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CONFIDENTIAL.

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Judicial (1895) Department.

ORDINARY MIS

G.O., No. 252

Confidential No. 23

DATED 6-7-95

[Despatch Abstract.]

Percussion Caps

Comg to the Rev dept & letter from the Govt.
of India forwarding copy of correspondence
re the smuggling of — from Colombo into
Bombay.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	159	Con	1894				
	16	—	1895				

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

(Confidential.)

No. 108

FROM

L. M. THORNTON, Esq.,
Deputy Secretary to the Government of India,

TO



Home Department.
Public.

Calcutta, the 29 January 1895.

SIR,

I AM directed to forward, for

From the Government of Bombay, No. S. B. 196, dated the 11th August 1894, and enclosures.

From the Government of Bombay, No. S. B. 199, dated the 14th August 1894, and enclosures.

From the Government of Bombay, No. S. B. 237, dated the 21st September 1894.

To the Honourable the Colonial Secretary, Colombo, No. 1767, dated the 25th October 1894.

From the Honourable the Colonial Secretary, Colombo, dated the 6th December 1894, and enclosures (except the copies of the Laws).

a copy of the papers marginally noted on the subject of the smuggling of percussion caps from Colombo into Bombay. The present state of the law in Ceylon regarding such matters is explained in the enclosures of the Colonial Secretary's letter of the 6th December last. It appears to be possible for persons in Ceylon to plan the unlawful import of ammunition into India without themselves incurring much risk, and it is believed that a considerable portion of the percussion caps smuggled up-country come from Ceylon. The remedy lies in a vigilant administration of the Customs law and the Arms Act, and the papers herewith forwarded are communicated with a view to putting on their guard.

I have the honour to be,

SIR,

Your most obedient Servant,

L. M. THORNTON,

Deputy Secretary to the Government of India.

No.

COPY, with copy of the letters to and from the Colonial Secretary, Colombo, and enclosures of the latter (exclusive of the Laws), forwarded to the Government of Bombay for information.

By order,

L. M. THORNTON,

Deputy Secretary to the Government of India.

996. C. of letters
786 C. of letter from Bombay (enclosure)
786 C. of letter from Colombo
786 C. of letter to Colombo.

[CONFIDENTIAL.]

No. $\frac{S. B.}{186}$, dated Poona, the 11th August 1894.

From—The Honourable W. LEE-WARNER, C.S.I., Secretary to the Government of Bombay, Political Department.

To—The Secretary to the Government of India, Home Department.

I AM directed to forward you a copy of a report from the Commissioner of Police, Bombay, together with an extract from his weekly diary and a statement made by one Tyeb Ali walad Shaik Ibrahimji, regarding the smuggling of percussion caps from Colombo into Bombay.

2. Local enquiries regarding the actual smuggling of these percussion caps into Bombay are in progress, but as a fuller investigation into the alleged extensive smuggling will have a range carrying it beyond this Presidency, I am to forward the enclosed correspondence for any action that the Government of India may consider to be necessary.

No. $\frac{30}{C. B.}$, dated Bombay, the 31st July 1894.

From—The Commissioner of Police, Bombay.

To—The Secretary to the Government of Bombay, Political Department.

With reference to the entry in No. 30-C.A., for the week ending the 28th instant, under heading "Smuggling of percussion caps," I have the honour to report that, as reported therein, Tyeb Ali Ibrahimji has been arrested in Surat and was this morning brought down to Bombay.

2. I beg to forward herewith true copy of a statement made by him, from which it will be seen that the three casks of oil were sent to Bombay by one Abdul Husain Hakimji, a native of Ujjain, who has recently been residing in Colombo.

3. This man has failed to put in appearance in Bombay, and I have this day telegraphed to the authorities at Colombo to find out whether he is still there.

4. On learning of his whereabouts I will consult the Solicitor to Government and take his advice in the matter. Meanwhile, as there appears to be nothing against Tyeb Ali Ibrahimji, I have released him on bail.

5. As regards his statement of illicit traffic in ammunition at Ujjain and elsewhere, it is presumed that Government will take action.

6. In my above quoted entry Trincomalee is wrongly given as the place from which Tyeb Ali Ibrahimji travelled by rail: it should be Tuticorin.

Statement of Tyeb Ali walad Shaik Ibrahimji.

I am a Borah and native of Ujjain. My age is 26 years. I am in the service of Shaik Tyeb Abdul Ali, a Borah merchant of Colombo, general dealer in stores and commission agent. I have been in his service for eleven years, seven years of which I have served off and on in Colombo. My master formerly had shops in Bombay, Calcutta, Tuticorin, Cocanada and elsewhere. He possesses a coconut-oil press in Colombo. About the 7th of June last, I came to Bombay with my master by P. & O. S.S. *Rosetta* on business. After staying five days, my master returned to Colombo by P. & O. S.S. *Clyde* taking with him a daughter who had for years been residing in Karachi. I took two months' leave and remained behind as I wanted to visit my sister in Surat. About seven days after my arrival in Bombay I received a letter from one Abdul Husain Hakimji addressed to one Rajbhai Dawudbhai. With the letter, was enclosed a bill of lading for three casks of oil shipped in S. S. *Japan* by Abdul Husain Hakimji on the 11th June. Before leaving Colombo this Abdul Husain Hakimji had told me that he was going to send me some goods which he desired me to keep till his arrival, and in the letter above-mentioned he advised me of the despatch of three casks of oil, which I was to keep and make over to him on arrival. I kept the letter and gave the bill of lading to Rajbhai Dawudbhai to clear the goods on arrival and to send them to Lakhmichand Manechhand the Bombay Agent of my master, and paid the former Rs 20 for customs and clearance duties. The goods were cleared from the Custom House, Carnac Bunder, on the 9th July and made over to Lakhmichand Manechhand the same day. After waiting some time and finding that Abdul Husain Hakimji did not arrive, I directed Lakhmichand on the 23rd July to sell the oil and the next day received Rs 150 on account. The day after I went to Surat and wrote at once to Abdul Husain telling him I had sold the oil. Abdul Husain Hakimji is a Borah, native of Ujjain. He came to Colombo some six months ago for the first time, so far as I know. I met him in the mosque where he

