

(1) Number of pages 7 Sheets
(2) Date of repair 12.7.84
(3) Initials of the Referencer C. S. S. J.

TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Revenue DEPARTMENT

G.O. No.	1365	Press.
B.P. No.		Mis.
Dated	28.8.1878	197

Not to be folded or roughly handled

1365

GOVERNMENT OF MADRAS.

REVENUE DEPARTMENT.

28th August 1878, No. 1,365.

Read the following paper :—

No. 309. Proceedings of the Board of Revenue, dated 10th May 1878, No. 1,251.

Read the following letter from D. BUICK, Esq., Acting Collector of Malabar, to C. A. GALTON, Esq., Acting Secretary to the Board of Revenue, dated Calicut, 17th April 1878, No. 87 :—

REFERRING to Proceedings of Government, Revenue Department, dated 24th January last, No. 131, I have the honor to report, for the information of the Board, the particulars of the three seizures of opium referred to in this office letter of the 13th November 1877, No. 249.

2. In the first case two parties residing in Ponany Taluq, named Lonappan and Varrid, were seized on the 16th August 1877 with 240 lbs. of opium, secured in oil-jars, in their possession within a short distance of the Cochin frontier between Vanienecolum and Shoranoor. They declared they were on their way to Ponany Taluq, and it would be very difficult to prove they were not. The opium was purchased in Palghaut, and the parties referred to above were followed by the two spies who actually made the seizure. The latter declare they made the seizure when the parties were about to cross, near Shoranoor, the river which divides Cochin from British Territory, whilst they on the other hand declared that it was seized on the high road at a place called Kunathara, two miles west of Vanienecolum. It is admitted the parties could easily have crossed into Cochin at several points between Palghaut and Vanienecolum. The parties were ultimately discharged on the ground that the District Magistrate had no jurisdiction.

3. In the second case one Krishna Pie was arrested at Calicut on 2nd October 1877 when bringing from Palghaut opium to the value of Rupees 200. He was charged with attempting to smuggle it to Mahe, but of this there was no evidence whatever. He was discharged without trial on the ground of the Court's want of jurisdiction.

4. In the third case one Bavu of Brahmakulam Amshom, Ponany Taluq, was arrested at Putlamby Station on the 28th October on the arrival of the train from Palghaut. He had 10 lbs. of opium in his possession which he had purchased at Palghaut. He was also discharged.

5. Mr. Logan has left a note expressive of his regret that the Governor-General's notification of the 9th June 1870 had escaped his notice in connection with these cases. The Board will, however, observe that before a conviction could have been established under Section 24 of the repealed Consolidated Customs Act VI of 1863, it would have been a question to be decided by the evidence whether there had been an export of opium not covered by a pass under the Governor-General's notification, or an attempt to export such opium from British India. In the three cases at present under consideration it is not unlikely that the opium in the first and third cases was intended for the Cochin State, but there is, in my opinion, nothing in the evidence which was available to enable any Court to draw the conclusion that an attempt to export such opium had been made. That the notification was overlooked had no practical effect therefore on the result which would have depended entirely on the evidence available to show that an attempt to export a prohibited article had been made.

agree - we must forward the communication BM 2/8

6. It only remains for me to point out that these cases and others which have cropped up in the district prove, what is otherwise well known, that there is a very considerable trade in opium at Palghat; that extensive smuggling into the Cochin State takes place all along our unguarded frontier; and that parties engaging in smuggling operations can only be arrested when about to cross the frontier. I would therefore suggest, for the consideration of the Board, the propriety of urging Government to put the Opium Act I of 1878 in force in Malabar to enable the administration of this district to regulate the transport and exportation of the drug. I offer this opinion as my own and as Mr. Logan's.

SUBMITTED for the information of Government with reference to the Order quoted

2. In the cases reported upon the evidence was insufficient to warrant proceedings under the Customs Act; they show that it is desirable that the Opium Act should be put in force in Malabar, and a draft of rules was submitted to Government with Board's Proceedings, dated 17th February 1877, No. 672.

(A true Copy and Extract.)

(Signed) C. A. GALTON,
Acting Secretary.

No. 310.

ORDER THEREON, 28th August 1878, No. 1,365.

Separate Revenue, No. 39.

The Government of India will doubtless extend the Opium Act to Malabar when the necessary preliminaries are settled. The draft rules submitted by the Board with reference to Act XXIII of 1876 have already been forwarded for the consideration of the Governor-General in Council. Meanwhile, any uncanceled Notifications of the Supreme Government made under the Customs Act of 1863 that are in force under Section 2, Act VIII of 1878, and the penalties prescribed by Clause 8, Section 167 of the latter enactment, are sufficient to meet cases such as those reported in the Proceedings recorded above.

(True Extract.)

(Signed) C. G. MASTER,
Secretary to Government.

To the Board of Revenue.

Ed. F. R. Bantleman.

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agree - we must wait the communication 1/31/78

No. 2271.

