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*Proceedings of the Madras Government, Revenue Department, 9th August* 1872.

No. 68. Read the following Proceedings of the Board of Revenue, dated 30th July 1872, No. 1,448:—

Read Petitions Nos. 194 and 676 of 1872, from A. Gover, Esq., Counsel for Shangara Chetty Royan, of Calicut, regarding confiscation of his Opium.

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The foregoing petitions are an appeal from a decision of the Collector of Malabar passed under Section 24 of the Consolidated Customs Act, whereby opium valued at Rupees 7,000 was confiscated and a fine of Rupees 500 imposed.

2. In August 1871, the Station Master of Tirur, having received by rail from Madras five chests of opium ostensibly consigned to Ponani, and doubting whether it ought not to be covered by a license, gave information to the Police, by whom, after it had been retained for a time in the station, the opium was seized. The Collector ordered its detention on the ground that it was in course of being smuggled to Cochin in contravention of the Governor-General's notification, dated 9th June 1870, confirmed by Act XIV. of 1871; and after inquiry passed the decision now appealed against.

3. The petitioner, A. Gover, Esq., Vakil for the owner of the opium, a Cochin merchant, questions the jurisdiction of the Collector on the ground that the inquiry having taken place partly at Ponani and partly at Calicut, where Customs Officers are stationed, it was not competent for the Collector to act under Section 218 of Act VI. of 1863. The Board see nothing in this objection and observe that it is at any rate irrelevant as the seizure was made at Tirur. Petitioner next urges that the opium was consigned to Ponani which is in British territory without any intervening foreign state, and consequently that there was no restriction on its transport. It is true that it was addressed to Ponani; but the Board entertain no doubt, that if it were shown that it was intended for, and in course of, exportation, its confiscation after seizure at a point within the frontier was warranted. The question is therefore one of evidence.

4. The case is very clearly stated in the Collector's proceedings. The opium was despatched by order of a Cochin merchant, to Tirur, whence there is through water communication to Cochin, *via* Ponani, and on its arrival the owner's servant applied at once urgently demanding immediate delivery of the chests which he stated, as deposed by the Police, to have contained camphor. It is also proved that a passenger boat was in waiting at Tirur; that the servant, Kasmi, was seen in consultation with another Moplah who came in the boat; that the boatmen asserted that they were engaged to take goods to Native Cochin; and that the boat disappeared when difficulties were made about delivery of the opium. These facts create a probability, though it is not actually proved, that the boat was waiting for the opium in question. The Station Master deposes that the partner of the owner came to him by day and night urging him to deliver the opium and offering him a good present to induce him to do so. The statement of the owner that the opium was intended for sale at Ponani is completely rebutted by the evidence taken there, which shows that there is no trade in opium at the place and that the consumption is very small, the bulk of the inhabitants being Moplahs whose religion forbids its use. There is thus a strong presumption that the con-

signment, by a merchant of Cochin, (where there is a large trade in opium and whence it is believed to be clandestinely exported at enormous profits,) of a large quantity of the drug to a place like Ponani where it could not be sold, but which is on the highway to Cochin by backwater, was merely an ostensible consignment. If it had really been otherwise, the result of a reference to authority might have been awaited without fear.

5. The Board after carefully perusing the evidence, resolve to confirm the confiscation and fine. Mr. Gover asks to be heard in person in support of the appeal, but he will be informed that it is not the custom of the Board of Revenue to hear petitioners in person or by counsel, and that nothing could be gained by his appearance in the present case which depends on appreciation of recorded evidence.

6. The Board resolve to specially report this case to Government, as it is highly suggestive of a very large illicit trade in opium. It is shown that this is not the first acknowledged consignment of the drug, and that the same merchants have been in the habit of receiving heavy packages under different designations for some time past, some of which the Collector evidently believes to have contained opium. Mr. MacGregor is requested to report his opinion as to the propriety of establishing a customs station for the search of boats at the point where the frontier line crosses the backwater.

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No. 69. ORDER THEREON, 9th August 1872, No. 1,179.

| Separate Revenue, No. 7. |
|---|
| *Customs.* |

THE Government desire to know whether the large clandestine export of Opium from Cochin to which the Board refer takes place from British Cochin into the Sirkar's territory, or from either British or Native Cochin territory *by sea* to other ports.

2. The Resident in Travancore and Cochin will be instructed to ascertain and report how the two Sirkars obtain the supply of Opium for their respective monopolies. There seems reason to think that the contractors for the supply in many cases defraud the British revenue.

(True Extract.)

(Signed) W. HUDLESTON,
*Secretary to Government.*

To the Board of Revenue.
,, the Resident in Travancore and Cochin.

Exd. F. R. Bantleman.

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Revenue Department

Proceedings of the Board of Revenue
dated 30th July 1872.

Read Petitions Nos 194 and 676 of 1872 from A. Gover Esqre, Counsel for Thangaraw Chetty Royan, of Cochin, regarding Confiscation of his opium.

