

5-3-17

Judicial (1895) Department.

ORDINARY PRINTED.

G.O., No. 564.

DATED 13 Mar. 1895.

[Despatch Abstract.]

MADRAS COFFEE STEALING PREVENTION ACT, 1878.

Communicating to certain gentlemen and the District Magistrate of Nilgiris letter from the Government of India declining to assent to the amendment of -- in the manner proposed by the Madras Government.

*This despatch sheet only could be found
in the bundle
1894*

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

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1881, 1882...
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ORDINARY, PRINTED.

Judicial DEPARTMENT.
 G.O. DATED 13/3/95.
 No. 564

INDEXED.

First copy sent to Press. 13/3/95.
 Returned for signature. 18/3/95
 Despatched in print. 19/3/95

[Despatch Abstract.]

Madras Buffer Stealing
Prevention Act, 1878.

Communicating to certain
 gentlemen and the D^y
 Magistrate of Nilgiris letter
 from the Govt of India,
 declining to assent to the
 amendment of — in the
 manner proposed by the Madras
 Government.

READ AGAIN ORDER OF GOVERNMENT, DATED
18 No.

BACK PAPER, No.

OF 18

FURTHER PAPER, No.

OF 18

ENCLOSURES.

CURRENT No.

STATEMENT WITH DIFCO.

ORDER, NO., OF GOVERNMENT—A.

PAPERS KEPT OUT OF FILE FOR DISPATCH IN ORIGINAL
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Order complete with Letter.

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R = Print, but not for monthly volume.



No. 271

From

J. P. Hewett, Esq., C.I.E.,
Offg. Secy. to the Govt. of India.

To

The Chief Secy. to the Govt. of Madras.

Home Department.

(Judicial)

Calcutta, the 21st February 1895.

Sir,

I am directed to acknowledge the receipt of your letter No. 3009 Judicial, dated the 8th December 1894, upon the subject of the draft Bill to amend the Madras Coffee Stealing Prevention Act, 1878, which has been abandoned under the orders of the Government of India contained in Home Department letter No. 587 Judicial, dated the 1st June 1894.

2. Your letter gives cover to a copy of an address presented to His Excellency the Governor by certain members of the United Planters' Association of Southern India in which it is urged that the orders of the Government of India in the matter should be reconsidered. The Planters ask for an enlargement of the special provisions of the Act against coffee stealing and its extension to tea stealing. The Governor in Council is prepared to defer for the present to the opinion of the Government of India, that Madras Act VIII of 1878 should not be extended to tea, but His Excellency in Council trusts that the Government of India will on reconsideration assent to its amendment as regards coffee.

3. It is represented that the Act as it stands is defective in two respects, in that it fails to reach the receiver of stolen coffee, and does not protect coffee while en route from the estate to the curing yards, which are generally at a considerable distance (often many days journey) apart. It is therefore proposed to amend section

IX of the Act by substituting the word "person" for the words "coolly maistry or other labourer employed in a coffee estate", who under that section is liable to be convicted if found with green gathered coffee in his possession for which he cannot satisfactorily account. It is also proposed to include "parchment coffee" within the scope of the section, but the Government of Madras point out that this is a detail. Coffee in this form is not an article commonly possessed, or, indeed, ever possessed, by anyone but the grower and his agent the curer on the coast; and for this reason the Governor in Council does not attach much weight to the theoretical objections against throwing the burden of proof on the part of the accused.

4. The Governor General in Council has carefully reconsidered the proposal to amend the law in view of the representation of the United Planters' Association of Southern India and the strongly expressed opinion of the Government of Madras, that it at once affords a much desired and evidently necessary protection to the planter, and check to the progress of the demoralization caused by the existing facilities for the commission of crime. But His Excellency in Council regrets that he is unable to modify his previous opinion that any further legislation to increase the very exceptional protection already given to the coffee industry in Madras is undesirable. Madras Act VIII of 1878 alters the ordinary law of the burden of proof in the interests of this industry as regards the coolies employed on coffee estates, in providing that if found in the possession of coffee such coolies shall be presumed to have stolen it from the estate unless they can prove the contrary. To extend this special provision so as to embrace the whole public would, in the opinion of the Governor General in Council, be unjustifiable; and especially so as the coffee in the form in question has often to be carted through long tracts of country before reaching the curing yards. The Governor General in Council therefore regrets that he is unable to assent to the amendment of Madras Act VIII of 1878 in the manner proposed

by

by the Madras Government.