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From Board of Revenue

Dated 10 May 1878.

FOR ORDERS.

1. The question is whether the Opium Act should be put in force in Malabar to enable the Administration of the district to regulate the transport and exportation of Opium.

2. The position of the Opium question in this Presidency as it stood in 1871 is sketched in paragraphs 3 and 4 of G.O. 12th April 1871 N^o 658. In the following year the Government of India issued a notification (G.O. 1872) prohibiting the export.

tion entirely except from the ports of Calcutta and

Bombay

Sir let things take their course - the B.P. Co. all doubtless issue no question other matters are ripe for disposal. There is an Opium trade in Malabar & Cochin & Travancore - but no export beyond these. J.M.

*Quoted in para 2. G.O. 19 April 1872 N^o 415.

I concur with Sir B.R.

It does not appear to me that the B.P. Co. of Decr 72. have land traffic in the drug.

I agree - we must wait their communication. J.M. 24/8

REVENUE.

THE BOARD OF REVENUE.

August 1878.

Total C. R. 7400 of 1879

Bombay. The objection
to such a notification had
been removed by Section 1
Act ~~XXV~~ of 1871 which declared
that Section 23 of the ^{Customs} Consolidated
Act had always
authorized the Governor
General in Council to issue
such notification relative
to sea or land or both.

3. A Bill (4 of 1875) to
regulate the manufacture
and sale of intoxicating
drugs and to place restrictions
on the transport, possession
and use of such articles
was introduced into the
Local Council, but, mean-
while the Imperial Legis-
lature passed Opium
Act ~~XXIV~~ of 1876, which
was to have come into
force throughout the whole
of British India on
1st

1st April 1877. Act ~~XX~~ of
1877 postponed the intro-
duction of this Act to
such date as might be
notified in the Gazette
of India by the Governor
General in Council. Then
Act I of 1878 repealed both
these Acts, but is not itself
in force in Madras till
such day as the Governor
General in Council may
so direct.

4. Under Section 8 Act
~~XXIII~~ of 1876, rules were
framed by the Board
for the working of that
Act and these were sub-
mitted to the Govt of
India with the remarks
of this Government.

Possibly the Govt. of
India may find a difficulty
in reconciling the difficulties
indicated

Vide letter dated 5 January
1878 No 25

FOR ORDERS.

indicated in the letter of 5 January last. Until this is answered, and the Rules finally approved, it does not seem expedient to extend Act I of 1878 to Madras.

5. Meanwhile unless the Govt of India notification of 5 December 1872 has been cancelled it has force under Section 2 of the new "Sea Customs Act 1878" which declares that all.... "notifications issued under any Act hereby repealed, shall if the same are in force at the time this Act comes into force be deemed to have been issued under this Act..." i.e. under Section 19 thereof which gives power to prohibit

The notification in question was made under Section 23 Act of 1863 which is repealed by Act VIII of 1878.

Clause 8 Section 167
Act VIII of 1878

or restrict importation or exportation of goods by sea or land.

6. If this be the case any person concerned in exporting or attempting to export opium is liable to a penalty not exceeding three times the value of the goods or not exceeding Rs 1000, besides which the article may be confiscated.

7. The Governor General's notification dated 9 June 1870 alluded to by the Acting Collector of Malabar was declared by legal authorities to be invalid but the late

* Vide G.O. 12 April 1871 No 158
See however sect 1 Act XIV of 1871 which enacts that "the Acts of the Council dated 6 June 1863 and 1865 shall be deemed to authorize and to authorize the Governor General to prohibit or restrict the imports by sea or land or exportation by sea or land of any particular class of goods."

Notification of 5 Decr. 1872 by Mr. Bench was quite legal.

excl

Excl

Memo for Orders
Introduction of Opium
Act I of 1848 into Madras
Lahore.

No. 2271

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Revenue Department.
No. 1265—
Proceedings of the Madras Government
Under date the 28 Aug. 1848

Read the following
Proceedings of the Board
of Revenue dated 10 May 1848
No. 1254, furnishing further
particulars regarding the
seizure of Opium in the
Malabar District.

The Government of
India will doubtless
extend the Opium Act
to Madras when the neces-
sary preliminaries are
settled. The draft rules
submitted by the Board
with reference to Act ~~XXIII~~

of

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T 27-8-78

of 1876, have already been
forwarded for the consid-
eration of the Governor
General in Council. Mean-
while any uncancelled
notifications of the supreme
Govt. made under the
Customs Act of 1863 are
in force under Section 2
Act VIII of 1878 and the
penalties prescribed by
clause 8 section 167 of the
latter enactment are
sufficient to meet cases
such as those reported
in the Proceedings recorded
above.

YLL

17 File Boarding Revenue on 6 September

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E. D. M.

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G.O.

Introduction of Opium
Act I of 1878 into
Malabar.

Malabar

Sir C. Robinson

209-210

22-8-78.
24-8-78.