The foregoing petitions are an Appeal from a decision of the Collector of Malabar passed under Section 24 of the Consolidated Customs Act, whereby opium valued at Rs 7000 was confiscated and a fine of Rs 500 imposed.

On 5th August 1871, the Station Master of Tirur, having received by rail from Madras 5 Chests of opium ostensibly Consigned to Ponani, and doubting whether it ought not to be Covered by a license, gave information to the Police, by whom, after it had been retained for a time in the Station the opium was seized. The Collector ordered its detention on the ground that it was in course of being smuggled to Cochin in Contravention of the Governor General's notification dated 9th June 1870,

Confirmed

Confirmed by Act 14 of 1871; and after Enquiry passed the decision now appealed against.

3. The petitioner A. Seves Esquire, Vakil for the owners of the opinion, a Cochin merchant, questions the jurisdiction of the Collector on the ground that the Enquiry having taken place partly at Ponani and partly at Calicut, where Customs officers are stationed, it was not competent for the Collector to act under Section 218 of Act XI of 1863. The Board see nothing in this objection and observe that it is at any rate irrelevant as the Seizure was made at Tirur. Petitioner's next urges that the opinion was consigned to Ponani which is in British territory without any intervening foreign State and consequently that there was no restriction on its transport. It is true that it was addressed to Ponani; but the Board entertain no doubt that if it were shown that it was intended for, and in course of Exportation, its Confiscation after Seizure at a point within the frontier was

was warranted. The question is therefore one of evidence.

4. The Case is very clearly stated in the Collector's proceedings. The opinion was despatched by order of a Cochin merchant to Tirur where there is through water Communication to Cochin, via Ponani, and on its arrival the owners Servant applied at once for it and demanding immediate delivery of the Chest which he established, as deposed by the Police, to have contained Camphor. It is also proved that a passenger boat was in waiting at Tirur; that the Servant, Kuanu, was seen in Consultation with another Mopla who Came in the boat; that the boatmen asserted that they were Engaged to take goods to Native Cochin; and that the boat disappeared when difficulties were made about delivery of the opium. These facts create a probability though it is not actually proved, that the boat was waiting for the opium in question. The Station Master deposes that the partner of the owner Came to him by day and night urging him to deliver the

the opium and offering him a good
present to induce him to do so. The
statement of the owner that the
opium was intended for sale at
Ponani is completely rebutted by the
Evidence taken there, which shows
that there is no trade in opium
at the place and that the Consumption
is very small, the bulk of the inhabitants
being Moplahs whose religion forbids
its use. There is thus a strong presumption
that the Consignment, by a Merchant
of Cochin, (where there is a large trade
in opium and whence it is believed
to be Clandestinely Exported without
profit) of a large quantity of the
drug to a place like Ponani where
it could not be sold but which is
on the highway to Cochin by backwaters,
was merely an Evasible Consignment.
If it had really been Otherwise, the
result of a reference to authority might
have been awaited without fear.
5. The Board after Carefully perusing
the Evidence resolve to confirm the
Confiscation and fine. Mr Jones
asks to be heard in person in support
of the appeal, but he will be informed
that

that it is not the Custom of the
Board of Revenue to hear petitioners
in person or by Counsel, and that
nothing could be gained by this
appearance in the present case,
which depends on appreciation
of recorded Evidence.
6. The Board resolve to specially
report this Case to Government as
it is highly suggestive of a very large
Illicit trade in opium. It is shown
that this is not the first acknowledged
Consignment of the drug, and that
the same Merchants have been in
the habit of receiving heavy packages
under different designations for
some time past, some of which the
Collector Evidently believes to have
contained opium. Mr Mac Gregor
is requested to report his opinion
as to the propriety of Establishing
a Customs Station for the
Search of boats at the point

where

Govt. of {1872} Madras.

REVENUE.

To

THE BOARD OF REVENUE,

&c, &c., &c.

*Dated August 9th.*

*Recd.* Encl.

*G. O., 9th August* 1872, *No.* 1,179.

Vide Cl. 206/73.

**AUGUST.**

**Nos. 68-69.**

*Clandestine Export of Opium from Cochin.*—Board of Revenue requested to furnish information on the point specified, and the Resident of Travancore and Cochin to report how the Sirkars obtain the supply of Opium for their respective monopolies.

Rev: 1872: Dept.
No. 2550.

Proceedings of the
Board of Revenue

Dated 30 July 1872.
Desptd: 30 — " — "
Recd: 3d Augt — "
No. 1179 - 9th August 1872.

Confirming decision passed by Collr of Malabar confiscating a quantity of Opium seized at Tirur Railway station & fining the owner in Rs. 500. - Reporting the case specially to Govt. as suggestive of a large illicit trade in opium.

Writ to Ad Cr

No. 68-69

14 To the Board of Rev dec 15th August 72.
4 " Resident in Travancore Cochin " "