15/7/09

23-8-12 B II
5-8-15
16-8-16

[L. & M. 3,000—4-6-97.]

Local & Munl. (1897) Department.

MISCELLANEOUS.

G.O., No. 2071 M

DATED 21-9-97.

INDEXED. C.R.

Despatch

[Despatch Abstract.]

License fees on Petroleum

Stating, in the remarks, that the Munl: Council of Mangalore, should continue to insist on licenses being obtained for the storage within the munlty of petroleum in excess of the prescribed quantity & to prosecute all persons who store the oil either without a license or contrary to its conditions.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
Cuo 4141 R/97							

License fees on Petroleum
Mangalore municipality

Local and Municipal Department.

Current No. 2043 M/97

Misc

Order No. 2071 M. mis. d/ 21.9.97

The Government considers that the decision of the Bench of Magistrates in the case referred to in para 5 of the Chairman's letter is ~~clearly il~~ not legally sustainable. ~~Notwithstanding~~ the provisions of sec. 10 of the Petroleum Act XII of 1886 (India) in no way affect the power of the Municipal Council, under sec 188 of the D. Mun. Act, ~~is quite within its legal rights in~~ to requiring a license for any place, within the municipality ~~limits~~, used for the storage of ~~in which two or more eight gallon cases~~ any limited quantity of petroleum ~~are kept and also in prohibiting~~ or to refuse a license for the storage ~~within the municipality, otherwise than in the municipal store,~~ on private premises of ~~quantity~~ petroleum in excess of a ~~ten eight gallon cases~~ certain quantity, ~~less than 500 gallons~~. The Council ~~is~~ should therefore ~~requested~~ continue to insist on licenses being obtained from the Chairman for the storage ~~or possession~~ within the municipality of petroleum in excess of the minimum quantity prescribed ~~by it~~ in its licenses, and to prosecute all persons who store the oil either without a municipal license or contrary to its ~~terms~~ conditions.

2. The district Magistrate of South Canara will be requested in the Judicial Department to see that cases of this description are not tried by the Bench of Magistrates, but by some Magistrate who will have to write a judgment on which, if he acquits, an appeal may be based.

3. The points raised in paras 7 to 11 were

of the Chairman's letter, will be considered in the Judicial Department.

(From orders)

V. R.
18/9/97

21/9/97

To
The Chairman, Municipal Council, Mangalore, P. Endt. do
thro' the Collector of South Canara.
,, Judicial Department, L. Endt. do
(with a copy of R. M's notes) - from Secy's […]

Desp. N.H.S.
23/9/97

Levy of Municipal licence fee on [illegible]
petroleum in Mangalore

LOCAL AND MUNICIPAL DEPARTMENT.

189 , No.
Again G.O., dated
Current No. 2043. M of 1897, dated 18th May 1897 from the Collector of South Cana
Current No. of 189 , dated from the

SUBJECT.

FOR ORDERS.

x in f/o $\frac{547 M}{25-5-1888}$ M.

There has been great delay about sending this up.

f/o $\frac{547 M}{25-5-1888}$ M

The facts of the case may be briefly stated as follows:-

In March 1888, the Municipal Council of Mangalore passed a resolution proposing, among other things, to levy under Section 188 of Act IV of 1884, a license fee of Rs. 1 on every store or place "in which "two or more eight gallon cases of "petroleum are kept" and stating that "licenses to keep more than "ten cases will not be granted as "the municipal petroleum store is "available for the storage of larger "quantities", and submitted the same for the sanction of Government. The Government sanctioned a licence fee of Rs. 5 "for stores to "contain the small quantity of "petroleum proposed to be allowed in private custody", but observed as follows:-

"There is no objection to the general rule being laid down with the concurrence of the Chairman who is authorized by section 188 to refuse any license subject to appeal to the Council that licenses for large quantities of petroleum shall not be granted. That is a matter on which the sanction of Government is not required". Some instances having recently come to the Council's notice in which persons were found to be in possession of from 176 to 484 gallons of petroleum within municipal limits, these persons were prosecuted before the Town Bench of Magistrates, for having in their possession quantities of petroleum in excess of the maximum limit of 80 gallons, prescribed by the Municipal Council, but the Bench acquitted them on the ground that the terms of the municipal license limiting the quantity that can be had within the municipality to ten cases or 80 gallons, were contrary to the provisions of section 10 of the

Vide para 5 of the Chairman's letter in the current read above.

the Petroleum Act (India) X of 1886, which permits possession up to 500 gallons without a licen under that Act and that therefo the said rule was inoperative a against the Act.

Please see the notification marked with blue chalk on page 9 of fo 8 Jud / 7-1-90. U

2. The provisions of the Petroleum Act, other than those relating to dangerous petroleum and the importation of petroleum having been applied to all municipalities, both this Act and the Municipal Act are in force in Mangalore. Section 10 of the former act permits the possession of 500 gallons without a license, but the Municipal Council, has decided under section 188 of the Municipal Act, that a license from the Chairman should be obtained for the possession of any quantity of petroleum equal to exceeding 16 gallons and that

under the Petroleum Act
8/4

or § 188(j) of the Act as amended

no such license shall be issued for quantities exceeding 80 gallons, as the Municipal petroleum store is available for the storage of larger quantities. It would thus appear that although the possession of more than 80 gallons of petroleum is not objectionable under the Petroleum Act, unless the quantity exceeds 500 gallons, it will be contrary to the rule framed by the Municipal Council prohibiting the possession of more than eighty gallons under any circumstances, and as such punishable under Section 189 of the Madras District Municipalities Act. Both the Petroleum and the Municipal Acts would thus appear to have Concurrent Jurisdiction and the decision of the Bench of Magistrates that the terms of the municipal license

are contrary to Section 10 of the Petroleum Act seems therefore to be incorrect, but as the point is not free from doubts, it is submitted that it may, as suggested by the Chairman, be referred to the Advocate General for opinion. In this connection attention is invited to the notes and orders in G. O. N No. 666 M., dated 28th May 1894, in which it has been held "that the payment of fees for "a license issued under Section 5 "of the Petroleum Act does not "exempt the licensee from liability "to pay municipal license fees leviable "under Section 188(i) of Act IV of "1884."

