

MADRAS RECORD OFFICE.

Government of Madras.

Indicil DEPARTMENT.

G.O. No.	<i>1119</i>	Press
		~~Mis.~~
	<i>28-29</i>	
Dated	<i>16-8-1918</i>	

Not to be folded or roughly handled

E. M.

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Fort St. George, Judicial Consultation, 17th August 1858.

No. 28. Read the following letter from P. GRANT, Esq., Acting Magistrate of Malabar; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated Calicut, 17th July 1858, No. 99.

SIR,

I have the honor to transmit for the consideration of the Right Honorable the Governor in Council, a Memorial of the Chamber of Commerce of Cochin, in which the frauds practiced by the producers of Coir-yarn, are prominently brought to notice, and a remedy for the same proposed.

2. The very large quantity of this bulky article imported from the Port of Cochin (last season very nearly 4,000 tons) renders it almost impossible, that the merchants should open and examine the packages before being pressed or shipped.

3. The principle of non-interference between buyer and seller may be urged by Government, but the circumstances of certain branches of trade in this country are such, that for its protection it becomes not only necessary but right (I think) that Government should interfere. It was this acknowledged necessity I believe that induced the Legislative Council to pass Act 15 of 1851, entitled an Act, for the better suppression of frauds in respect of Cotton. The Chamber of Commerce pray that this Act may be made applicable to the Port of Cochin as far as regards Coir-yarn, and I beg most strongly to support the prayer.

4. If granted, I do not think that the law would have to be put in force very often, for the knowledge that such a law had been passed, would in itself check much fraud.

5. As an instance of the loss to which trade is liable to be subjected by such frauds as those adverted to by the Chamber of Commerce, I may state that some years ago, the Export trade of rice from Tanjore, was very seriously impaired by a practice the Native merchants had recourse to, namely, wetting the rice to add to its weight, the consequence was that when it reached its destination it had begun to ferment and was useless, thus the confidence of the purchasers was shaken and the interests of the producing Ryots of a fine Province affected.

6. Misdemeanors under Act XV of 1851, are punishable summarily by the Court of Petty Session, and it is lawful for the Chairman of the same to commit or hold to bail any party, to take his trial before the Supreme Court. I think that the necessities of the case in Cochin would be met if the Joint Magistrate of that place was empowered to punish misdemeanors according to the provisions of Section 7, Regulation 10 of 1816,—all other cases demanding a severer punishment being committed to the Sessions Court at Calicut.

To the Right Honorable GEORGE FRANCIS ROBERT LORD HARRIS, Governor in Council, Fort Saint George.

The Memorial of the Chamber of Commerce of Cochin.

SHEWETH,

That your petitioner in behalf of the Mercantile Community of this Port, begs to bring to your Lordship's notice, the grievous losses and hardships experienced by it, in consequence of the wilful adulteration of Coir-yarn, one of the staple Exports from Cochin, as well as the admixture of foreign and deleterious substances in the same, constantly practised by the producers.

Packages of this article are brought for sale, the outer portions of which are of unexceptionable quality, whilst the whole of the interior portions consist of the most worthless description of fibre, saturated with water and mixed with stones and sand.

That your petitioner would further call your Lordship's attention to the fact that the amount of Coir-yarn exported from this place during the past season was close on 4,000 tons, and that the enormous bulk of it, renders it scarcely possible for the shippers to open and examine each package before being pressed or shipped or at least to detain the seller until such an examination be made, and as a necessary consequence the goods are generally paid for before the frauds are discovered.

1057 - or an Act for the

Fort St. George, Judicial Consultation, 17th August 1858.

That this community having no sufficient remedy against these frauds by the law as at present existing, your petitioner on its behalf, begs your Lordship to consider the case, and to take such steps as may be necessary to make Act XV, 1851, entitled, an Act for the better suppression of Frauds in respect of Cotton, applicable to this part as far as regards Coir goods.

And your petitioner will ever pray.

Cochin, 12th July 1858.

(Signed) JOHN H. BERRY,
Vice Chairman.

No. 29.