was putting up during his stay in Colombo. He dealt in scented oil which he obtained from Ujjain. I do not know whether he dealt in percussion caps, but I heard that he did and exported them to Ujjain. I never knew him before and have heard nothing about him from Ujjain.

Ammunition is sold freely and openly in the bazaar at Colombo; the only restriction is on arms, for which licenses are granted. Borahs come from Ujjain for the purchase of ammunition, which they take back concealed in various ways, generally by rail *via* Tuticorin.

There are many Borahs at Ujjain who receive the goods, and they mostly live in the *chouk*. The names of three of them are Abdul Ali Mulla Alibhai, Abdul Husain and Kaderbhai Ali Muhammad.

There is a Muhammadan called Angarwalla Myan living at Augar, who is a licensed dealer in arms and ammunition. He is in the habit of selling percussion caps to the Borah dealers at Ujjain.

TYEB ALI SHAIK IBRAHIMJI.

Taken before me,

H. G. GELL,

Deputy Commissioner of Police.

31st July 1894.

Extract from the Report of the Commissioner of Police, Bombay, for the week ending the 28th July 1894.

On the 21st instant one Bhagwandas Mohunsing, oil merchant, bought three casks of coconut-oil from a commission agent named Lakhmichand Manekchand, who sold them at the request of Borah Tyeb Ali Ibrahimji, recently arrived from Colombo.

Bhagwandas Mohunsing, after selling a portion of the oil by retail, became aware from the weight of one of the casks that it contained something else besides oil, and on examination discovered a small barrel inside it. Being suspicious he consulted the commission agent, who failing to find Tyeb Ali Ibrahimji, reported to have gone to Surat, took the advice of his Solicitor and opened the barrel before him. It contained 200 boxes of percussion caps of 250 each, carefully packed in paper covers, bearing the description of the contents and the name of the manufacturers. The Solicitor at once communicated with the Police, and the remaining two casks were broached in their presence and found to contain similar barrels with the same number of boxes of percussion caps in each.

So far as the enquiries have gone, it appears that three casks of oil were shipped from Colombo per S. S. *Japan* which arrived about a month ago, and were the property of a man named Shaik Tyeb Abdul Ali, proprietor of an oil-mill in Colombo, and that Tyeb Ali Ibrahimji is his servant and came to Bombay by rail from Tuticorin with the intention of going to Ujjain, his native place.

I at once telegraphed to Colombo, and despatched a detective to Surat in search of Tyeb Ali Ibrahimji. The latter is in custody and is now being brought to Bombay.

On his arrival further enquiries will be feasible and the result will be reported in due course.

CONFIDENTIAL.

No. ^{S. B.}₁₉₉, dated Poona, the 14th August 1894.

From—The Honourable W. LEE-WARNER, C.S.I., Secretary to the Government of Bombay, Political Department.

To—The Secretary to the Government of India, Home Department.

In continuation of my confidential letter No. ^{S. B.}₁₉₉, dated 9th instant, I am directed to forward you copy of a letter from the Commissioner of Police, Bombay, together with a further statement made by Tyeb Ali Shaik Ibrahimji.

CONFIDENTIAL.

No. ³³_{C. B.}, dated Bombay, the 10th August 1894.

From—R. H. VINCENT, Esq., C.I.E., Acting Commissioner of Police, Bombay.

To—The Secretary to the Government of Bombay, Political Department.

In continuation of my letter No. ³⁰_{C. B.}, dated the 31st ultimo, I have the honour to forward herewith a copy of a fresh statement made by Tyeb Ali Shaik Ibrahimji from which it will now be clearly seen that Tyeb Ali Shaik Ibrahimji's master, Shaik Tyeb Abdul

Ali, and his master's son, Gulam Husain, are also implicated in the case, and that there is no such person as Abdul Husain Hakimji; in fact the name was assumed in Colombo by the parties concerned for the object probably of defeating the ends of justice.

2. The case against Tyeb Ali Shaik Ibrahimji seems to be rather weak and I do not therefore consider it advisable to charge him before a Magistrate in Bombay, but there is, however, a good case against his master and his master's son; in respect of the importation of the percussion caps into Bombay without a license and also under the Customs Act for the false declaration made regarding them.

3. I understand that there is no law in Colombo restricting the traffic in ammunition, but I assume that the parties can be prosecuted there also for making a false declaration regarding the shipment of the said percussion caps. I have been in communication with the Inspector-General of Police, Colombo, in connection with the case and have asked him to let me know whether any criminal prosecution can be sustained at Colombo against the parties concerned in respect of the consignment of the caps.

