M.R.O. I—38/600—18-10-23.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No.	542	**Press Mic**
105-107		
Dated	11—4—	-19-1866

7/8

Not to be folded or roughly handled

Read the following papers:—

No. 105. From the Magistrate of the Godavery District, to the Chief Secretary to Government, Fort Saint George; dated Cocanada, 8th December 1865, No. 274.

With reference to the enclosed copy of a license granted by the Acting Superintendent of Police of this District, for the importation of sulphur and ammunition, under Section 17, Act XXXI of 1860, I have the honor to request that I may be informed whether the form of license is correct; *i. e.*, whether it should be a general one, running for a specified number of days, or whether there should be a separate license granted for each importation.

LICENSE.

I hereby authorize Messrs. Wearing & Co., to import Arms and Ammunition as follows:—

Description and quantity of Ammunition.	From what place.	To what place.	To whom to be delivered.	Number of days during which the license is in force.
Sulphur. lbs. 1,500 Gunpowder. ,, 300 Shot. ,, 100 Caps, Percusion, No. 3,000 for sporting purposes only.	Calcutta, Madras, Pondicherry, and Yanam.	Cocanada.	To Messrs. Wearing & Co.	For one year from this date.

OFFICE OF THE SUPERINTENDENT OF POLICE, G. D.,
RAJAHMUNDRY, *22nd September* 1865.

(Signed) P. M. JONES,
Ag. Supt. of Police, G. D.

No. 106. From the Magistrate of the Godavery District, to the Chief Secretary to Government, Fort Saint George; dated Chintalapudy, 20th March 1866, No. 76.

Having received no reply to my letter of the 8th December 1865, No. 273, requesting instructions as to the correctness, or otherwise, of the form of license for the importation of ammunition, therewith submitted, I have the honor to request an early reply on the subject, as an application for a similar license has again been received by the Superintendent of Police.

No. 107. ORDER THEREON, 11th April 1866, No. 542.

The foregoing reference from the Magistrate of Godavery having led the Government to re-consider the form of license now in use for the importation of Arms and Ammunition, under Section 17 of Act XXXI of 1860, the Governor in Council resolves to circulate the annexed amended form of license, for adoption, both by the Commissioner of Police at Madras, and by the Superintendents of Police in the Provinces.

2. It will be seen from the form that a separate license will be required to cover each separate importation.

3. The Governor in Council directs that these licenses shall not be issued in the Provinces by any Officer of the Police below the grade of Assistant Superintendent, and every license so issued should be invariably countersigned by the Magistrate of the District.

4. Great care should be taken to prevent the importation of unduly large quantities of Arms or Ammunition.

(True Extract).

A. J. ARBUTHNOT,
Chief Secretary.

To the Magistrate of
,, Commissioner of Police, Madras.
,, Inspector General of Police.

Form of license for importing Arms or Ammunition, under Section 17 of Act XXXI of 1860.

LICENSE.

Under the provisions of Section 17 of Act XXXI of 1860, is hereby licensed by me to import from* the following articles.

(Here enter specification of articles)

2. This license shall cease to have any force on the importation above authorized being made.

Superintendent or Asst. Supt. of Police.

Magistrate.

* Here enter the name of the Ship or State, from which the importation is made, according as it is made by sea or land.

Exd. J. H. Burns.

My dear Arbuthnot

The form of license may be revised & sent Mr Ribbentrop for the next item of the agenda which of his Officers should I depute authorizing issue licenses and how

in use for the importation of Arms and Ammunition under Sec XVII of Act XXXI of 1860, the Governor in Council resolves to circulate the annexed amended

the control of the Chief Exec-
-utive authorising the
Exportation of Rifles and
Rifle Ammunition from
this Island to the United
States of America

The Order should
have been prohibiting
importation as well

Out- containing Yours &c

J. Ryan

Exd. J. H. Burns.

No 2694/1886. Judicial Dept. 37

I am doubtful about the order
I attach as I cannot identify the form
of License published and the same
marked inside thus -O- with Letter
of the Forms of License stated to have
been circulated with Gov: order 1375 of
date 20th Oct 1887.

Apart however from the doubt,
it seems to me that the License in
the present form, does not show that
each importation will require a Special
License. I also think that the
Form would be improved & Specifying
the Section of Act 31 of 1880 under which
it is issued. In the present case it
should be Section XVII: It should
also, I consider, distinctly in so
many words, make it known that

Government to re-consider
the form of License now
in use for the importation
of Arms and Ammunition
under Sec XVII of Act XXXI
of 1880, the Governor in
Council resolves: to
circulate the annexed
amended

only one importation of arms or ammunition; sulphur, &c. covered by the licence. The meaning of section XVII may fairly be construed to that effect; and Merchants should endeavor to obtain merchandise as their invoices of that class, should not be altered by superintendents taken of section XVII act XXXI of 1860 hereafter shall be at liberty to do in the way of bringing over sulphur for fireworks without contravening the Law.

