COPY—OPINION.

There is nothing in the provisions of Act XXXI of 1860 which restricts the issue of licenses by Magistrates other than the Chief Magistrate of the District.

2. Licenses under Section 7, to manufacture or deal in arms, may be issued by "*a* Magistrate;" Section 26 repeats this phraseology. Licenses to carry arms may be granted by "*any* Magistrate."

3. "The Magistrate of the District" is only once spoken of in the Act, Section 32, Clause 4, which refers to license to carry arms on a journey in a District which the Government has ordered to be disarmed.

4. I am of opinion that any person exercising the powers of a Magistrate may legally grant a license under Section 7.

(Signed) J. B. NORTON,
Advocate General.

1st October 1864.

(True Copy.)

(Signed) H. G. PRICHARD.
For Government Solicitor.

No. 251. ORDER THEREON, 31st October 1864, No. 1574.

It appears from the opinion of the Advocate General recorded above, that any person exercising the powers of a Magistrate may legally grant licenses under Section 7, Act XXXI of 1860. Considering how extensive the Magistracy is, and how important it is that the manufacturing of, and the dealing in arms and ammunition

's ammunition should be

should be brought under proper control, the Governor in Council resolves to direct that, in the Provinces, licenses under Section 7 shall be issued only by the Magistrate of the District. As regards the sale of sulphur, the rule requiring the previous sanction of the Government, in order to the grant of the separate license, must continue to be observed.

2. The Governor in Council considers that licenses to carry arms may be granted by the Magistrates of Divisions, being Covenanted officers exercising full powers. With reference to this extension of paragraph 12 of the Order of the 18th September 1860, No. 1198, the Magistrates of Districts will take the necessary steps to ensure the entry, in the periodical Returns furnished by them to the Inspector General of Police, of all licenses issued under Section 28 of the Act by the Division Magistrates in their respective Districts.

(True Extract.)

Chief Secretary.

To the Magistrate of
" Inspector General of Police.

Exd. J. Tulloch.

For Orders.

Although by Law any
Magistrate may issue
licenses, it seems to me
that some restriction is
necessary, considering how
often these are Magistrates
is — I think that
I. Licenses under Sect VII
for manufacturing or
dealing in arms & ammu-
nition (sulphur excepted)
should be issued only by
the Chief Magistrate of
the District.
II. Licenses under Sect XXVIIIth
to carry arms by any Ma-

Extract of a Division

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To

Exd. J. Tulloch.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letters—

From the Magistrate of Madura — Enter 10th Sept. 64 No. 298.

the Govt Solicitor — 3rd Oct. — 530.

Order— 1st Bodyguard 1864

It appears from the opinion of the Advocate General recorded above, that any person exercising the powers of a Magistrate may legally & grant licenses under § VII Act XXXI-60. Considering how extensive the Magistracy is, & how important it is that the manufacturing of & the dealing in arms & ammunition should be

be brought under proper control, the Governor in Council resolves to direct that, in the provinces, licenses under § VII shall be issued only by the Magistrate of the District. As regards the sale of Sulphur, the rule requiring the previous sanction of the Govt. in order to the grant of the separate license must continue to be observed.

2. The Governor in Council considers that licenses to carry arms may be granted by the Magistrates of Division being covenanted officers exercising full powers.

(1)

With reference to the extension of para 12 of the Order of the 18th Feb'y '60 No. 1192, the Magistrates of Districts will take the necessary steps to ensure the entry in the periodical returns furnished by them to the Inspector General of Police of all licenses issued under § XXVIII of the Act by the Magistrates of Division in their respective Districts.

The Magistrate of the Lower Provinces
Inspector Genl. of Police } despatch 5/11
Military Police Deptt } despatch 6/11.

Jud. 1864. Department.

No. 1574

PROCEEDINGS of GOVERNMENT.

Jud. 134/66.

Dated 8th Dec. 1864.