Proceedings of the Madras Government, Revenue Department, 12th September 1870.

Read the following :—

No. 139. Proceedings of the Board of Revenue, dated 13th July 1870, No. 4,857.

Read the following letter from the Collector of Sea Customs, to the Acting Secretary to the Board of Revenue, dated Madras, 24th June 1870, No. 529.

(Opium.)

The 9th June 1870.

No. 1,133.—In exercise of the powers conferred on him by the Consolidated Customs' Act, Section 23, and of every other power enabling him in this behalf, the Governor-General of India in Council is pleased to prohibit the exportation of opium not covered by a pass by sea from any port or place in the Presidency of Fort Saint George, or by land from that Presidency to any Foreign or Native State.

The above notification supersedes that published in the *Gazette of India*, Part I., page 348, No. 609, dated the 19th May 1870.

* Madras.

See Government Pleader's letter to Board of 20th May 1870, paragraph 3.—Board's Proceedings, No. 3,605, 24th May 1870.

Referring to the notification in the *Gazette of India*, 11th June 1870, page 401, marginally quoted, I have the honour to request that the Board will be good enough to obtain the opinion of the Advocate-General on the following points.

2. The above notification extends the prohibition in regard to the export of opium by sea to that "*by land from that Presidency* to any Foreign or Native State.*"

(1.) On what Act is the prohibition by land based? Act VI. of 1863 refers only to Sea Customs.

(2.) What is the penalty for exporting contrary to the notification, and how is it to be enforced?

(3.) Can opium exported, or attempted to be exported, by land from Madras to Pondicherry or Cochin, be seized and dealt with under the notification of the Governor-General?

3. I further beg to call the attention of the Board to paragraph 6 of my letter, No. 428, of 24th May 1870, in regard to the transmission of opium by post.

Submitted for the orders of Government.

2. The Board presume that the Government of India have acted under legal advice in issuing a notification under Section 23, Act VI. of 1863, with regard to the export of opium by land instead of an Ordinance as suggested by the Madras Government. Presuming that the notification is of legal force, the law regarding a breach of it is to be found in Section 24 of Act VI. of 1863.

3. The state of the law with regard to opium transmitted by post has already been brought to the notice of the Government of India, (*vide* Government Order, 11th June 1870, No. 858).

No. 140. Proceedings of the Board of Revenue, dated 12th August 1870.

Read the following letter from the Collector of Sea Customs, to the Acting Secretary to the Board of Revenue, dated Madras, 9th August 1870, No. 741.

Adverting to the Order of Government, No. 858, of 11th June 1870, paragraph 3, I have the honour to bring to the Board's notice that the result of the

Govt. of INDIA Statutes.

REVENUE.

To

THE BOARD OF REVENUE,

&c, &c, &c.

Dated September 1st,

Read,

Encl.

G. O., 12th September 1870, No. 1, 1st.

From the Govt. to the Govr.
Genl. Despe. 29th Sept. 1870.

SEPTEMBER.

Nos. 140-141.

1870.

Transmission of Opium by Post.—Proceedings, Board of Revenue, on this subject forwarded to the Advocate-General for opinion with observations.

12 Sept 1870

3 Oct

Lr. 2219 P 2469

No. 1434.

The Rt Honorable the
Govr in Council concurs
with the Board of Rev
in their view as to the
present state of the law
in regard to the export
of opium, as expressed
in the final Proceedings
above recorded

V.

L. D. S.

17/9

With the second paper
above ~~recorded~~ entered the Board
submit a letter from the
Collector of Sea Customs
enquiring how opium
surreptitiously carried by
post is to be dealt with.
On this point his Lordship

in Council observes that
the notification of the Govt
of India has made opium
a contraband article when
exported either by sea or
land, hence any opium
addressed to a place beyond
the limits of this Presidency
apparently
may be dealt with under
Sec 59 of the S.C. Act (Act XIV of 1865)
and eventually confiscated
under Sec 24 of Act VI of 1863,
the sender being also liable
to fine under this section
for an attempt to export
a prohibited article.

The papers will,
however, be forwarded
for the opinion of the
Honorable the Advocate
as on the front of
using this office.
If this course is not
agreed to we should
be obliged to

Secret

84 Police Dept Proc Sept 1875
4 — Govt Solicitor