4. In the event of there being no law in Colombo to meet the offence, I intend to consult the Solicitor to Government as regards the further action to be taken in this matter.

Statement of Tyeb Ali Shaik Ibrahimji.

Gulam Husain is the son of Shaik Tyeb Abdul Ali and son-in-law of Abdul Husain Noorbhai of Karachi.

In April last, I and my Seth, Shaik Tyeb Abdul Ali, purchased 300,000 caps (percussion) personally from Freudenburg & Co.'s Office.

We saw Mr Kettle and effected the purchase through a Hindu dallal of Japira, who is the broker at Colombo.

While I was still in Colombo, one of the cases arrived (the other had miscarried).

I and my master signed the order for the caps, and when the one case came to my Seth's office, about May or June, I signed the receipt for it.

Before leaving, I told Freudenburg & Co. to make over the miscarried case to Shaik Tyeb Abdul Ali. I did this under my Seth's instructions.

My Seth was aware of all this, though he was not actually present, when Gulam Husain and I arranged for the sending of the caps in oil casks to Bombay.

The barrels had not been filled up respectively with caps and oil before I and my master left Colombo, but the arrangement was agreed upon between us three.

The Guzerathi letter, which is supposed to have been written by Abdul Husain Hakimji, is undoubtedly written by Gulam Husain, my master's son, and it, with the bill of lading made out in the name of Abdul Husain Hakimji, was sent in one envelope to me, care of Rajbhai Dawudbhai of Bombay.

The first case received came to hand in Colombo about the 4th of June, and I left three or four days after (on the 7th June) by S.S. *Rosetta* for Bombay. My Seth came with me in the same ship.

I had told Gulam Husain, my Seth's son, to send the caps to Bombay in three double oil casks which had been specially prepared by the "cooper" of the firm. Gulam Husain agreed to this. There were six casks—three larger and three smaller size; the latter to go into the former and to contain the caps, while the bigger were to be filled up with oil by the same person, *i.e.*, Gulam Husain, who intended to come to Bombay, but who did not come.

Rajbhai met me in the bazaar in Bombay and told me that a letter had come for me from Colombo. I went to his shop with him, got the letter, opened it and gave the bill of lading to Rajbhai, retaining the letter which was found with me by the Police at Surat.

Rajbhai asked me for an advance for expenses for clearing the goods, and I gave him Rs 20 and told him that he should make the casks over to my master's agent, Lakhmichand Manekchand, for safe custody. I did not go to Lakhmichand Manekchand until about 15 days after the goods had been received.

In the meanwhile I had been for five days to Surat. My master remained only a couple of days in Bombay and left in the P. and O. S.S. *Clyde* to return to Colombo on the 13th of June; his daughter, who having meanwhile arrived from Karachi, accompanied him. On leaving, my master Shaik Tyeb Abdul Ali asked me whether the goods, *i.e.*, these three casks had come: I said no, and he said "I will see to their being sent at once."

On my return from Surat I went to Lakhmichand and he asked what should be done with the three casks: whether to be sold or not. I said "no, they are to be sent to another place." I expected Gulam Husain to come; but as he did not, and as it had been arranged that he would first send three real oil casks as a trial, how the Customs people would deal with them, I thought that perhaps these might not be the ones containing the caps and therefore, when Lakhmichand again pressed me what to do with the casks, I consented to their sale. (What I said just before about their having been sold during my second stay at Surat and without my consent is not true.)

After their sale I went to Lakhmichand Manekchand and asked him what the three casks had fetched. He said he was not sure, but about R175. I asked him to let me have R150 on account, which he gave me. I wanted the money to make purchases in Surat for re-sale in Bombay and Colombo.

On the day I got the money (about 23rd July) I wrote to Gulam Husain that I had sold the oil.

I told a lie in my former deposition when I said that I had written to Abdul Husain Hakimji; no such person exists, to my knowledge, and all I have said about him on a former occasion is untrue. I have up to date no answer from Gulam Husain, but I had a letter from his step-mother, Katijabai, which must have crossed my letter to Gulam Husain.

Before me,

R. H. VINCENT,

Acting Commissioner of Police.

BOMBAY;
8th August 1894. }

No. ^{S. B.}₂₃₇, dated Poona, the 21st September 1894.

From—The Honourable Mr. W. LEE-WARNER, C.S.I., Secretary to the Government of Bombay, Political Department,

To—The Secretary to the Government of India, Home Department.

With reference to your letter No. 1458, dated 4th instant, I am directed to inform you that there is little information to be added to that already sent to you.

2. The Commissioner of Police, Bombay, and the Inspector General of Police, Colombo, are at present in communication with one another, but it appears that the two men in Colombo, Shaikh Tyeb Abdul Ali and Ghulam Husain, have committed no offence against the laws of the Colony except the Customs law, and, in the opinion of the Solicitor General of Colombo, it would be difficult to convict under that law.

3. Against the man Tyeb Ali Ibrahimji, who was arrested in Bombay there is absolutely no evidence except his own confession, and, for the present at any rate, it is not probable that he will be charged with any offence.

[CONFIDENTIAL.]

No. 1767, dated Simla, the 25th October 1894.

