

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	540	Press ~~Mis~~
Dated	3-4-1918	5/6

Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
3rd April 1867.*

No. 19. Read the following letter from the Magistrate of the Kistna District, to the Chief Secretary to Government, Fort Saint George; dated Masulipatam, 16th March 1867, No. 67.

I have the honor to forward copy of finding and sentence passed by the Acting Joint Magistrate of this District, in Case No. 15 of 1867 on his file, in which the prisoner was fined Rupees 100, under Section 5, Act XXXI of 1860, for having sold ammunition, &c., in the town of Guntoor without a license, and the ammunition, sulphur, &c., seized in his premises, confiscated.

2. I have ordered the powder to be destroyed, and the sulphur and caps to be kept pending the orders of Government on the subject, which I have now the honor to request.

3. I have further the honor to report that the merchants of this town, whose

1. M. Lakshmayya.....	45 lbs.
2. B. Ramaswamy.....	47 "
3. L. Kotilingam.....	30 "
4. P. Venkatachelum....	44 "
5. P. Bajalingam.....	86 "
6. P. Venkatroydu.....	87 "

names are given in the margin, have imported quantities of sulphur, as shown opposite to their respective names, without license; they call this sulphur "Wusirikaya Gandhakam," and state that it is

used only for medicines, but not for the manufacture of gunpowder.

4. The Superintendent of Sea Customs detained the same in his office, and reported the matter for orders. A specimen of the sulphur was submitted for examination, by the Civil Surgeon, and pronounced by him to be nothing more than sulphur in its native form; it is used by Natives as medicine and for making gunpowder also.

5. As the merchants urge that the sulphur was intended only for medicinal purposes, I have deemed it proper to bring the matter to the notice of Government, under Section 19, Act XXXI of 1860, and solicit their orders as to how it should be disposed of.

6. There are two licensed venders of sulphur in this town, but neither of them are amongst the importers of the sulphur above alluded to.

Judgment, Finding and Sentence.

With a demi-official letter, dated 9th February 1867, the District Magistrate sent me some percussion caps, which had been obtained by an Officer serving in the District through his servant in the Bazaar of Guntoor. There is in this town no vender of ammunition under the Arms' Act XXXI of 1860; the District Magistrate desired me, therefore, to inquire quietly what were the circumstances under which this traffic in caps was going on. I at once took steps, and by the purchase for Rupees 1½ of a box of caps, of the muster sent me by the District Magistrate, convinced myself that the trade existed. It is unnecessary to say that I did not act openly in the purchase of this box, and it is also unnecessary to detail the stratagem to which I had resort to lull suspicion and to secure my object; with the caps I procured also a specimen of country-made powder which was vended, I found, in the same shop; my discoveries I communicated to the District Magistrate. Mr. Thornhill had thought that the caps might be old Government caps, picked up on parade grounds and refilled after being battered up again, for sale in the bazaars. I am not of opinion, from the appearance of the caps, that they could ever have been fired. They seem machine-made, and the coarseness displayed in their loading seems proof only that, like Hodges' razors, they are made to sell. The box I found was labelled with a green superscription, to the effect that the caps were anti-corrosive, and warranted not to miss fire. I compared the caps with the Government muster supplied to the Police, and found that they were not in outward

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appearance the same. I found on experiment, however, that they exactly fitted the Police carbine nipples. My object, of course, was to find the nipples for which the caps were meant. They are too coarse and unreliable for gentlemen to use, and too large for the nipples of ordinary sporting guns. They could not be for Native Shikarries, who use nothing more civilized than flints. Where there was a supply, and as my then information, imperfect and vague necessarily of course, a large supply, there must be a demand and a tolerably steady one.

I was somewhat puzzled, and after some further communication with the District Magistrate, spoke with the Deputy Inspector General and Superintendent of Police, who happened to be in Guntoor, on Friday last. I had already addressed the Assistant Superintendent of Police, but had received no answer, though his official superiors informed me that he had received the letter and intended to inquire into the matter on his return to Guntoor. I had waited long enough, and determined to employ Mr. Inspector Sharkey in bringing the case before the Court. I had learned the name of the only person whom I could ascertain to be thus dealing in unlicensed wares. Mr. Sharkey laid a plan; by the aid of one of the Bapatla Constables, No. 1194, named Mahomed Seliman, by which he succeeded in securing, on the afternoon of Saturday the 2nd, three boxes of a muster similar to that obtained by me and first forwarded by the Magistrate. He immediately (it was late and getting dark) sealed the premises, and placed over them a guard. The next morning (yesterday), to avoid a formal search, the defendant Addanki Appiah, one of the Comaties of the town, produced six boxes of Joyce's caps, a tin canister containing 17½ seers of country-made powder, and a bag of sulphur weighing 29 seers. Mr. Sharkey satisfied himself that this was all the ammunition on the premises. From certain accounts (A and B) produced by the defendant, it appeared that he was in the habit of dealing with Muttoopilly Mootyaloo, residing in Peddee Naidoopetta, Madras; from this he had obtained part of the stores seized.