3. The points raised in paras. 7 to 11 of the Chairman's letter, are for consideration in the

Revenue and Judicial Departments.

V.R.
10/5/97

H.M.

So far as the question of license is concerned the matter seems to be quite clear. The license under the Pet. Act is quite a different thing from the license under the Mun. Act. The Pet. Act prohibits (§ 10 of XII of 1886) absolutely the keeping by one person or in the same premises of a quantity of petroleum exceeding 500 gallons unless ~~[illegible]~~ covered by a license under that Act. But ~~that~~ tho' a license under the Pet. Act is not required for any less quantity, there is nothing in the Act to prevent a Municpty. ~~[illegible]~~ making a rule under Sec 188 of the Mun. Co. Act requiring a license thereunder for the storage ~~[illegible]~~ within municipal limits of any quantity it may prescribe ~~[illegible]~~ ~~[illegible]~~. The Pet. Act has a regard to the country in general, allowing cities, where danger from large storage is more likely to occur, to make its own arrangements under its legal ~~[illegible]~~ authority.

The G. G. in C. has taken power under Sec. 24 of the Pet. Act to limit the operation of any enactment for the time being in force relating to cities, & the exercise of any power conferred by any such enactment in so far as the enact. relates to the possn. of petroleum. But as the Govt. of India has not issued any notification under the section affecting the Madras Municipal Act, the M.C. is quite within their legal rights in requiring a license for places in which two or more 8 gallon cases are kept & also in prohibiting the storage within the Muty. otherwise than in the municipal store of quantities in excess of ten cases.

The M.C. s'd be instructed appeal against the acquittals or if they are of d date to appeal against e be next case that occurs eantime insisting on the icenses.

S.R. 21/8/97

Of course
BS

— the M.C. sh'd
I meant ^ take the necessary steps to have an appeal filed, wh. w'd be by representing the matter to the Dt. Magte.
S.R.

The M.C. can't appeal against the acquittals — only Govt. can appeal agst an acquittal. But it w'd be very little use to appeal in any of these Bench Magte. Cases because no reasons for acquittal are given except "not proved", which may of course mean that it wasn't proved that the accused possessed so many gals of petroleum. The M.C. should be told to proceed with prosecutions & the D.M. to see that they are not tried by the Bench but by some Magte. who will have to write a judgment on which, if he acquits, an appeal may be based.

As to the Port officer (S.C. Supt.) granting transport permits to Ullal, a paper came up before me only 3 or 4 days ago, but whether it was in the Mar: or the R.D., I can't remember — Please have it looked up & let me see again —

It seems to me that if people are taking to store petroleum in large quantities outside Municipy in order to evade the Rules under the Act and to escape M.C. license fees, it will be as well to extend the Act to the whole of the district — This w'd however be for the J.D. — also the other points taken in the Chairman's letter

ce'
Draft on the points that
[illegible]

Local & Munl. (1897) Department.

CURRENT No. 2043. M

Order

From The Collector and District Magistrate of South Canara

Dis. No. 752/Eng. of 1897

Dated 18-5-97

Received 25-5-97

Registered 25-5-1897

Enclosures 1

Spare copies.

SUBJECT.

Petroleum Act XII of 1886

Forwarding with remarks letter from the Chairman, Municipal Council, Mangalore, regarding certain matters connected with the administration of the —

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Dis: No. 752/Eng: of 1897.

Forwarded.

2 Paragraph 5 seems to be of general application to all Municipalities and of some importance. The storage of non-dangerou petroleum in populous bazaars will be practically uncontrolled up to a limit of 500 gallons if the Municipal bye-law cannot be enforced.

3. Paragraphs 7 to 11. This is a local question. With reference to the question discussed in these paragraphs it has to be observed that from G.O. No. 2959, Judicial, dated 17th November 1884, it would appear that the Government of India agreed with the Madras Government in its interpretation that petroleum conveyed by sea from one port to another in British India was not "transported" but "imported" at the latter place, and proposed to clear the ambiguity involved in the definition of the terms "import" and "transport" when amending the Act which was then contemplated. But, as a matter of fact, the definitions in question were reproduced intact in the new Act XII of 1886, in consequence of the Select Committee's recommendation that the best way of dealing with the question was to give the local Government power

to make rules by which they could treat oil already tested and imported from one part of British India to another as if it were transported, and transported oil as imported, to meet special cases. Hence the provision contained in Section 4, Sub Section 2, clause (a) of Act II of 1886. Government has not made a declaration such as is provided for by the last quoted Section in respect of oil imported by sea from Bombay to Mangalore; therefore such oil must apparently be deemed "imported", and therefore subject to rules 9 and 10, framed under Section 8 of the Act, regulating importation.

4. The grant of transport licenses to Ullal seems unauthorized and I have asked that no more may be given. I am inquiring whether it is not advisable to move Government to declare Shipment from Bombay to Mangalore transport and give the Port Officer powers to issue licenses within Port limits whether within Municipal limits or not. The trade to Bantwal, Panimangalore and other places will be much hampered if all oil has to go into the Municipal godown. The only thing is to see that transport licenses are not used to defeat the Municipal law and orders.

5. A misunderstanding appears to have arisen between the Merchants and the present contractor in consequence of the latter having demanded from the former extortionate fees for storage. It is said that the renter tried to levy Rs 7,000 from an importer whereas he had contracted to pay the Municipality only Rs 2200 for the use of the warehouse. It seems that until 1896 the contract used to be taken up by the importers themselves jointly who used to bear equal portions of the contract amount due to the Municipality. But this year the contract was taken up by one hitherto unconnected with the trade, who aimed at a profit out of the monopoly and he is, I believe, petitioning the Municipality to excuse him his rent as the Scheme has failed and is suing the Assistant

Superintendent of Customs for damages for issuing licenses for transport to Ullal. If the Municipality had foreseen this they would probably have laid down a maximum fee for storage to prevent such speculation, which would, if successful, have greatly enhanced the price to the consumer.

J. A. Welsh

South Canara Collector's
Office, Mangalore.
18th May 1897.

Collector and
Dt. Magistrate.

compd

Current No. 977/cy of 1897.