From—J. P. HEWETT Esq., C.I.E., Officiating Secretary to the Government of India, Home Department.

To—The Honourable the Colonial Secretary, Colombo.

I am directed to forward, for the information of His Excellency the Governor of Ceylon, a copy of the papers marginally noted on the subject of the smuggling of percussion caps from Colombo into Bombay; and to request that, with the permission of His Excellency, the Government of India may be supplied with copies of any laws or regulations which are in force in Ceylon regarding the possession and exportation of arms and ammunition. I am to inquire whether Shaikh Tyeb Abdul Ali and Ghulam Husain rendered themselves liable to any penalty by despatching percussion caps hidden in barrels of oil to be smuggled into British India, or whether any restriction exists by which such practices could be prevented.

[CONFIDENTIAL.]

Dated Colombo, the 6th December 1894.

From—The Honourable the Colonial Secretary, Colombo,
To—The Officiating Secretary to the Government of India, Home Department.

I AM directed to acknowledge the receipt of your confidential letter No. 1767 of the 25th October last on the subject of the smuggling of percussion caps into Bombay from Colombo.

2. In reply I am to annex, for your information, copies of reports thereon by the Inspector General of Police and the Principal Collector of Customs, Colombo, giving an account of the local investigation into this matter.

3. Copies of the laws and regulations which bear on the subject in force in Ceylon are also enclosed.

[CONFIDENTIAL.]

No. 564, dated Colombo, the 16th November 1894.

From—L. F. KNOLLYS, Esq., Inspector General of Police, Colombo,
To—The Honourable the Colonial Secretary, Colombo.

I have the honour to acknowledge the receipt of your confidential letter No. ³³²₀₁₅₆₆₀ of the 13th November 1894, and its enclosures.

2. The laws and regulations which are in force in Ceylon regarding possession and exportation of arms and ammunition are, so far as I am aware—

- (a) Ordinance 19 of 1869 (the Fire-arms Ordinance),
- (b) Ordinance 12 of 1873 (the Gunpowder Ordinance),

which will be repealed by Ordinance No. 10 of 1893 (the Explosives Ordinance) when the latter is proclaimed, and (c) Ordinance 17 of 1869 (the Customs Ordinance), section 95, which gives the Governor power, with the advice of the Executive Council, to prohibit, by proclamation, the export or carrying coast-wise of any arms, ammunition or naval or military stores.

3. As regards the actual case in question, if the offence can be proved against them, I imagine Shaith Tyeb Abdul Ali and Ghulam Hassain have rendered themselves liable to a penalty under section 92 of the Customs Ordinance, No. 17 of 1869, for making a false declaration of goods to be exported, and that they are also liable under the Imperial Merchant Shipping Act for having shipped explosives without declaring them to be such. I, however, submitted to the Solicitor General the evidence which could be produced, and he was of opinion that it was insufficient to secure a conviction under the Customs Ordinance, and that it was more probable that a conviction could be obtained by the institution in India of a case under the Arms Act.

4. The Customs authorities also held an enquiry into the matter, but without any practical result.

5. I have kept the Commissioner of Police in Bombay informed of all evidence that it has been possible to obtain here, and I attach a copy of a specification of facts, ascertained by the Police, which was forwarded to him.

6. I may further say that I believe that the percussion caps in question were sent as an experiment to see whether they could be safely passed through the Bombay Custom-house. This was successfully done; and had the caps not been accidentally discovered afterwards, it is probable that further and larger consignments of a similar nature would have followed.

7. The discovery of the caps, however, in India, and the severe examination to which goods exported by Borah merchants are now subjected in the Ceylon Custom-house will, I believe, prevent any further attempt of a similar nature being made at least for some time to come.

Specification of facts ascertained by the Colombo Police in connection with telegram of 28th July 1894, from the Commissioner of Police, Bombay.

Facts.	Witness who testify.
I.—300,000 percussion caps ordered through Fruedenberg & Co. by Tyeb Ali Shaith Ebramjee on 21st March 1894.	Mr. Tetley of Fruedenberg & Co.
II.—Caps arrived in Colombo and were delivered to S. T. Abdul Ali at Tyeb Ali's request.	Ditto and Mr. Gomes, Wharf Clerk of Fruedenberg & Co.
III.—Receipt for same signed by S. T. Abdul Ali's Clerk, John.	Receipt with Fruedenberg & Co.
IV.—Consignment of caps paid for partly in cash and part by promissory note signed by Tyeb Ali payable to order of S. T. Abdul Ali and endorsed by him.	Mr. Tetley of Fruedenberg & Co.
V.—Three oil casks marked A. E., Bombay, shipped per S. S. <i>Japan</i> .	Mr. Livera, Despatch Cargo Boat Co.
VI.—Export shipping note for three casks on S. T. Abdul Ali's printed form altered to Abdul Hassim Hackimjee, body written by S. T. Abdul Ali's Clerk, John.	Mr. Canagasaby, Landing Waiter, Customs, Colombo.
VII.—Tyeb Ali Shaith Ebramjee well known in Colombo not as S. T. Abdul Ali's servant, but as petty trader.	1. Mr. Tetley. 2. Mr. Gomes. 3. Mr. Canagasaby.

L. F. KNOLLYS,
Inspector General of Police.

Report of Principal Collector of Customs of Colombo.