The defendant admits possession, and that he has no license; he denies that he kept them for sale, but Mr. Sharkey swears that, when he came to the premises, he was chaffering with his plant, and actually produced another box to sell to Mr. Sharkey for his own use. The caps of the muster sent by the District Magistrate he states he got up from Madras prior to the Deepavalee feast for the amusement of his children, for which purpose also he purchased of a hawker the other day, in Guntoor, the six boxes of Joyce's caps; for the purposes of a marriage which has not come off, and the day for which has not been fixed (though he did fix it at first); he purchased the powder of a Mussulman from Bunder, whose name he cannot tell, and the sulphur from Muttoopilly Mootyaloo. No Comaty would keep such things for any other purpose than sale, and sale (or the preliminaries of sale) is proved.

The Court finds that Addanki Appiah has kept and exposed for sale percussion caps, powder, and sulphur, albeit unlicensed to keep or expose for sale the same, and has thereby committed an offence punishable under Section 5, Act XXXI of 1860, and directs that the said Addanki Appiah be fined one hundred Rupees. The Court, under the same Section, further adjudges the forfeiture of the ammunition seized and produced before the Court.

Guntoor, 4th March 1867.

(Signed) W. WILSON,
Acting Joint Magistrate.

(True Copy).

(Signed) J. THORNHILL,
Magistrate.

No. 20. ORDER THEREON, 3rd April 1867, No. 540.

The Magistrate of the Kistna District is requested, in communication with the Inspector General of Ordnance and Magazines, to forward the sulphur and caps referred to in the 2nd paragraph of the foregoing letter to the nearest Arsenal.

2. The importers of the quantities of sulphur specified in the margin of paragraph 3 of the letter urge that the sulphur was intended for medicinal purposes, but the Civil Surgeon, to whom a specimen was submitted for examination, has pronounced it to be such as is used both for medicine and for making gunpowder. The

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Governor in Council resolves, therefore, to direct that the sulphur in question be confiscated under the provisions of Section 5 of Act XXXI of 1860, and that it be disposed of in the manner indicated in paragraph 1 of these orders.

3. The Magistrate will publish a notice of this in the *District Gazette*.

4. The Government think that 5 lbs. may be regarded as the maximum quantity of sulphur that may be held by unlicensed venders for medicinal purposes.

(True Extract).

Chief Secretary.

To the Magistrate, Kistna District.

„ Inspector General of Ordnance and Magazines.
„ Magistrate of
„ Commissioner of Police, Madras.

Exd. J. Tulloch.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following
letter from the Magistrate, Madura District
dated 16th March 1867 No 67.

Order thereon 3^d April 1867 No 540.

The Magistrate of
the Madura District is
requested, in communica-
tion with the Inspector
General of Ordnance and
Magazines, to forward the
sulphur and caps referred
to in the 2^d paragraph
of the foregoing letter to the
nearest arsenal.

2. The Importer of
the quantities of Sulphur
specified in the margin
of

N. J.
W.D.

of paragraph 3 of the
letter urge that the
Sulphur was intended
for medicinal purposes,
but the Civil Surgeon to
whom a specimen was
submitted for examination
has pronounced it to be
such as is used both for
medicine and for making
gunpowder. The Governor
in Council resolves therefore
to ~~direct that~~ ^{direct that}
~~to ~~through~~ the ~~confiscation~~~~
~~tion~~ of the Sulphur in
question ^{to be confidential} under the pro-
visions of Section V of the
Act XXXI of 1860, and to
~~decide~~ that it be disposed
of in the manner indicated
in paragraph 1 of these
orders.

3. The Magistrate
will

Swonderday June 1860.
It is largely used in preparing
fine works of Rauts at
festivals.

W. R. N.
Jes. N.

will publish a notice
of this in the District
Gazette.

4. The Government
think that ~~two~~ ^{five} lbs may
be regarded as the maximum
quantity of sulphur
that may be held by
unlicensed vendors for
medicinal purposes.

by A

Conrad

To the Mag^{te}, Western District
Super Genl. of Ordnance & Magazines. 6
All Magistrates
Commissioners of Police, Madras
Super General of Ordnance

143 1860
9th Oct 1860

East

Indian 1884. Department.

No. 540

PROCEEDINGS OF GOVERNMENT.

Dated. 3^d April 1884.

Confiscated Sulphur &
be sent to the nearest
market.

5 lbs to be repaid as the
quantity to be held for
military purposes.