No. 70. [illegible]00—4. 4. 92.

№ 85.

MUNICIPAL OFFICE,
MANGALORE, 28th April, 1897.

LOCAL & MUNICIPAL DEPT.
CURRENT No. 2043 M

From,

M. R. Ry. T. M. Rama Rao Avargal,
Chairman, Municipal Council,
MANGALORE.

To,

The ~~(Chief)~~ Secretary to Government,
Local and Municipal Department,
MADRAS.
(thro' the Collector and District Magistrate of South Canara).

Sir,

I have the honour to submit, for the consideration of Government, the following facts connected with the Petroleum or Kerosine oil trade at the Port and Municipality of Mangalore.

Vide Rule 2 of the rules in G.O. No. 2951 H. – Flag K – 17.11.84

2. On the Petroleum Act VIII of 1881 coming into force at this Port, the importers of Kerosine-oil were ordered by the Collector and District Magistrate to keep their oil on the sand-spit opposite the bunder, as there was no store here, constructed according to the Rules. This arrangement having been complained of to be inconvenient by the merchants, the Collector and

Distric

District Magistrate moved the Municipal Council to construct a Petroleum Store, and accordingly, the Council constructed, at considerable outlay, a spacious building at the bunder to suit the convenience of the merchants, raising a special loan for the purpose with the sanction of Government. A portion of the building was reserved under Section 16 of Act VIII of 1878, for the use of Government as a bonded warehouse, and the rest of it was opened for the storage of Kerosine-oil from March, 1888. The oil at the Sand-spit was removed to the Store, which was since all along used by the merchants till the 1st of October last.

G.O. 1277M / 24.12.86 L

3. About this time, the importers, somehow or other, appear to have all combined and erected at Ullal, on the other side of the backwater, beyond the Port Limits, Sheds* of their own, whither they have since been conveying all their oil direct from the vessel on arrival at the Port under transport license issued by

the Assistant Superintendent of Sea Customs then in charge at this Port and which even now continues to be granted by the present Port and Customs Officer.

4. The renter of the Municipal Store for the year ending September, 1897, who suffered by these acts of the importers, prosecuted them as well as some of the local merchants under Section 15 of the Petroleum Act, XII of 1886, for possession of more than 500 gallons of oil without a license as required by the Act. The Head-Quarters Deputy Magistrate, who tried the cases, convicted such of the accused as had more than 500 gallons in the Town, but acquitted those who stored the oil at Ullal, though in excess of 500 gallons, on the ground that the provisions of the Act, relating to possession, did not extend to Ullal as it is neither a Port nor a Municipality and that, therefore, the possession of

---

* of easily inflammable materials.

more than 500 gallons at Ullal was no offence.

It is not for me to discuss the legality or otherwise of this acquittal. But looking to the provisions of the Petroleum Act and the Rules thereunder made by the Government of Madras, from time to time, it seems to me that, if the oil brought into Mangalore is an "import" within the meaning of the Act, Section 3, Sub Section (3), if the provisions of the Act relating to importation extend to the whole of British India as declared in Section 1, Sub Section (3), and if it is an offence under Section 15 to possess at any place in British India petroleum in contravention of such importation rules made under the Act, then clearly the said possession at Ullal does amount to an offence under Section 15, although it is neither a Port nor a Municipality.

G.O. 2957 Jl
17.11.84 Flag K

[illegible]
HD

5. The Mangalore Town Police Inspector who investigated the above cases

reported to the Municipal Council five cases of persons who possessed, within the Municipal limits, without a Municipal License, or contrary to the terms thereof, oil varying from 176 to 484 gallons in quantity. As such possession was a breach of the general rule framed by the Municipal Council and referred to in the first ⊕ paragraph of G. O. No 547 M Mis, dated 25th May, 1888, Local and Municipal, these parties were prosecuted, under Section 189 of the Madras District Municipalities Act, 1884, before the Town 3rd Class Bench of Magistrates by whom, however, they were acquitted on the ground that the terms of the Municipal License limiting the quantity possessable within the Municipality to 10 cases or

⊕ Flag M.

⊕ "There is no objection to the general rule being laid down with the concurrence of the Chairman who is authorised under Section 188 to refuse any license subject to appeal to the Council that license for large quantities of petroleum shall not be granted. That is a matter on which the sanction of Government is not required."

The grounds don't appear to me [illegible] HD

80

80 gallons were contrary to Section 10 of the Petroleum Act, XII of 1886, which permits possession up to 500 gallons without license under the Act, and that, therefore, the said Municipal Rule was inoperative as against the Act. This decision of the Bench Magistrates clearly strikes at the root of the due discharge of the powers vested in the Municipal authorities under Section 188 of the Madras District Municipalities Act, and the Kerosine-oil dealers might hereafter, with impunity, possess in their shops any quantity up to 500 gallons without a Municipal license in spite of the Councils said Rule prohibiting the possession of more than 80 gallons under any circumstances, and thus might endanger the safety of the town.

6. I am doubtful of the legality of the said decision of the Bench Magistrates, and I beg to suggest, therefore, that opinion of the legal

clearly illegal
[illegible]

advisers

Note: Attention is however invited to G.O. No 666 M dated 28th May 1894, in which the Govt has held that the payt of fees for a license issued under Sec 5 of the Petroleum act does not exempt the licensee from liability to pay municipal license fees under Sec 188(1) of Act IV of 1884.

advisers of Government may be taken and an appeal to the High Court made as soon as possible. The records of these Municipal prosecutions are herewith submitted as per list enclosed, vide Enclosure I.

7. I next beg to bring to the notice of Government the procedure that has been adopted at this Port since the beginning of October last in connection with the conveyance to and storage at Ullal of the Kerosine-oil brought to the Port of Mangalore, mentioned in paragraph 3 supra.

8. On the arrival of the vessel, the cases of oil are discharged into boats and taken direct to Ullal under transport license granted by the Port and Customs Officer and are there stored in the sheds. The oil thus stored is thence brought into Mangalore, every now and then, in various quantities, sometimes in excess of 500 gallons, without any license,

according to the requirements of the merchants here, and is also shipped to other Ports, such as Mulki, Barkur, Etc, direct from Ullal, which is beyond the Port limits under transport license from the Port and Customs Officer himself.