ORDER THEREON, No. 1119; dated 16th August 1858.

The Chamber of Commerce at Cochin represent the grievous losses and hardships experienced by the Merchants of the place, in consequence of the wilful adulteration of Coir Yarn, one of the staple exports from Cochin, the quantity shipped there during the past season having been close upon 4,000 tons, and they request that the Government will take steps to make Act XV, 1851, or an Act for the better suppression of frauds in respect of Cotton, applicable to Cochin as far as regards Coir goods. The application is supported by the Acting Collector of Malabar.

2. The Governor in Council is not prepared to apply to the Legislative Council for an Act to extend Act XV, 1851, in the manner desired by the Chamber. He feels assured that such an application would not be attended with success, and that the Council would not consent to legislate specially on the subject.

3. Moreover the difficulty experienced by the Merchants of Cochin appears to lie, not in the punishment of the adulteration, but in its detection, and this would remain the same even although Act XV, 1851, were made applicable to frauds in packing of Coir. Under the existing law, it is believed such frauds, when detected can be punished by Section 7, Regulation X, 1816, while very serious cases might be committed to the Sessions Court.

(Signed) T. PYCROFT,
Chief Secretary.

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Memo.

In all these cases the evil is "Coalat
emption" - Let the buyer use due pre-
caution, pay a fair price & he will
get a good article -

Exception is made in the case of
food & drugs - The purchaser can
but rarely have the means of ascer-
taining these and their adulteration
would be productive of effects very
prejudicial to health. Hence the
Law steps in to do that for the consumer
which they could not do for themselves - by
the articles mentioned being of indisputable
quality shipped from during

recessing - and of general use -

Reference is made to the Bombay
Cotton Law - This I have I think -
albeit I cannot find the paper - con-
sidered that it is an important
in principle - It was probably passed
to propitiate the Cotton & Manchester
interest -

According to the doctrine of the
Cotton Law, the Government are
to detect and punish in any
the adulteration of all commodities
which are exported in large quanti-
ties -

To do this effectually would require

36
at his hand for the purpose - This
their mechanism pay for this

a few days since they made a

still about the payment of

at 1 Anna & 2 Anna a

steaming call of the

say nothing about the question

is adulteration - whole probability

of law is a purchase

in a certain field -

in point, easily & naturally

line between border & border

by a majority -

fact just to state that this

Leg. Council would never pass
such an Act as is applied to...

28.7.58. JP

The display of adulterated articles for sale
or of packages made up of stones & gravel
with a fair outside of the marketable article
may surely be punished as fraud & under
the existing law?

It does not appear that any establishment
is required to bring the fraud to light. at
least none is provided ^{by} 1851 for searching
cotton bales. I feel assured however
that the Legislature wd not sanction any
hasty legislation of this kind for a special
object, so unless the existing law affords redress
I see not how the Chamber can accomplish that
object.

It is not ~~very~~ understood how the
act referred to can succeed in its object -
the difficulty the Chamber might meet

with in the detection - if a fraud of the
kind complained of was discovered at the
time of purchase - the seller would undoubt-
edly be liable to punishment under 16 &
if the fraud were extensive he would be
dealt with by the J.P. Court -

The merchants have the whole matter
in their own hands, & until they can
deviser a mode of detection, & being in
possession the acts complained of to the guilty
factories no legislation, supposing
such called for would help them -

W. H.

Shipman

Abstract of Minutes of Council. 21st August 1858.
From Lieut. ^{Major} ~~Col.~~ of Malabar 17 July 1858.

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The Chamber of Commerce
at Cochin represent the
previous losses & hard-
ships experienced by the
merchants of the place,
in consequence of the
unlucky adulteration of
Cine gum, one of the
chief exports from
Cochin, the quantity
shipped there during
the past season having
been close upon 4000
Tons, and they request
that the Govt. will take
steps to make Act XV
1857 - or an Act for the

MC

W. M.

At 8 1/2 to 9 o'clock
General 1858 departed

Wm

Extraordinary of Lord

of 16. August 1858.

2849