

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.G.O. No. 285 Press
Mis.

Dated

21. 2. 19-1866

Not to be folded or roughly handled

1 a

Proceedings of the Madras Government, Judicial Department,
21st February 1866.

No. 183. Read the following Proceedings of the Board of Revenue, dated 25th January 1866.

Read letter from the Collector of Sea Customs, Madras, to the Secretary to the Board of Revenue, Chepauk; dated 22nd January 1866, No. 78.

Adverting to the Board's Miscellaneous Circular,* No. CLXII, dated 28th November last (Board No. 7589), I have the honor to report that Mr. W. F. Shaw, Agent to Messrs. Frank and Co., has put in an application to pass 100 Common

* And my letter to the Board, No. 1028, dated 12th December 1865.

† Invoiced at 7s. 6d., and valued at 4 and 3 Rupees each.

Rifles† imported per ship *Clive* from London.

2. As this is the first importation of such a large quantity of Rifles, I think it advisable, with reference to the Circular before quoted, to report the case for the Board's orders.

Submitted for the orders of Government.

(A true copy and Extract.)

(Signed) W. HUDLESTON,

Secretary.

To the Secretary to Government, Revenue Department.

Transferred to the Judicial Department.

(Signed) J. D. SIM,

Secretary to Government.

13th February 1866.

No. 184. ORDER THEREON, 21st February 1866, No. 255.

Before passing orders on this case, the Government resolve to call on the Commissioner of Police to explain his practice in regard to the issue of licenses for the importation of arms; to state what precautions are adopted to prevent the admission of arms in undue quantities, or by improper persons, and to watch their subsequent distribution by sale; and to submit a copy of the form of license adopted, with a Memorandum of the parties to whom, and the quantities of arms, &c., for which, licenses have been issued from his office, since the passing of Act XXXI of 1860.

(True Extract).

Chief Secretary.

To the Commissioner of Police.

Exd. J. H. Burns.

22
By Sect xvii & xviii
of Act ~~xxxx~~ of 1860,
(the operation of which
Act has been Extended
by Act vi of 1865) the
importation of arms
without a license
is a highly penal of-
fence - the punish-
ment being imprison-
ment with or without

hard labor for a
term not exceeding
3 years, and also
fine not exceeding
1000 Rs. - and con-
fiscation of the arms.
These sections do not
apply to import in
reasonable quantities
for private use.

I have ascertained

from Col Wilson that
the parties in this case
Messrs Frank & Co. had
no license from him
to import the 100 rifles
in question.

But I doubt if
any Magistrate would
convict the importers
or if he did convict
would award more
than a nominal

permitted - for
the arms were openly
brought out - here &
now are at the cus-
toms office - and the
Inspector has applied
to the Commr of Sea cus-
toms for permission
to pass them -

The importation
at which the Act

is aimed is evidently
not the mere technical
"importation" of Customs
parlance. But an
attempt to get the
arms surreptitiously
into the country without
license of the author-
ities - Nothing of this
kind can here be
alleged & Messrs Frank
& Co the Inspectors are

a highly respectable
English Firm and
are licensed to
sell arms under
the Act.

The govt. can, if they
see fit, instruct
the Com^r of Police
not to grant a
license for these

arms & the govt. may
then permit their
re-export to Bombay,
Calcutta or any
foreign country.

The arms are
"Common Rifles"
invoiced at 7/8 each.

Mr. Shaw I
fancy is merely a

a
E
a
Kind of Shipping
Clerk.

J. D. P.

12. 2. 00

Comical

My dear Sir No application
has been made to me, but
Messrs. Frank & Co. are
licenced dealers, and can
have a Transit licence to
remove Goods to America.
Send me their account.
Application to Messrs.
for such a licence is quite
out of the way - In practice

and for the convenience of
the Shipping interests some
are secured at the Customs
House without a pass
until they are kept under
charge of the Customs
House Officers until the
Comptroller produces the
Pass from the 6 of Police
authorizing the removal

of the articles —
J. M. W. R.

10 Feb 1886.

* This has been the
practice ever since
1880.

Please let me know if
you want anything done

about this - as far as I can
make out Mr. Shaw has
merely made his application
to the wrong party.

Transferred
to the Judge
Dep't. Admiral
13.2.66. Sect. 2. 10. 66.

80

The Government observe
that Section XVII of Act XXXI of
1860 - (the operation of which has been
extended to 1st of October 1866 by
Act VII of 1865) is the only law appli-
cable to the case.