In this connection, I may state that the Port and Customs Officer here has under the following Notification (No. 302, dated 20th August, 1884) of the Government of Madras, published at page 520 of the Fort St. George Gazette, dated 26th August, 1884, been appointed a Licensing Officer to exercise powers only within the limits of the Municipality of Mangalore:-

Flag O

G.O. 2089 Jl
20-8-84

"The Governor in Council is pleased to authorise the Officer holding the appointment of Port Officer at Mangalore to exercise the powers granted under Rule 10 of the Rules framed under Section 9,

and

and also those given under Rule 12 framed under Sections 7 and 9 of the Petroleum Act, (VIII of 1881), within the limits of the Municipality of Mangalore;" vide also G.O. No. 1103, dated 8th May, 1894, Judicial, paragraph 2.

J G.O. 688 m
31-5-94
Flag P

9. I do not know if the Port and Customs Officer's procedure is at all legal.

For the papers referred to in my note HW

Having regard, however, to the Sections of the Petroleum Act and the Rules framed there under by the Government of Madras, I am inclined to think that the oil brought into the Port of Mangalore ought to be treated as an "import," and as such ought to be regulated by the Rules governing importation.

Page 3 of G.O. No. 349 Jl
15-2-93
Flag Q

No. 10 of these Rules (contained in

Government Notification No. 87, published at page 215 of the Fort St. George Gazette, dated 21st February, 1893.) relating to importation of Petroleum at Madras, which, by Rule 13, have been made applicable to Mangalore, requires that all Petroleum landed here shall be carried at once from the boats in which the petroleum has been conveyed, to premises in respect of which a license for the possession of Petroleum has been granted without being deposited or stacked on the ground. If, therefore, the oil imported into Mangalore ought to be conveyed to the licensed premises, its conveyance direct from the vessel to Ullal would be contrary to this rule.

the Hyg O

HS

Further,

Further, as the powers of the Port and Customs' Officer as Licensing Officer under the Act, extend, under the above-quoted Notification No. 302 20-8-1884, only to the limits of the Municipality of Mangalore which do not include the back water or the sea where the vessel anchors, the said Officer's action in granting transport license direct from the vessel to Ullal or vice versa, is clearly beyond his powers.

Hyg O

See the papers mentioned in my note HS

10. My grounds for treating the oil brought to Mangalore as an "import," and not as "transport", are these:-

(i). Under Section 8 of the Act, Mangalore has been expressly declared by the Government of Madras to be one of the Ports for importation of petroleum by No. 2 of the Rules regulating such importation given in the abovesaid Notification No. 87.

(ii) The definition of "import" given in Section 3, Sub-section (3), of the Act is "to bring into British India by sea or land", and that of "transport" Sub sec. (4) is "to remove from one place to another within British India". The ideas conveyed by these two definitions are not exclusive of each other, for, what is conveyed "from one place to another within British India", is what is brought "into British India by sea or land", so that a "transport" may at the same time be an "import." In other words, since the said definition of "import" does not state the territory or territories whence petroleum should be brought, whether within or without British India, in order to characterise it as an "import", it would not be wrong to hold the petroleum brought into one Port of British India from another as an "import", and though this petroleum is a "transport" from the point of view of the latter place it may still be an "import" from the point of view of the former. Thus the oil brought into Mangalore from Bombay, though a transport from Bombay, is yet an import to Mangalore, being one of the declared Ports for importation

of

of petroleum under the abovesaid Rule 2.

(iii). That this is so is confirmed by the language of clause (a), Sub-Section (2), Section 4 of the Act, which says that the Local Government may declare that "petroleum imported into its territories from any part of British India, by sea or across intervening territory not being part of British India shall for all or any of the purposes of this Act, be deemed to be transported." Consequently the oil brought to Mangalore is imported petroleum unless and until it is declared to be transported under the said clause (a). of Section 4 (2). But the Government of Madras does not appear to have made any such declaration as it has done, for instance, in the case of petroleum imported by sea into Calicut from Bombay (vide Notification No. 192, published at page 369 of the Fort St. George Gazette, dated 3rd June, 1890:- "In exercise of the power conferred by Section 4, Sub Section (2), Clause (a), of the Petroleum Act, 1886, the Governor of Fort St. George in Council is pleased with the previous sanction of the Governor-General in Council to declare that petroleum imported by sea into the Port of Calicut from the Port of Bombay, shall for the purposes of the said Act be deemed to be transported."), and in the case of some other ports, (vide Notification No. 91, published at page 190 of the Fort St. George Gazette, dated 11th March, 1890.- "In exercise of the power conferred by Section 4, Sub Section (2), Clause (a), of the Petroleum Act, 1886, the Governor of Fort St. George in Council is pleased, with the previous sanction of the Governor-General in Council, to declare that petroleum imported into any part of the Presidency of Fort St. George at any port other than the ports of Coconada, Madras,

Tuticorin, Calicut and Mangalore, from any of the five ports last mentioned or from any port in British India and not in the said Presidency, shall be deemed to be transported for the purpose of this Act.").

G.O. 917 Jl / 30-5-90
Flag R

G.O. 372 Jl / 28-2-90
Flag S

(iv). That the word "import" is not restricted to the petroleum brought from territories outside British India is further plain from the following extract from paragraph 4 of the Report, dated 5th March, 1886, of the Select Committee on the Bill to amend the Petroleum Act:- "It is suggested by the Bombay Government and other authorities that it should be made clear that conveyance by sea from one part of British India to another is "transport" and not "import" within the meaning of the Act. We are of opinion that some discretion in the matter should be left to the Local Governments." And, accordingly, the Local Governments have been empowered under Section 4, sub-section (2),

Part IV of the Gazette of India
d/13th March 86
page 140.

to declare the petroleum imported into which ports should be treated as transported and vice versa, by which means it was thought that the difficulties likely to arise out of the definitions given in the Act of "import" and "transport" could be best dealt with. The retention of the original definitions with all their apparent ambiguity seems, therefore, intentional.

