M.R.O. 1—88,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 1088 Press Mis

8-9

Dated 16 — 8 — 19 29

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, from 13th to 19th August 1859.

No. 8. Read the following letter from P. GRANT, Esq., Magistrate of Malabar; to T. PYCROFT, Esq., Chief Secretary to Government, Judicial Department, Fort Saint George, dated Calicut, 26th July 1859, No. 65.

Near Allepy and about 34 miles from Cochin, is a small Government garden named Thoombolypattom, and inhabited by about 17 families. The annual rent paid to our Government is Rupees 23, Annas 11 and Pice 1, and the garden is surrounded by the Travancore limits.

2. Much has been said and written about the smuggling of tobacco by our subjects, inhabiting these outlying gardens, into the Travancore and Cochin countries, to the detriment of the Travancore revenues.

3. The Revenue Sheristadar of Cochin having obtained information, that a large quantity of smuggled tabacco which had not paid duty at our Ports, was concealed in the said garden, sent some of his Subordinates to search for, and seize the same, if found. The result was, that 45 bales of about 130 maunds were found in 15 huts; the occupants of which declare that they purchased it from one Iyappen of Kayemkoolom,* who brought it from Cochin, and who was obliged to bring up at their gardens, from stress of weather.

* In Travancore.

4. As to the falsity of this story, there can be no doubt, they do not possess means to purchase so much tobacco, nor are they likely to require so great a supply for their private use, for which, as they state, it was intended. It has evidently been smuggled without payment of duty to our Government (being Jaffna tobacco, it is a dutiable article), and has been intended for illicit sale to the Travancore subjects.

5. It is difficult to prove that it has not come into India through our Ports and paid duty; as the facilities for its export by backwater from Cochin are so great, but in regard to the Travancore Government, it must be allowed, that it has been smuggled. I request to be informed of the Orders of Government on the subject; for were I to return the tabacco or its value to our subjects, the Travancore authorities would at once declare that I was countenancing smuggling, and were I to confiscate it, I doubt whether a Civil action for damages would not lie against me in our own Courts.

6. The value of the tobacco is about Rupees 1,000, and as it was being affected by the weather, I have ordered it to be sold by auction, and the proceeds to be held in deposit. The price of this article just at present is very high, so that no loss will result from this step, which I would wish to have avoided.

7. I believe the tobacco really belongs to Travancore subjects, who have introduced it within our limits, in view to avoiding its confiscation by the Custom Officers of that State.

No. 9. ORDER THEREON, 16th August 1859, No. 1088.

The Government authorize the Magistrate of Malabar to confiscate the tobacco seized by the Cochin Officials, and direct that the proceeds derived from the sale of it, be carried to the public account.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

No. 1088 – 16. August 1859.

The Govt. authorise the Magistrate of Malabar to confiscate the Tobacco seized by the Cochin officials – & direct that the proceeds derived from the sale of it ~~should~~ be carried to the Public Account.

J.P.

See paras 17–21–22 of the accompanying Minute – The circumstances of the present case need not guide analogous to that considered by the Magistrate of Malabar, the opinion of the Advocate General there

Acct. Genl.

contenue – and if it may be difficult, at least take a precaution, to provide a substitute for it.

GD