M.R.O. 1—29,000—16-10-22.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 676 Press ~~Misc~~

243- 244

Dated 28.4.1862 ~~11~~ .

4/4

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 28th April 1862.

No. 243. Read the following letter from J. SILVER, Esq., Magistrate of Tinnevelly; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 5th April 1862. No. 123.

I have the honor to forward for the consideration of Government, a petition presented to me for the purpose of being laid before the Government, signed by the European Merchants at Tuticorin, with exception of Messrs. Cocq and Co., and I beg at the same time to submit my own opinion on the subject to which it refers.

2. The Gentlemen who have signed this petition are all of them Agents for different Mercantile houses at Madras and elsewhere, and the system under which the Cotton trade is carried on, is as follows:

3. None of these Agents deal directly with the cultivators of cotton. All transactions are made through certain Brokers at Tuticorin. The Brokers deal either directly with the growers of the cotton, or the Pora-keepers who are a class of men who buy cottou and clean it, or they make their arrangements through third parties in the cotton growing taluqs, but all deliveries to the Merchants at the port of shipment, are made through these Brokers.

4. The Brokers enter into a formal contract with the Merchants, to deliver a certain quantity of cotton within a stipulated time, at a fixed price, and they receive very large advances. When I was in Tuticorin last month, the price of cotton had advanced to 112 Rupees a candy, and I believe that 90 and even 100 Rupees was the advance made for the same. If cotton is found to be adulterated, or of a bad quality, the Merchant throws it back on the Broker's hands, and I believe the Broker invariably supplies good cotton in its stead.

5. Having thus briefly explained the system under which dealings are carried on at Tuticorin, I now proceed to remark on the prayer of the petition itself, as contained in the 3rd clause of the 4th paragraph.

6. I have discussed the subject personally with all the gentlemen who have signed this paper, as well as with Mr. Cocq who declined to sign it, thinking the application would be useless, and after having given the subject careful consideration, I am not prepared to recommend extraordinary legislation on this point, for the following reasons.

7. The ordinary course of Law provides a remedy for selling adulterated cotton for clean, though I admit it might often be difficult to obtain such evidence as would procure a conviction in a Criminal Court. The Merchant might if he thought fit prosecute the Broker who delivers to him adulterated cotton, when he had contracted for clean cotton, but then he would have to give up his present arrangement that the Broker should supply a good article in lieu of that rejected, besides that the system of enormous advances might stand in the way of such prosecution. The Broker also can, if he sees fit, prosecute the party who supplies cotton to him, if the latter gives an adulterated article.

8. I do not see how it would be possible to appoint a Government Inspector who should have the right of search for, and seizure of, adulterated cotton, wherever and in whomsoever's possession, found. Suppose such a man to enter any cotton godown in the interior, and find a certain quantity of cotton, in which there was either seed or other extraneous substance, he could not be empowered to seize and confiscate such cotton, unless it could be shewn it had been tendered for sale as clean cotton.

9. Again take the town of Tuitcorin itself. One of the gentlemen who signed this paper told me, he would approve of the Inspector entering his godowns, and seizing and confiscating any bale of cotton there, he found to be adulterated, while another genetleman whose name is also appended to this paper, stated he would not consent to an Inspector entering his godowns, as after the cotton was lodged there, he consider it a matter between buyer and seller, and that therefore any search should be made on the cotton carts before they entered the town; while a third gentloman said he would be satisfied, if prompt punishment by a Magistrate followed any proved case of fraud.

10. I believe it is not so much that adulteration of cotton brought into Tuticorin of late has largely increased, as apprehensions that the great rise in price, may tempt the cotton dealers in the interior, to adulterate their cotton to increase its bulk, that has induced these genetlemen to address me, and I have therefore sent proclamations into all the cotton growing taluqs warning

parties concerned, of the penalties they will incur under Section 417 of the Penal Code, if they attempt to sell adulterated cotton for clean, and with a resident Magistrate at Tuticorin, I would not advise interference with the ordinary course of Law. The appointment of an Inspector with powers such as are set forth in this petition, is in my judgment unadvisable. I do not see how he could act either in the interior, or at Tuticorin itself, beneficially; and I would rather leave matters to be regulated by the ordinary course of law, giving prompt attention and speedy redress in any case brought forward.