(v). The language of No. 3(c) of the Importation Rules read with the definition of "certificated petroleum" given in Rule 1(2) also supports the view that the oil brought to Mangalore is an "import." Rule 3 requires that the Master of the vessel bringing into any of the ports mentioned in Rule 2, of which Mangalore is one, should declare in writing what part of the petroleum on board is certificated,

and

and "certificated petroleum", as defined in Rule 1(2), means "petroleum covered by a certificate granted *at a port of Shipment* of such description as the *Local Government* may from time to time by written order prescribe, etc."

11. It seems to me that the present procedure adopted by the Port and Customs Officer at this Port is open to several objections. That he has no power to grant licenses for transport of petroleum from beyond Municipal limits and, therefore, from the vessel, has already been pointed out. It is not denied that under the Sea Customs Act he has discretionary power to grant permission for the discharge of ordinary cargo from the vessel. But it is questionable whether *this* is a case in which such discretion could be properly exercised, for, by this procedure, he is not only enabling the

importers to contravene the provisions and the object of the Petroleum Act, but is also virtually helping them to practically deprive Government of a large revenue derivable from licenses for possession. If the importers brought the oil direct to Mangalore as they were doing till October last, they would each of them have to obtain a license, on payment of a heavy fee to Government, for possession in premises duly complying with the requisitions of No. 4 of the Rules contained in the Notification No. 88, published at page 216 of the Fort St. George Gazette, dated 21st February, 1893, Mangalore being a Municipality as well as a Port, to which these Rules also extend under Notification No. 13, published at page 12 of the Fort St. George Gazette, dated 7th January, 1890, and Notification No. 193
12-5-1891

Flag R

G.O. 889 H
7.1.90
Flag U

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at page 469 of the said Gazette, dated 26th May, 1891. The Municipality is also deprived of an equally large income from its Petroleum Store which, as stated above, was specially constructed for the use of the importers. The object of the Act, as announced in the Statement of Objects and Reasons, is to afford "practical security of life and property." But these importers by being thus permitted to take the oil direct to Ullal from the vessel and thence to bring it to Mangalore in convenient quantities, whenever they like, are only enabled to store it all over the town, free of license, and thereby endanger the life and property of the townsmen for whose protection the Act was evidently extended to Mangalore; in fact, the very purpose of the Act is in this manner defeated.

12. The circumstances briefly disclosed

above would show that there is practically no check whatever on the Petroleum trade, as now carried on in this town, and that speedy measures are necessary to set matters right.

I have the honour to be,

Sir,

Your most obedient servant,

T. M. Rama R

Chairman, M.C.

28 IV.

Enclosure I.

List of the records referred to in paragrap 6 of letter No 85, dated 28th April, 1897 from the Chairman, Municipal Council, Mangalore, regarding Storage of Petroleum or Kerosine-oil in the Municipality of Mangalore.

Item No	Description.	Number of papers.
(1).	Public Notice, dated 14th October, 1891, containing the direction of the Municipal Council, under Section 188(1) of the Madras District Municipalities Act, IV of 1884	1.
(2).	Form of License issued under the said Section, embodying the conditions on the reverse	1.
(3)	Mangalore Town Police Inspector's Crime Report, dated 13th October, 1896.	1.
(4).	Do do Crime Report, dated 17th October, 1896.	1
(5)	Municipal Council's Prosecution statement, under Section 189 of the Act, dated 20th October, 1896	1
(6).	Town 3rd Class Bench Magistrates' Judgments in the 5 Prosecutions, or extracts, dated 4th January, 1897, from their Register of Summary Trials under Sections 245, Criminal Procedure Code.	5.
	Total papers	10

Mangalore,
28th April, 1897.

T. M. Rama R
Chairman,
M. C.

1/20423 M.01 1899

Paper (1) of Enclosure I.

Mangalore Municipality.

Petroleum &c. notice.

Under the provisions of section 18
of the Madras District Municipalities
1884, the Municipal Council hereby dire
the owners or occupiers of places used
for the following purposes within the
Municipal limits of the Town of Mangal
to apply to the Chairman for licenses, und
section 188, for the current official year
within one week from date of publicati
of this notice, in the form hereto append-ed and copies whereof may be obtained
from the Municipal Office, and, in future
to do so within the first month of every
official year, and in the case of places
about to be opened for any such purpos
thirty days prior to such opening.

2. In the event of licenses being granted, the undermentioned rate of
fees sanctioned by Government in its
orders

orders, Misc. No. $\frac{547}{25-5-'88}$ and $\frac{1121}{17-7-'91}$ M. Local and Municipal, will be levied:-

Purposes.	Rate of license fee.
* * *	
12. *Stores or places in which 2 or more eight-gallon cases of petroleum or kerosine oil are kept	Rs 5.

N.B. * Licenses to keep more than 10 cases will not be granted.

* * *

3. Licenses for any of the above purposes will be granted, refused, suspended or cancelled by the Chairman at his discretion. The aggrieved party, however, may appeal to the Council within one month after the passing of the order by the Chairman. (See clauses (2) and (3) of section 188).

Whoever, without the necessary license or after a license has been refused, cancelled or suspended, uses or permits to be used any place for any of the above said purposes or infringes any of the conditions under which the license is granted, shall be liable, on conviction, to a fine not exceeding Rs 100, and to a further fine not exceeding Rs 10 for every day after conviction during which the offence is continued. (see section 189).

Municipal Office,
Mangalore, 14th October 1891. } signed/ N. Shiva Rao,
Chairman.

Form of Application.

To
The Chairman, Municipal Council,
Mangalore.

Application for license under Section 188 of Act IV of 1884.

1. Applicant's name.	
2. Father's name.	
3. Residence { Street and House No.	
4. Purpose for which the license is required.	
5. Whether thatched or tiled and whether it complies with the conditions under which the license is to be granted.	
6. No. of house and name of street for which the license is required.	
7. Amount of fees presented.	
8. Period for which the license is required.	

Date .... 189 ....

.... Applicant's signat

Published in the South Canara District Gazette, dated 7th November, 1891.

(True Copy.)

Mangalore,
28th April, 1897. } T. M. Rawak
Sd. Chairman, M. C.

2/2043 M of 1897

Paper (4) of Enclosure I. To,

Memorandum of Crim

of October, 1896.

