M.R. O. 1—32,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1057 Press Mis.

148-149

Dated 21/8/1861 19

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Proceedings of the Madras Government, Judicial Department,
21st August 1861.

No. 148. Read the following letter from S. N. WARD, Esq., Session Judge of Coimbatore; to T. PYCROFT, Esq., Chief Secretary to Government in the Judicial Department, Fort Saint George, dated 20th July 1861, No. 7.

In pursuance of the instructions contained in the Proceedings of the Madras Government of the 25th June 1861, No. 817, I have the honor to state—

1st. As regards the system of provisioning the Jail at Coimbatore during the time I have been in charge of it, that it has been to invite tenders, to be given in within a month of the date of notice, and having at the expiration of that period selected that most favorable to Government, to cause the tenderer to enter into a written contract binding himself, under penalties, to supply the several grains and condiments required for the use of the Jail at prices to be determined by the rates obtaining, for the time being, in the Coimbatore market.

No doubt, could it have been managed, a fixed rate of so many measures for the Rupee for each article would have been preferable, but it could not. Cholum is here the grain most largely used, and that supplied to the Jail, to be accepted, must be not only "garden cholum," but garden cholum of a kind far superior to that generally in use, or indeed procurable, and must have been besides for some time, and yet not too long, in store; and no trader here, owing to the peculiar nature of the crop, to the losses attendant on storing it, and the uncertainty as to ensuring a constant supply, can calculate beforehand the value of such grain with sufficient certainty to warrant his binding himself to supply the Jail with it at fixed rates.

My choice therefore, as far as cholum is concerned, (and it is the fairness of the prices of cholum alone that is really here in question) has lain between buying through the Prisons' Officers and storing in the Jail on Government account, or accepting such a contract as that above described, and I feel convinced that in choosing the latter I did right.

In February 1857, three tenders were sent in, viz., Linguppa Chetty's, to supply cholum at ¼ of a measure above the Neruck; Ramasawmy Naick's, to supply it at 4; and Kristna Chetty's, at 4¼, which latter was accepted by my predecessor, Mr. Roupell; but the contractor having in the month of October 1857, represented to me that owing to the failure of crops throughout the district he would be unable to fulfil his engagement, he was allowed for the months of October, November, and December in 1857, and until May 1858, to supply at two measures above the Neruck.

In June 1858 there were four offers, three given in within, and one (not taken into consideration) after, the time allowed. Those presented in time were Kristna Chetty's (the last year's contractor) at ¼ measure for cholum above the Neruck, or ½ measure above the highest offer made; Lingappa Chetty's at 1 measure for all articles; and Soobroya Chetty's at 3 measures for cholum, and ½ measure for rice and other articles. But Lingappa Chetty having (in competition) raised his to 4 measures for cholum and 1 measure for rice, &c., and Kristna Chetty his to 5½ measures for cholum and 1½ for rice, &c., the latter as being the highest bid (and not under the provision by which he engaged to give ¼ measure more than others which would have made only 4¼), was accepted.

In May 1859, there was but one bid within the period fixed, viz., that of Kristna Chetty who repeated his former offer of ¼ measure above any other competitor; but on being called upon to specify, named 2 measures above the Neruck rates for cholum and for all other articles at those rates, which was accepted. Subsequently three other tenders were sent in, one by Linguppa Chetty, another by Chelleveragounden, and the third by Munjappagounden and Soobroya Pillay; but they came too late to be taken into consideration.

In May 1860, Kristna Chetty alone came forward with a tender at the last year's rates, which was accepted.

2nd. As regards the prices paid, and the means taken to ensure their fairness—That the standard by which the former have been regulated has throughout been the "Neruck" or

general list published by the Revenue Authorities of the prices current for every ten days of each article of consumption sold in the Coimbatore (Cusbah) Bazar. In what office this list is made out I do not know; but a copy of it is sent to the Court monthly by the Tahsildar in order that by it, the prices of such articles as may be required for its use, and for that of the Jail, may be checked or regulated.