I would therefore respectfully suggest that a new Form of Licence be prepared and circulated.

I would also draw the attention of the Post to the terms of the Notification of the Governor General dated

dated 1 October 1860.

It is under this Notification, that Mr. Percy Lowe, acting Superintendent of Police, Sabaraon &c., has granted the General Licence to Messrs Harvey & Co. of Lowe place a Loin for the Marianne and stated in the Licence, - to which the Collector & Magistrate Mr. Fraser has as Chief Functionary nothing, beyond taken Exception -

The words used in the G. G's Notification, although the Office of Lieutenant of Police under Act, by "the Chief Officer of Police in Town Seaport Town" - to Chief Officer Inspector for the Land, the Police Inspector in the absence, the Head Constable of the Police Station, or Chief Officer of Police in that Town, for the time being, specified in the Licence for the importation of Arms, & the importation

[illegible] Governor in [illegible] the form of Licence now in use for the importation of Arms and Ammunition under Sec XVII of Act XXXI of 1860, the Governor in

Exd. J. H. Burns.

vessel have been completed & the arms & ammunition, despatched, the Chief Executive Officer [illegible] Police] could interpose, to check the Chief Police Officer's act.

In the case of Mr Percy Lowes' license there can be no doubt, under the provisions of arms & ammunition Ordinance, that he could be brought to book, & within the space of a year, he could be brought before the Magistrate for use, as occasion may require, whether he himself has committed robbery or murder or rebellion, or, of a fresh offence against the British Government.

Experience shows that it is almost impossible to prevent the importation of arms & ammunition, & that in spite of all that the Government

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Encl. J. H. Burns.

refuse to do, or threaten, arms find their way to natives desirous without suspicion on the part of the local magistracy. It is now the duty of Govt. & Chiefs, to place as many obstacles as may be possible in the way of such importation; and to this end, I would propose that the power of issuing licenses be withheld, & it now seems to be in the hands of a young officer who happens to be temporarily acting Colonial Secretary. Govt. retains that any license for the application may be made to him; he will probably not it has been submitted to & been countersigned by the Governor of the Protectorate. -

Lord Bowen, in the case now under remark, [illegible] cartloads of arms [illegible] might have been carried through the Protectorate beyond the

Government to re-consider the form of License now in use for the importation of Arms and Ammunition under Sec XVII of Act XXXI of 1860, the Governor in Council resolves to circulate the annexed

amended

held powers of the Magistracy territory
before Mr. Rasen could enforce.
Reference also to the Notification of the
G. Govt, Lowered Borne that there is
nothing in our Police Act (24 of 1859)
which enables or calls to define the
meaning of "Chief Officer of Police in every
Coastal Town. Our Magistrates were
Officers of Police up to the 6th Feby 1859
when Act 24 of that year was passed.
and until that date Mr. Rasen as
Magistrate of Godavery would have been
the Chief Officer of Police of the District.
The Act 5 of 1861 Dr was passed with
the object of its becoming the Police Act
for all India, became law on the 22nd
March, that is after the date of
the G. Govt Reference to Govt of Bom
adverted to. It seems possible under
these circs that an oversight may
have occurred in the use of the words
Govt instead of Magistrate as objectionable 6.4.66. WDK

Ord. J. H. Burns.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following
letters from the Magistrate
of the Godavery District.

Here enter 8th Dec 65 No 2744
& 20th Mar 66 No 676.

Order thereon 11th April 1866 No 542.

N.

WDK

The foregoing reference
from the Magistrate of
Godavery having led the
Government to re-consider
the form of Licence now
in use for the importation
of Arms and Ammunition
under Sec XVII of Act XXXI
of 1860, the Governor in
Council resolves to
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amended

amended form of Licence for adoption both by the Commissioner of Police at Madras and by the Superintendents of Police in the Provinces

2. It will be seen from the form that a separate Licence will be required to cover each separate importation.

3. The Governor in Council directs that these Licences shall not be issued in the Provinces by any Officer of the Police below the grade of Assistant Superintendent, and every Licence so issued should be invariably countersigned by the Magistrate of the District.

Form of Licence for importing Arms & Ammunition under Section XVII of Act XXXI of 1860.

Licence.

Under the provisions of Section 17 of Act XXXI of 1860.

I hereby licensed by me to import from + the following articles.

(Here enter specification of Articles)

2. This Licence shall cease to have any force on the importation above authorized being made.

Superintendent &
Asst. Supte of Police.

Magistrate.

% the Master of all Boats — Commr of Police, Madras — Supr Supt of Police } 6½/50/14/4

+ Here enter the name of the Ship or State from which the importation is made; according as it is made by sea or land.

Judicial 1866. Department.

No. 542.

PROCEEDINGS OF GOVERNMENT.

Dated 11 April 1866.
~~Feb~~ 1861—

Press No. 2755, G. M.—14-11-65—500.

105 & 107.