Station House Occurrence No.	No. of kerosine oil cases kept without a license or in contravention of the terms of the license.	Date of Occurrence of offence.
1.	2.	3.
216.	22.	17-10-96 4.30 P.M.
217	60/2	17-10-96 4.45 P.M.
218	37/2 10/2 }	17-10-96 5. P.M.
219	36.	17-10-96 5.15 P.M.
220.	53	17-10-96 5. P.M.
221.	34/2.	17-10-96 5.45 P.M.

Paper (4) of Enclosure I.

CONDITIONS.
ಶರ್ಥಗಳು.

1. That not more than 10 eight-gallon cases shall be stored in the place for which this license is granted.
ಈ ಲೈಸನ್ಸ್ ಪಡದ ಸ್ಥಳದಲ್ಲಿ ಹತ್ತು 8 ಗೆಲನಿನ ಪೆಟ್ಟಿಗೆಗಳಕ್ಕಿಂತ ಜಾಸ್ತಿ ದಾಸ್ತಾನು ಇಡ ಕೂಡದು.

2. That the kerosine oil shall be stored in a room in which nothing else will be stored.
ಕೆರೊಸಿನ್ ಎಂಣೆಯನ್ನು ದಾಸ್ತಾನು ಇಟ್ಟ ಕೋಣೆಯಲ್ಲಿ ಇತರ ಯಾವದೊಂದು ಪದಾರ್ಥವೂ ಇಡ ಕೂಡದು.

3. No smoking, light or fire in any form shall be permitted at any time within the building for any purpose whatever.
ಸದರಿ ಕಟ್ಟೋಣದಲ್ಲಿ ಚುಟ್ಟ ಸೇದ ಬಾರದು. ದೀಪ ಯಾ ಬೆಂಕಿ ವಗೈರೆ ಯಾವದೊಂದು ಕೆಲಸಕ್ಕಾದರೂ ಕೊಂಡು ಹೋಗ ಕೂಡದು.

4. That the Municipal Chairman or any of the Municipal Councillors or any person duly authorized by the former shall be allowed to enter and inspect the building or place at all reasonable times.
ಮುನಿಸಿಪಾಲ್ ಚೆಯರ್ಮೇನರಾಗಲೀ ವ ಯಾವನೊಬ್ಬ ಮುನಿಸಿಪಾಲ್ ಕೌನ್ಸಿಲರ್ ಆಗಲೀ ಯಾ ಮುನಿಸಿಪಾಲ್ ಚೆಯರ್ಮೇನರಿಂದ ಅಧಿಕಾರ ಹೊಂದಿದ ಮನುಷ್ಯನಾಗಲೀ ಸದರಿ ಕಟ್ಟೋಣವನ್ನು ಯಾ ಸ್ಥಳವನ್ನು ಸಹಜವಾದ ಯಾವ ಸಮಯದಲ್ಲ್ಯಾದರೂ ಒಳ ಹೊಕ್ಕು ನೋಡುವರೆ ಬಿಡ ತಕ್ಕದ್ದು.

5. That no Licensee shall use any building or buildings or place other than the building or buildings or place specified in this license for the purpose of storing kerosine oil.
ಲೈಸನ್ಸ್ ಪಡಕೊಂಡ ಮನುಷ್ಯನು ತನ್ನ ಲೈಸನ್ಸಿನಲ್ಲಿ ಕಾಣಿಸೋಣಾದ ಕಟ್ಟೋಣ, ಕಟ್ಟೋಣಗಳನ್ನು ಯಾ ಸ್ಥಳವನ್ನು ಅಲ್ಲದೆ ಇತರ ಕಟ್ಟೋಣ, ಕಟ್ಟೋಣಗಳನ್ನು ಯಾ ಸ್ಥಳವನ್ನು ಕೆರೊಸಿನ್ ಎಂಣೆ ದಾಸ್ತಾನು ಇಡುವ ಬಗ್ಯೆ ಉಪಯೋಗಿಸ ಕೂಡದು.

6. Whoever without the necessary license or after a license has been refused, cancelled or suspended, uses or permits to be used any place for the purpose mentioned in the license or infringes any of the conditions under which the license has been granted, shall be liable to a fine not exceeding Rs. 100 and to a further fine not exceeding Rs. 10 for every day after conviction during which the offence is continued.
ಮೇಲೆ ಹೇಳಿದ ಪ್ರಕಾರ ಲೈಸನ್ಸ್ ಪಡಕೊಳ್ಳದೇನೇ ಯಾವ ಮನುಷ್ಯನು ಹೊಸ್ತಾಗಿ ಕೆರೊಸಿನ್ ಎಂಣೆ ದಾಸ್ತಾನು ಇಡುವರೆ ಯಾ ಮಾರುವರೆ ಸ್ಥಳ ಸ್ಥಾಪಿಸುತ್ತಾನೋ ಯಾ ಮೊದಲು ತನಗಿದ್ದ ಸ್ಥಳವನ್ನು ಲೈಸನ್ಸ್ ಪಡಕೊಳ್ಳದೆ ಇಟ್ಟು ಕೊಳ್ಳುತ್ತಾನೋ ಅಂಥಾ ಮನುಷ್ಯನು (100) ನೂರು ರೂಪಾಯಿಗೆ ಮಿಾರದ ಜರಿಮಾನೆಗೆ ಗುರಿಯಾಗುವದಲ್ಲದೆ ಅಂಥಾ ಶೀಕ್ಷೆ ವಿಧಿಸಲ್ಪಟ್ಟ ನಂತರ ಅಂಥಾ ಸ್ಥಳವನ್ನು ಇಟ್ಟು ಕೊಂಡರೆ ಪ್ರತಿ ಒಂದು ದಿವಸಕ್ಕೆ (10) ಹತ್ತು ರೂಪಾಯಿಗೆ ಮಿಾರದ ಜರಿಮಾನೆಗೆ ಸಹಾ ಗುರಿಯಾದಾನು.