Colonial Secretary—

When the fact of the smuggling of the caps was brought to the notice of this Department, an enquiry was made which resulted in showing that the entry for export was written by one "John," and purported to be signed by "Hackimjee."

2. "Hackimjee" is said to be non-existent, and the signature is pseudonymous.

3. "John" was known as a Clerk of Abdul Ali, but since this enquiry began he has disappeared. Abdul Ali states that he does not know where "John" is—that he was a Clerk only casually employed. I understand that the Police have been trying to find him, but have failed. If "John" could be found, his evidence might establish a case against Abdul Ali, but at present there is no sufficient evidence.

4. The "severe examination" referred to in the Inspector General's 7th paragraph relates to imports and not exports, but the exports will be watched as closely as they can be. The examination of exports is not usual.

5. There has been no want of diligence on the part of this Department.

LIONEL LEE,
Principal Collector of Customs.

The 27th November 1894.

[CONFIDENTIAL.]

No. 1767, dated Simla, the 25th October 1894.

From—J. P. HEWETT Esq., C.I.E., Officiating Secretary to the Government of India, Home Department.

To—The Honourable the Colonial Secretary, Colombo.

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To the Government of Bombay, No. 1458, dated 4th September 1894.

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3. This man has failed to put in appearance in Bombay, and I have this day telegraphed to the authorities at Colombo to find out whether he is still there.

4. On learning of his whereabouts I will consult the Solicitor to Government and take his advice in the matter. Meanwhile, as there appears to be nothing against Tyeb Ali Ibrahimji, I have released him on bail.

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Extract from the Report of the Commissioner of Police, Bombay, for the week ending the 28th July 1894.

On the 21st instant one Bhagwandas Mohunsing, oil merchant, bought three casks of coconut-oil from a commission agent named Lakhmichand Manekehand, who sold them at the request of Borah Tyeb Ali Ibrahimji, recently arrived from Colombo.

Bhagwandas Mohunsing, after selling a portion of the oil by retail, became aware from the weight of one of the casks that it contained something else besides oil, and on examination discovered a small barrel inside it. Being suspicious he consulted the commission agent, who failing to find Tyeb Ali Ibrahimji, reported to have gone to Surat, took the advice of his Solicitor and opened the barrel before him. It contained 200 boxes of percussion caps of 250 each, carefully packed in paper covers, bearing the description of the contents and the name of the manufacturers. The Solicitor at once communicated with the Police, and the remaining two casks were broached in their presence and found to contain similar barrels with the same number of boxes of percussion caps in each.

So far as the enquiries have gone, it appears that three casks of oil were shipped from Colombo per S. S. *Japan* which arrived about a month ago, and were the property of a man named Shaik Tyeb Abdul Ali, proprietor of an oil-mill in Colombo, and that Tyeb Ali Ibrahimji is his servant and came to Bombay by rail from Tuticorin with the intention of going to Ujjain, his native place.

I at once telegraphed to Colombo, and despatched a detective to Surat in search of Tyeb Ali Ibrahimji. The latter is in custody and is now being brought to Bombay.

On his arrival further enquiries will be feasible and the result will be reported in due course.

CONFIDENTIAL.

No. ^{S. B.}₁₉₉, dated Poona, the 14th August 1894.

From—The Honourable W. LEE-WARNER, C.S.I., Secretary to the Government of Bombay, Political Department.

To—The Secretary to the Government of India, Home Department.

In continuation of my confidential letter No. ^{S. B.}₁₉₉, dated 9th instant, I am directed to forward you copy of a letter from the Commissioner of Police, Bombay, together with a further statement made by Tyeb Ali Shaik Ibrahimji.

CONFIDENTIAL.

No. ³³_{C. B.}, dated Bombay, the 10th August 1894.

From—R. H. VINCENT, Esq., C.I.E., Acting Commissioner of Police, Bombay.

To—The Secretary to the Government of Bombay, Political Department.

In continuation of my letter No. ³⁰_{C. B.}, dated the 31st ultimo, I have the honour to forward herewith a copy of a fresh statement made by Tyeb Ali Shaik Ibrahimji from which it will now be clearly seen that Tyeb Ali Shaik Ibrahimji's master, Shaik Tyeb Abdul

Ali, and his master's son, Gulam Husain, are also implicated in the case, and that there is no such person as Abdul Husain Hakimji; in fact the name was assumed in Colombo by the parties concerned for the object probably of defeating the ends of justice.

2. The case against Tyeb Ali Shaik Ibrahimji seems to be rather weak and I do not therefore consider it advisable to charge him before a Magistrate in Bombay, but there is, however, a good case against his master and his master's son; in respect of the importation of the percussion caps into Bombay without a license and also under the Customs Act for the false declaration made regarding them.

3. I understand that there is no law in Colombo restricting the traffic in ammunition, but I assume that the parties can be prosecuted there also for making a false declaration regarding the shipment of the said percussion caps. I have been in communication with the Inspector-General of Police, Colombo, in connection with the case and have asked him to let me know whether any criminal prosecution can be sustained at Colombo against the parties concerned in respect of the consignment of the caps.

4. In the event of there being no law in Colombo to meet the offence, I intend to consult the Solicitor to Government as regards the further action to be taken in this matter.

Statement of Tyeb Ali Shaik Ibrahimji.