To Board of Revenue
" Military Department with ref^{ce}

J. R. S.

Section XVII of Act 31 of 1860 prohibits the importation
of arms without a license - and Section XVIII provides
for the punishment. Masterly of unlicensed im-
portation. Mr. W. F. Shaw should not be ignorant of
the law and seeing how largely he has been dealing in
articles of a miscellaneous character for years past
it is not likely to be ignorant of the penalty both.

No 10 November 65 N 259-260

1800 Depart

he has rendered him self
liable - Admitting to the late
discovery of musket rifles
in abundance in boogerat
to the fact that one of our
own Ordnance officers of the
Royal Army is about to be
tried for selling 100 arms in
his official capacity & to the
significant indications in
various directions, I would
direct the collector of Sea
Customs to cause Mr. Shaw
who presented in an
unlawful manner to be
3 Feb 66 Wd

9/9 N 271
Proceedings of the
Board of Revenue

Dated 25
Decr 25
Recd 26
15 Feb 66
January 1800

Bring to Council
Jps

I am inclined to adopt
Mr. Shelleys view but
bring to Council of them is
Wd

Submitting letter from
the collector of sea Customs
reporting for orders the applica-
tion of Mr. Shaw, Agent
to Messrs. Francis & Co. to pass
100 Common Rifles imported
per ship "Calide" from London.

W. H. Under

23 Feb 66 R 8 183

100
Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read Nos. of the Bd
of Revenue.

(Here enter 25 June 1864)

Order thereon 21st February 1864 No. 255.

This draft has been prepared
by the Board with reference
to the verbal instructions
given in Council, but
advising to (I believe)
not to be less than
which it would appear
that the importation in the
present case has
adopted an ordinary
course except on one
point viz. advertising
this application for a
license to the
Collector of Sea Customs
instead of to the Comd.
of Police, I venture to
suggest whether it would
not be advisable to omit
the first two persons of
the draft and to confine
it to the signature made
on the 3rd page, the
balance being as before.

The Government
observe that under Sections
XVII and XVIII of Act XXXI
of 1860 and Act VI of 1865
the importing or attempting
to import arms &c. without
a license, except in rea-
sonable quantities for
private use (Section XIX),
is a highly penal offence.
2. In the present
case, the importers have
evidently no license
and do not appear to
have applied for one to
the

the proper officer, viz, the
Commissioner of Police.
They would seem there-
fore to have rendered
themselves liable to a
criminal prosecution
under the Arms Act.

2. Before passing
orders on the case, the
Government resolve to
call on the Commissioner
of Police to explain his
practice in regard to
the issue of licenses for
the importation of arms,
to state what precautions
are adopted to prevent
the admission of arms
in undue quantities
or by improper persons
and to watch their
subsequent distribution
by sale; and to submit

whether it, it can hardly
be said that the depositing
of arms & depositing
them in the Custom House
preventing the grant of a
transit license, would
subject the importer to
a punishment prescribed
by the Act. I had not been the proposer
of this distribution
place in Council or I
would have then submitted
the suggestion I now
make.

I think that Mr. Simon
has taken the correct
view - I would therefore
for the present at least
limit the exportation
of that contained
in this local paper.

Issue regulations to let
the Dept. be as above proposed,
but should consider that a
penal law is to be construed with
reference to the respectability of
the parties who have imported.

110
a copy of the form of
license adopted with
a memo. of the parties
to whom and the quantities
of arms &c. for which
licenses have been issued
from his office since
the passing of Act
XXXI of 1860.

the provisions. We have seen from in England
of the very highest reputation not scruple to supply
firearms, arms to colonies in revolt, because the law
did not check their act - our law here is
precautionary & prohibitive. Hence of knowledge,
I fear, leave what becomes of the weapons
after they are used, provided they are 15 or 20
lbs. for each rifle costing them 4 or 5 a piece - The
fact of the arms being here to look further than
the fact of the arms being here to look further than
the fact of the arms being here to look further than

To the Commr of Police, 24/25
just think so 140-13
To the Military Dept. 24/25
16.2.66
W.D.

Importation of Goods

1883-1884

Andover 1866. Department.

No. 255

PROCEEDINGS OF GOVERNMENT.

Dated 27 February, 1866.

794 466-510-1093.

Press No. 2765, G. M.-1411.05-500.

1857