7. That any infringment of any or more of the conditions of this license shall render the same *null* and *void*.
ಈ ಲೈಸನ್ಸಿನಲ್ಲಿ ಕಾಣಿಸಿದ ಶರ್ಥಗಳ ಪೈಕಿ ಒಂದು ಯಾ ಹೆಚ್ಚು ಶರ್ಥಗಳಿಗೆ ವಿರೋಧವಾಗಿ ನಡದರೆ ಸದರಿ ಲೈಸನ್ಸ್ ರದ್ದಾಗಿರುವದು.

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220 55 17-10-96 12
5. P.M.

221. 3¼% 17-10-96 13.

[redacted]

Paper (4) of Enclosure I. To, The Municipal Chairman, Mangalore, South Canara.

Memorandum of Crimes and other Occurrences reported by the Mangalore Town Police Station, on the 17th of October, 1896.

Station House Occurrence No.	No. of kerosine oil cases kept without a license or in contravention of the terms of the license.	Date of Occurrence of offence.	Place of offence and building No.	Nature of offence.	Name and residence of the accused.	Names of Witnesses.	Report.
1.	2.	3.	4.	5.	6.	7.	8.
216.	22.	17-10-96 4.30 P.M.	Warehouse No. 21, Fish Bazaar.	Sections 188, 189 of the Municipal Act	Purushothuma Sait, Golikatte Bazaar.	(1). Town Police Inspector K. Rama Rao, and (2). Municipal Sub-inspector K. Subba.	The accused mentioned in column 6 in the margin, having, without license or in contravention of the terms of the licenses granted to them, kept, in the warehouses or buildings mentioned in column 4, the kerosine-oil cases shown in column 2, and thereby committ[illegible] offence under Secti[illegible] and 189 of the Municipal Act, I request that action under the said sections may be taken against the said accused.
217	60½	17-10-96 4.45 P.M.	Building No. 14, Firewood Bazaar	Do.	Iayub Adam Sait Firewood Bazaar	Do.	
218	37½ 10½	17-10-96 5. P.M.	Warehouse Nos. 23 & 24 Firewood Bazaar.	Do.	Jamsetji Nowroji Sait, Nreshw[illegible]allia	Do.	
219	36.	17-10-96 5.15 P.M.	Building No. 3, Port Road.	Do.	Amad [illegible] Ayub Sait, at the Bunder.	Do.	
220.	53	17-10-96 5. P.M.	Building No. 6, Port Road.	Do.	(1) Sileiman Sait (2) Ha[illegible]im Yakub Sait at the Bunder.	Do.	
221.	34½.	17-10-96 5.45 P.M.	Building No. 14, Port Road.	Do.	Ram[illegible]aChandra Hegde, Market Road.	Do.	

(Signed) K. Rama Rao,
Inspector of Police.

(True Translation.)

T M Rama R

28-4-97. Chairman, M.C.

Paper (5) of Enclosure I.

Mangalore Municipality.

Prosecution Statement.

Before the second class Magistrate of Mangalore Town.

№	Name of party.	Residence.	Particulars of the Offence.	Section of the Municipal Act under which prosecuted.	Remarks.
119.	Purushotuma Sait, son-in-law of Ruttonsi Sait and Ramachendra Hegade	№ 5, Golikatte Bazaar, Golikatte Ward, Mangalore Town. Bhavanthi Street, Market Ward.	Storing in ware houses № 21, Fish Bazaar, and № 14, Port Road, more than ten cases of Kerosine oil, contrary to the conditions of the licenses granted to them under Section 188(1)(i) of the Madras District Municipalities Act, IV of 1884, and thereby infringing the conditions under which the licenses were granted, vide Section 189.	189.	Witnesses. (1). Mr. K. RamaRao, the Town Police Inspector, and (2). Golikatte Ward Municipal sub-inspector K. Subba.
120.	Amad Tayub Sait.	Port Road, Golikatte Ward, Mangalore Town.	Do. warehouse № 3, Port Road, Do. Do.	189.	
121.	Tayub Adam Sait, Davood Sait and Ibrahim Sait.	Firewood Bazaar, Fort Ward, Mangalore Town.	Do. warehouse № 14, Firewood Bazaar Do.	189.	
122.	Sileman Sait and Hasim yacub Sait.	Port Road, Golikatte Ward, Mangalore Town.	Storing in ware house № 6, Port Road, more than ten cases of Kerosine oil, without a license under Section 188(1)(i) of the Madras District Municipalities Act, IV of 1884, and thereby committing an offence under Section 189.	189.	
123.	Jemsettjee Nowrojee Sait.	Nireshwallia Street, Fort Ward, Mangalore Town.	Do. warehouses № 23 and 24, Firewood Bazaar Do. Do.	189.	

N.B. — The names of the Municipal Councillors who were present at the meeting at which these prosecutions № 119 to 123, inclusive were sanctioned, are the following:-

Messrs T. M. RamaRao, Chairman.
" Hr. Altenmüller.
" P. Duraiswamy Aiyangar, B.A.
" H. Krishna Rao, B.A.
" A. Sankappa Punja.
" J. S. Albuquerque.
" D. Vaz.
" A. Albuquerque
" Khan Bahadur Haji Abbu Baker Beary, &
" Bail Abbu Beary.

Messrs P. Duraiswamy Aiyangar and Khan Bahadur Abbu Baker Beary did not vote.

Municipal Office,
Mangalore, 20th October, 1896.

(Signed) T. M. RamaRao,
Chairman, M.C.

(True Copy)

T. M. Rama R
Chairman M.C.

28-4-97

Register of Summary Trials – Court of III Class Bench Magistrates of Mangalore Town, 1897.

Present.

Paper (6) of Enclosure I.
(5 Papers)

1. B. Shivayya.
2. Abboobaker.
3. N. Shrinivas Rau.
4. Abdull Ally.

A	B	C	D	E	F	G	H	I	J
Serial No.	Date of offence	Date of complaint or report.	Name of Complainant.	Name parentage and residence of accused.	Offence and Section of Law	Plea of the accused	Finding and in case of conviction brief statement thereof.	Sentence or order.	Date on which proceedings terminated.
398	November	3	Municipality	1. Purshotam Shett son Nanajee Shett of Golikatte Bazar.	Storing in his warehouse more than 10 cases of Kerosin oil contrary to the condition of the license granted Section 189, Municipal Act.	Pleads not guilty	Not proved.	Acquitted (by three Bench Magistrates) Section 245 C.P.C.	4-1-'97.