Gulam Husain is the son of Shaik Tyeb Abdul Ali and son-in-law of Abdul Husain Noorbhai of Karachi.

In April last, I and my Seth, Shaik Tyeb Abdul Ali, purchased 300,000 caps (percussion) personally from Freudenburg & Co.'s Office.

We saw Mr Kettle and effected the purchase through a Hindu dallal of Japira, who is the broker at Colombo.

While I was still in Colombo, one of the cases arrived (the other had miscarried).

I and my master signed the order for the caps, and when the one case came to my Seth's office, about May or June, I signed the receipt for it.

Before leaving, I told Freudenburg & Co. to make over the miscarried case to Shaik Tyeb Abdul Ali. I did this under my Seth's instructions.

My Seth was aware of all this, though he was not actually present, when Gulam Husain and I arranged for the sending of the caps in oil casks to Bombay.

The barrels had not been filled up respectively with caps and oil before I and my master left Colombo, but the arrangement was agreed upon between us three.

The Guzerathi letter, which is supposed to have been written by Abdul Husain Hakimji, is undoubtedly written by Gulam Husain, my master's son, and it, with the bill of lading made out in the name of Abdul Husain Hakimji, was sent in one envelope to me, care of Rajbhai Dawudbhai of Bombay.

The first case received came to hand in Colombo about the 4th of June, and I left three or four days after (on the 7th June) by S.S. *Rosetta* for Bombay. My Seth came with me in the same ship.

I had told Gulam Husain, my Seth's son, to send the caps to Bombay in three double oil casks which had been specially prepared by the "cooper" of the firm. Gulam Husain agreed to this. There were six casks—three larger and three smaller size; the latter to go into the former and to contain the caps, while the bigger were to be filled up with oil by the same person, i.e., Gulam Husain, who intended to come to Bombay, but who did not come.

Rajbhai met me in the bazaar in Bombay and told me that a letter had come for me from Colombo. I went to his shop with him, got the letter, opened it and gave the bill of lading to Rajbhai, retaining the letter which was found with me by the Police at Surat.

Rajbhai asked me for an advance for expenses for clearing the goods, and I gave him Rs20 and told him that he should make the casks over to my master's agent, Lakhmichand Manekehand, for safe custody. I did not go to Lakhmichand Manekehand until about 15 days after the goods had been received.

In the meanwhile I had been for five days to Surat. My master remained only a couple of days in Bombay and left in the P. and O. S.S. *Clyde* to return to Colombo on the 13th of June; his daughter, who having meanwhile arrived from Karachi, accompanied him. On leaving, my master Shaik Tyeb Abdul Ali asked me whether the goods, i.e., these three casks had come: I said no, and he said "I will see to their being sent at once."

On my return from Surat I went to Lakhmichand and he asked what should be done with the three casks: whether to be sold or not. I said "no, they are to be sent to another place." I expected Gulam Husain to come; but as he did not, and as it had been arranged that he would first send three real oil casks as a trial, how the Customs people would deal with them, I thought that perhaps these might not be the ones containing the caps and therefore, when Lakhmichand again pressed me what to do with the casks, I consented to their sale. (What I said just before about their having been sold during my second stay at Surat and without my consent is not true.)

4

After their sale I went to Lakhmichand Manekchand and asked him what the three casks had fetched. He said he was not sure, but about R175. I asked him to let me have R150 on account, which he gave me. I wanted the money to make purchases in Surat for re-sale in Bombay and Colombo.

On the day I got the money (about 23rd July) I wrote to Gulam Husain that I had sold the oil.

I told a lie in my former deposition when I said that I had written to Abdul Husain Hakimji; no such person exists, to my knowledge, and all I have said about him on a former occasion is untrue. I have up to date no answer from Gulam Husain, but I had a letter from his step-mother, Katijahai, which must have crossed my letter to Gulam Husain.

BOMBAY; }
8th August 1894. }

Before me,
R. H. VINCENT,
Acting Commissioner of Police.

G. I. C. P. O.—No. 1086 H. D.—19-1-95.—70.—J. E. F.

No. ^{S. B.}₂₃₇, dated Poona, the 21st September 1894.

From—The Honourable Mr. W. LEE-WARNER, C.S.I., Secatary to the Government of Bombay, Political Department,

To—The Secretary to the Government of India, Home Department.

With reference to your letter No. 1458, dated 4th instant, I am directed to inform you that there is little information to be added to that already sent to you.

2. The Commissioner of Police, Bombay, and the Inspector General of Police, Colombo, are at present in communication with one another, but it appears that the two men in Colombo, Shaikh Tyeb Abdul Ali and Ghulam Husain, have committed no offence against the laws of the Colony except the Customs law, and, in the opinion of the Solicitor General of Colombo, it would be difficult to convict under that law.

3. Against the man Tyeb Ali Ibrahimji, who was arrested in Bombay there is absolutely no evidence except his own confession, and, for the present at any rate, it is not probable that he will be charged with any offence.

[CONFIDENTIAL.]

No. 1767, dated Simla, the 25th October 1894.

From—J. P. HEWETT Esq., C.I.E., Officiating Secretary to the Government of India, Home Department.

To—The Honourable the Colonial Secretary, Colombo.