To JAMES SILVER, Esq.,

Magistrate of Tinnevelly.

The respectful Petition of the undersigned Agents of Tuticorin presented this 25th day of March 1862.

SHEWETH,

1stly. That the Cotton trade of this port with which your Petitioners are closely interested, continues to suffer considerable injury from the adulteration the churkaed cotton undergoes in the interior, through the fraudulent practices of some Ryots and Porra-keepers, who habitually intermix pardothee or seed cotton, seed, sand and rice water through the churkaed cotton, before delivery, in order to increase it's weight.

2ndly. That as your Petitioners stipulate for clean unadulterated cotton and pay accordingly, these malpractices bear heavily on their trade.

3rdly. That these adulterations increase with the price of the fibre, and it has been brought to the notice of your Petitioners, that owing to the high prices now ruling, the adulterations are at the present time going forward in the interior on an extended scale, to meet deliveries on engagements entered into.

4thly. That your Petitioners therefore draw your attention to the following points:

I. That the notices and warnings hitherto circulated through the district, by the Magistrates, have only had a temporary and partial effect in checking the evil.

II. That the expense, difficulty in the way of obtaining witnesses, and loss of valuable time in proceeding, either in the Criminal or Civil Courts, against offenders, render either line of action totally inadequate to suppress the evil, and in most cases unpracticable.

III. That it appears useless to hope for any effectual suppression of such frauds without the active interference of the legislature.

IV. That it would be very advisable that a Government sworn Inspector be appointed in this Zillah, who shall have the right of search for, and seizure of, adulterated cotton wherever, and in whomsoever's possession found.

5thly. That in your position as Chief Magistrate of this Zillah, we pray you will as early as convenient draw the attention of His Excellency in Council and the Legislative Council of Madras to this our petition, with such support as your experience and wisdom may direct.

6thly. That as some time must necessarily elapse before the prayer for relief can, under the most favorable circumstances, become law, we further pray that you will exercise your full powers with your usual energy and promptness in issuing such orders and notifications to your several Tassildars and their subordinates as shall deter as far as practicable, the increase in fraud with which we are now threatened.

And your Petitioners as in duty bound will ever pray.

(Signed) JOHN KINNEUD, and others.

No. 244. ORDER THEREON, 28th April 1862, No. 676.

The Magistrate will inform the gentlemen who are parties to the Memorial, which accompanied his letter of the 5th instant, that the Government cannot accede to their application for the appointment of a Government sworn Inspector to search for, and seize adulterated Cotton, nor do they consider that any extraordinary legislation is called for in respect to the adulteration of Cotton.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Judicial Department.

26

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter from
the Magistrate of Tinnevelly
(Here enter 5th April 1862 No. 173)

Order thereon 28th April 1862 No. 676

The Magistrate will inform
the gentlemen who are
parties to the Memorial,
which accompanied his
letter of the 5th instant that
the Government cannot ac-
cede to their application
for the appointment of a
Government sworn Inspector
to search for, and seize adul-
terated Cotton nor do they
consider that any extraor-
dinary legislation is called
for in respect to the adul-
teration of Cotton.

To The Magistrate of Tinnevelly Desp 29th

Proceedings
Jud 1862. Department

No. 676.

PROCEEDINGS of the MADRAS GOVERNMENT.

Dated 28 April 1862

Directing the Magistrate of Tinnevelly to inform the Agents at Tuticorin that Govt cannot accede to their application for a Govt Warn Inspector to search for and seize adulterated Cotton.

5329] Madras—Printed at the Government Press.

243 to 244

C/ April
1862