Of course if contracts to supply the Jail at fixed rates could have been obtained, there would have been no necessity for depending upon such a list; but that, as I have said above, was (at least in the case of the only article regarding the price of which any uncertainty need exist) impracticable, and therefore, since some criterion was absolutely required and since as Officer in charge of the Jail I had no other machinery at my disposal by which either to ascertain or determine authoritatively what the proper rate ought to be in such a way as to satisfy the contractors; and as moreover I should not, considering my position as Civil Judge, have liked to have put it in motion even if I had, I was glad to except (as I believe it is every where, under similar circumstances, unhesitatingly accepted) the "Sirkar Nerucks" as my standard. Nor except as regards "old cholum," (though at first I thought the rates high and wrote to the Collector to that effect) have I any reason to believe, nor does the Inspector General's report state, that during my time (or I may add during that immediately preceding it) the prices in those Nerucks, whether of grains or condiments, have been unfairly quoted; or that they have led to my paying, for any other article supplied, a price in excess of the real market rates prevailing at the time of supply.

In the case of old cholum, however, it is otherwise. What the real difference in value between the price of ordinary new cholum and the peculiar grain which we exact for the use of the Jail may be, I have not even to this hour been able with any degree of certainty to determine. No doubt where the supply is so precarious, the losses from storing so great, and the stock which has constantly to be kept on hand so large, it must be considerably more than the one measure in the Rupee mentioned in the report. Still it can hardly, I should think, amount to six, and yet in the Nerucks furnished during my time, with but a few exceptions where new cholum has not been entered at all, and where old has been at 5, 5½, 6½, and on two occasions at even 7 measures, the value of that difference is observable between the prices affixed to new and those to old cholum; while formerly it would appear to have frequently been 12, 13 and 14, and on one occasion each to have reached as high as 16, 17 and 18 measures.

How or why this has come about I do not know; but of this there can be no doubt that upon data and for causes with which I am unacquainted; but which doubtless the Collector both can, and will, satisfactorily explain in the report which I see has been called for from him, such a difference has been proposedly maintained by the Revenue Authorities in their official Nerucks; while owing to the Neruck merely giving the prices of old cholum (in the same way as it does that of new and of every other article entered in it, whether used for provisioning the Jail or not) instead of, as it ought, showing what that price was with, and what it was without, the deduction in question, it was almost impossible for me to suspect, and still less to detect, the existence of such a difference, as *a rule*, until the Takeed mentioned in the report was alluded to in Neruck for March last. At any rate I did neither suspect nor detect it, or I should certainly not have allowed Kristna Chetty to go from his contract in the latter part of 1857 and the beginning of 1858, even though those were almost famine times here; or have failed to make a searching enquiry as to its equity instead of merely writing to the Collector to complain vaguely of prices.

Bearing in mind therefore that there is a reduction made in each (or nearly each) quotation in the Nerucks of the value of six measures in the Rupee's worth, the prices paid for old cholum have been

In 1857-58...	Rupees...	8,546	6	2½
In 1858-59...	„	9,540	14	0
In 1859-60...	„	6,508	0	9
In 1860-61...	„	4,452	6	4

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21*st August* 1861.

I may mention in conclusion that notwithstanding all my endeavours this year, both here and on the Hills, to procure other terms, I have been compelled to follow the old course, although four Candidates appeared, no one would agree to fixed rates or to any other standard than the Sirkar Neruck. It is true that that document does not now show a difference in its prices, respectively, of new and old cholum of the value of six measures in the Rupee's worth; for now there is but one price set down for garden cholum generally. But this again (as may be gathered from what I have said above) I consider to be a mistake, for there certainly *is* a difference in the value of old and new cholum, and that too no inconsiderable one I am inclined to think.

No. 149. ORDER THEREON, 21st August 1861, No. 1,057.

The Government will await the explanation to be submitted by the Collector of Coimbatore.

(Signed) J. D. SIM,
Secretary to Government.

Exd. T. O'Connor.

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No: 1057 — 21st August 1861.

The Govt. will await the explanation to be submitted by the Collector of Coimbatore.

W/W

J D S

The Sessions Judge of Coimbatore. 3
" Inspector Genl. of Jails 22/8
" Rev. Dept. 21