I am directed to forward, for the information of His Excellency the Governor of Ceylon, a copy of the papers marginally noted on the subject of the smuggling of percussion caps from Colombo into Bombay; and to request that, with the permission of His Excellency, the Government of India may be supplied with copies of any laws or regulations which are in force in Ceylon regarding the possession and exportation of arms and ammunition. I am to inquire whether Shaikh Tyeb Abdul Ali and Ghulam Husain rendered themselves liable to any penalty by despatching percussion caps hidden in barrels of oil to be smuggled into British India, or whether any restriction exists by which such practices could be prevented.

Government of India Central Printing Office—No. 1087 H. D.—18-1-95.—70.—R. N. B.

[CONFIDENTIAL.]

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From the Government of Bombay, No. $\frac{S. B.}{196}$, dated 11th August 1894, and enclosures.

From the Government of Bombay, No. $\frac{S. B.}{199}$, dated 14th August 1894, and enclosures.

To the Government of Bombay, No. 1458, dated 4th September 1894.

From the Government of Bombay, No. $\frac{S. B.}{237}$, dated 21st September 1894.

5
J.P.H.
Enclod. 3
To
O. No. 461

[CONFIDENTIAL.]

Dated Colombo, the 6th December 1894.

From—The Honourable the Colonial Secretary, Colombo,

To—The Officiating Secretary to the Government of India, Home Department.

I AM directed to acknowledge the receipt of your confidential letter No. 1767 of the 25th October last on the subject of the smuggling of percussion caps into Bombay from Colombo.

2. In reply I am to annex, for your information, copies of reports thereon by the Inspector General of Police and the Principal Collector of Customs, Colombo, giving an account of the local investigation into this matter.

3. Copies of the laws and regulations which bear on the subject in force in Ceylon are also enclosed.

[CONFIDENTIAL.]

No. 564, dated Colombo, the 16th November 1894.

From—L. F. KNOLLYS, Esq., Inspector General of Police, Colombo,

To—The Honourable the Colonial Secretary, Colombo.

I have the honour to acknowledge the receipt of your confidential letter No. ³⁹²₀₁₆₆₀₀ of the 13th November 1894, and its enclosures.

2. The laws and regulations which are in force in Ceylon regarding possession and exportation of arms and ammunition are, so far as I am aware—

(a) Ordinance 19 of 1869 (the Fire-arms Ordinance),

(b) Ordinance 12 of 1873 (the Gunpowder Ordinance),

which will be repealed by Ordinance No. 10 of 1893 (the Explosives Ordinance) when the latter is proclaimed, and (c) Ordinance 17 of 1869 (the Customs Ordinance), section 95, which gives the Governor power, with the advice of the Executive Council, to prohibit, by proclamation, the export or carrying coast-wise of any arms, ammunition or naval or military stores.

3. As regards the actual case in question, if the offence can be proved against them, I imagine Shaith Tyeb Abdul Ali and Ghulam Hassain have rendered themselves liable to a penalty under section 92 of the Customs Ordinance, No. 17 of 1869, for making a false declaration of goods to be exported, and that they are also liable under the Imperial Merchant Shipping Act for having shipped explosives without declaring them to be such. I, however, submitted to the Solicitor General the evidence which could be produced, and he was of opinion that it was insufficient to secure a conviction under the Customs Ordinance, and that it was more probable that a conviction could be obtained by the institution in India of a case under the Arms Act.

4. The Customs authorities also held an enquiry into the matter, but without any practical result.

5. I have kept the Commissioner of Police in Bombay informed of all evidence that it has been possible to obtain here, and I attach a copy of a specification of facts, ascertained by the Police, which was forwarded to him.

6. I may further say that I believe that the percussion caps in question were sent as an experiment to see whether they could be safely passed through the Bombay Custom-house. This was successfully done; and had the caps not been accidentally discovered afterwards, it is probable that further and larger consignments of a similar nature would have followed.

7. The discovery of the caps, however, in India, and the severe examination to which goods exported by Borah merchants are now subjected in the Ceylon Custom-house will, I believe, prevent any further attempt of a similar nature being made at least for some time to come.

5.
Enclos. No. 2
To
O. No. 461.

Specification of facts ascertained by the Colombo Police in connection with telegram of 28th July 1894, from the Commissioner of Police, Bombay.

Facts.	Witness who testify.
I.—300,000 percussion caps ordered through Fruedenberg & Co. by Tyeb Ali Shaith Ebramjee on 21st March 1894.	Mr. Tetley of Fruedenberg & Co.
II.—Caps arrived in Colombo and were delivered to S. T. Abdul Ali at Tyeb Ali's request.	Ditto and Mr. Gomes, Wharf Clerk of Fruedenberg & Co.
III.—Receipt for same signed by S. T. Abdul Ali's Clerk, John.	Receipt with Fruedenberg & Co.
IV.—Consignment of caps paid for partly in cash and part by promissory note signed by Tyeb Ali payable to order of S. T. Abdul Ali and endorsed by him.	Mr. Tetley of Fruedenberg & Co.
V.—Three oil casks marked A. E., Bombay, shipped per S. S. Japan.	Mr. Livera, Despatch Cargo Boat Co.
VI.—Export shipping note for three casks on S. T. Abdul Ali's printed form altered to Abdul Hassim Hackimjee, body written by S. T. Abdul Ali's Clerk, John.	Mr. Canagasaby, Landing Waiter, Customs, Colombo.
VII.—Tyeb Ali Shaith Ebramjee well known in Colombo not as S. T. Abdul Ali's servant, but as petty trader.	1. Mr. Tetley. 2. Mr. Gomes. 3. Mr. Canagasaby.