Application made by Prosecution
Vakil Mr. K. Ranga Rao on 9-1-'97.
Paper called for on ———— 9-1-'97.
Do. produced on ———— 13-1-'97.
Copy ready on ———— 13-1-'97.
Copy delivered on ———— 13-1-97

(Signed) B. Shivayya, Chairman.

Signed by Honorary Bench Magistrates.

/ True Copy. /

T. M. Rama R.

28-4-'97.

Ol. Chairman, M. C.

Register of Summary Trials – Court of III Class Bench Magistrates of Mangalore Town, 1897.

Present.

1. B. Shivayya.
2. Abboobaker.
3. N. Shrinivas Rau.
4. Abdull Ally.

A.	B.	C.	D.	E.	F	G	H	I	J.
Serial No.	Date of offence	Date of complaint or Report.	Name of Complainant.	Name parentage and residence of accused.	Offence and Section of Law.	Plea of the accused.	Finding and in case of conviction brief statement thereof.	Sentence or order. —	Date on which proceedings terminated.
399	November	3	Municipality	Ahmed Shett son of Yayoob Shett of Port Road.	Storing in his warehouse more than 10 cases of Kerosin oil contrary to the condition of the license granted Section 189 Municipal Act.	Pleads not guilty.	Not proved.	Acquitted (by three Bench Magtes) section 245 C.P.C.	4-1-97.

Application made by prosecution
Vakil Mr. K. Ranga Rao on 9-1-'97.
Paper called for on ———— 9-1-'97.
Do. produced on ———— 13-1-'97.
Copy ready on ———— 13-1-'97.
Copy delivered on ———— 13-1-'97.

(Signed) B. Shivayya, Chairman.

Signed by Honorary Bench Magtes.

/ True Copy. /

T. M. Rama R.

28-4-1897.

Ol. Chairman, M. C.

Register of Summary Trials — Court of III class Bench Magistrates of Mangalore Town, 1897.

Present.

1. B. Shirayya. 3. N. Shrinivas Rau
2. Abboobaker. 4. Abdull Ally.

A	B	C	D	E	F	G	H	I	J
Serial No.	Date of offence	Date of complaint or report.	Name of Complainant.	Name parentage and residence of accused.	Offence and Section of Law.	Plea of the accused.	Finding and in case of conviction brief statement thereof.	Sentence or order.	Date on which proceedings terminated.
400	November "	3	Municipality	1. Tayub Shett son of Adam Shett of firewood Bazaar.	Storing in his warehouse more than 10 cases of Kerosin oil contrary to the condition of the license granted Section 189 Municipal Act.	Pleads not guilty	Not proved.	Acquitted (by three Bench Magtes) Section 245 C.P.C.	4-1-97.
						(Signed)	B. Shirayya, Chairman.	Signed by Honorary Bench Magistrates.	

Application made by prosecution vakil Mr. K. RangaRau on 9-1-97.
Paper called for on —— 9-1-97.
Do. produced on —— 13-1-97.
Copy ready on —— 13-1-97.
Copy delivered on —— 13-1-97.

/True Copy/

28-4-1897.

T. M. Ramak
Ch. Chairman, M.C.

Register of Sum

A	B	C	D
Serial No.	Date of Offence	of complaint or report.	Name Compla
401	November "	3.	Munici

Application made by Pr
vakil Mr. K. RangaRau o
Paper called for on ——
Do. produced on ——
Copy ready on ——
Copy delivered on ——

Register of Summary Trials — Court of III class Bench Magistrates of Mangalore Town, 1897.

Present.

1. B. Shivayya
2. Abboobaker.
3. N. Shrinivas Rau
4. Abdull Ally.

A	B	C	D	E	F	G	H	I	J
Serial No.	Date of Offence	Date of complaint or report.	Name of Complainant.	Name parentage and residence of accused.	Offence and Section of Law.	Plea of the accused.	Finding and in case of conviction brief statement thereof.	Sentence or order.	Date on which proceedings terminated.
401	November "	3.	Municipality	1. Seleman Shett son of Hassim Sett of Port Road.	Storing in his ware house more than 10 cases of Kerosin oil contrary to the condition of the license granted Section 189 Municipal Act.	Pleads not guilty	Not proved.	Acquitted (by three Bench Magts) Section 245 C.P.C.	4-1-97.

Application made by Prosecution vakil Mr. K. Ranga Rau on 9-1-97.
Paper called for on —— 9-1-97.
Do. produced on —— 13-1-97.
Copy ready on —— 13-1-97.
Copy delivered on —— 13-1-97.

/Signed/ B. Shivayya, Chairman.

Signed by Honorary Bench Magts.

/True Copy./

28th April, 1897.

J. N. Rama R
Chairman, M. C.

Register of Summary Trials — Court of III class Bench Magistrates of Mangalore Town, 1897.

Present.

1. B. Shivayya
2. Abboobaker
3. N. Shrinivas Rau
4. Abdull Ally

A.	B.	C.	D.	E.	F.	G.	H.	I.	J.
Serial No.	Date of Offence	Date of complaint or Report.	Name of Complainant.	Name parentage and residence of accused. —	Offence and Section of Law.	Plea of the accused.	Finding and in case of conviction brief statement thereof.	Sentence or order.	Date on which proceedings terminated.
402	November "	3	Municipality	1. Jemshetjey son of Nowrojee Shett of Nirlwallia	Storing in his ware house more than 10 cases of Kerosin oil contrary to the condition of the license granted section 189 Municipal Act.	Pleads not guilty	Not proved.	Acquitted (by three Bench Magistrates) Section 245, C. P. C.	4-1-97.

Application made by Prosecution vakil Mr. K. Ranga Rau on 9-1-97.
Paper called for on —— 9-1-97.
Do. produced on —— 13-1-97.
Copy ready on —— 13-1-97.
Copy delivered on —— 13-1-97.

/Signed/ B. Shivayya, Chairman.

Signed by Honorary Bench Magts.

/True Copy./

28-4-97.

J. N. Rama R
Chairman, M. C.

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n signed ______ } 189 .

AGAIN G.O., No. DATED

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