L. F. KNOLLYS,
Inspector General of Police.

Report of Principal Collector of Customs of Colombo.

Colonial Secretary—

When the fact of the smuggling of the caps was brought to the notice of this Department, an enquiry was made which resulted in showing that the entry for export was written by one "John," and purported to be signed by "Hackimjee."

2. "Hackimjee" is said to be non-existent, and the signature is pseudonymous.

3. "John" was known as a Clerk of Abdul Ali, but since this enquiry began he has disappeared. Abdul Ali states that he does not know where "John" is—that he was a Clerk only casually employed. I understand that the Police have been trying to find him, but have failed. If "John" could be found, his evidence might establish a case against Abdul Ali, but at present there is no sufficient evidence.

4. The "severe examination" referred to in the Inspector General's 7th paragraph relates to imports and not exports, but the exports will be watched as closely as they can be. The examination of exports is not usual.

5. There has been no want of diligence on the part of this Department.

LIONEL LEE,
Principal Collector of Customs.

The 27th November 1894.

(Confidential.)

No. 108

FROM

L. M. THORNTON, Esq.,

Deputy Secretary to the Government of India

TO

The Chief Secretary to the Government of Madras

Home Department.
Public.

Calcutta, the 29 January 1895.

SIR,

I AM directed to forward, for the information of His Excellency the Governor in Council

From the Government of Bombay, No. S. B. 199, dated the 11th August 1894, and enclosures.
From the Government of Bombay, No. S. B. 199, dated the 14th August 1894, and enclosures.
From the Government of Bombay, No. S. B. 237, dated the 21st September 1894.
To the Honourable the Colonial Secretary, Colombo, No. 1767, dated the 25th October 1894.
From the Honourable the Colonial Secretary, Colombo, dated the 6th December 1894, and enclosures (except the copies of the Laws).

a copy of the papers marginally noted on the subject of the smuggling of percussion caps from Colombo into Bombay. The present state of the law in Ceylon regarding such matters is explained in the enclosures of the Colonial Secretary's letter of the 6th December last. It appears to be possible for persons in Ceylon to plan the unlawful import of ammunition into India without themselves incurring much risk, and it is believed that a considerable portion of the percussion caps smuggled up-country come from Ceylon. The remedy lies in a vigilant administration of the Customs law and the Arms Act, and the papers herewith forwarded are communicated with a view to putting the local authorities in the Madras Presidency on their guard.

selves incurring much risk, and it is believed that a considerable portion of the percussion caps smuggled up-country come from Ceylon. The remedy lies in a vigilant administration of the Customs law and the Arms Act, and the papers herewith forwarded are communicated with a view to putting the local authorities in the Madras Presidency on their guard.

I have the honour to be,

SIR,

Your most obedient Servant,

L. M. Thornton

Deputy Secretary to the Government of India.

4 Printed Enclosures
Spare copies to follow

1895
Jan 31
Enclos. No. 1
To
C. No. 461

Journal of the

Journal of the

The Court of Justice

order of the Court of Justice

order of the Court of Justice



communicated to the President
with reference to the Court of Justice

communicated to the President
with reference to the Court of Justice

The Court of Justice

The Chief Justice

The Court of Justice

92

97

The Court of Justice

The Court of Justice

The Court of Justice

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The Court of Justice

The Court of Justice

CURRENT No. 461

Judicial Dept

196 9 30-1-95

From

The Govt. of India,
Home Deptt.

No 34

No 108

Of 29 Jan'y }
Rt 3 Feb'y } 1895.
Rpt 4 Feb'y }

Encls 4.
478C.

Subject.

Forwards a copy of correspondence
on the subject of the smuggling of
percussion caps from Colombo to
Bombay.

Ct.
Hrs

Order : 6 Feb'y 1895 No. 252.

communicated to the Revenue
Deptt. with reference to G.O. 9/10 Jan'y
Feb'y 1895, No. 4. Revenue.

5/2/95

Note. H.M. directed that the question of
smuggling arms be dealt with in the Rev. Co.
questionnaire should be left to Revenue. This
is practically the same thing.

Rev. Deptt (sc)
with another spare set
Copy to the St. Magte, Timmerville (sc)
" " Resident in Travancore + Cochin (sc)
" " Commissioner of Police (sc)
" " Dy. Police (sc) with copy of sc 478C
13/2/95

not dept moved
and this to the
of Police as
all as the Comr

NO

G.O. 252
6-2-95 Judd

It will be sufficient to send
this slip to the Judd Dept

RS

12/2

Note for Mr.
(1) Copy sent for signature
(2) already done
15/2/95

MEASURES TO C. No.

DEPT OF GOVERNMENT

TER OF GOVERNMENT.

TEMENT WITH DITTO

NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

N.B.—

A = Print in full.
H = Not to be printed.
P = Print abstract only.
Q = Print heading only.

als of
aking
Date returned.
Initials of
attender.

COPIES { Order complete.
Letter only.
Order complete with Letter.

Registration Clerk (initials).

P. O. of Address

Total ..
In hand ..

C.F. 73.

10