I have the honour to be,

Sir,

Your most obedient Servant,

J. P. Hewitt

Offg. Secy. to the Government of India.

NO 927

Ind

From

The Govt of India

Home Dep.

18

No. 271

Date 21. 2. 95

Recd 26. 2. 95

Subject

Stating that the Governor General in Council is unable to assent to the amendment of Madras Act VIII of 1878 in the manner proposed by the Madras Govt.

11/3/95

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papers.

13th March 1895.
No. 564.

Order

P.S.

11 Mar

7/3/95

The foregoing letter from the Govt

of India will be communicated to the Hon: Mr. G. Romilly, the District Magistrate of Nilgiris, & Mr. G. L. Gopuraj, Secretary to the United Planters' Association of Southern India.

4 March 95
5/3/95

To
The Honble Mr. G. Romilly. 3
" D.M. of Nilgiris. 8
Mr. G. L. Gopuraj. 3
19/3/95

11/3/95
Attention is invited to C.D. note in blue chain on other side "mentioned in Council. Circulate to Home."

13TH MARCH 1895, No. 564, JUDICIAL.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—the following paper:—

From J. P. HEWETT, Esq., C.I.E., Officiating Secretary to the Government of India (Home Department—Judicial), to the Chief Secretary to the Government of Madras, dated Calcutta, the 21st February 1895, No. 271.

I am directed to acknowledge the receipt of your letter No. 3009, Judicial, dated the 8th December 1894, upon the subject of the draft Bill to amend the Madras Coffee Stealing Prevention Act, 1878, which has been abandoned under the orders of the Government of India contained in Home Department letter No. 587, Judicial, dated the 1st June 1894.

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3. It is represented that the Act, as it stands, is defective in two respects, in that it fails to reach the receiver of stolen coffee, and does not protect coffee while *en route* from the estate to the curing yards, which are generally at a considerable distance (often many days journey) apart. It is, therefore, proposed to amend section IX of the Act by substituting the word "person" for the words "coolie maistry or other labourer employed in a coffee estate," who, under that section, is liable to be convicted if found with green gathered coffee in his possession for which he cannot satisfactorily account. It is also proposed to include "parchment coffee" within the scope of the section, but the Government of Madras point out that this is a detail. Coffee in this form is not an article commonly possessed, or, indeed, ever possessed, by anyone but the grower, and his agent, the curer, on the coast; and, for this reason, the Governor in Council does not attach much weight to the theoretical objections against throwing the burden of proof on the part of the accused.

4. The Governor-General in Council has carefully reconsidered the proposal to amend the law in view of the representation of the United Planters' Association of Southern India and the strongly expressed opinion of the Government of Madras, that it at once affords a much desired and evidently necessary protection to the planter, and check to the progress of the demoralization caused by the existing facilities for the commission of crime. But His Excellency in Council regrets that he is unable to modify his previous opinion that any further legislation to increase the very exceptional protection already given to the coffee industry in Madras is undesirable. Madras Act VIII of 1878 alters the ordinary law of the burden of proof in the interests of this industry as regards the coolies employed on coffee estates, in providing that if found in the possession of coffee such coolies shall be presumed to have stolen it from the estate unless they can prove the contrary. To extend this special provision so as to embrace the whole public would, in the opinion of the Governor-General in Council, be unjustifiable; and specially so as the coffee in the form in question has often to be carted through long tracts of country before reaching the curing yards.

13TH MARCH 1895, No. 564, JUDICIAL.

The Governor-General in Council, therefore, regrets that he is unable to assent to the amendment of Madras Act VIII of 1878 in the manner proposed by the Madras Government.

ORDER—dated 13th March 1895, No. 564, Judicial.

The foregoing letter from the Government of India will be communicated to the Honourable Mr. G. Romilly, the District Magistrate of Nilgiris, and Mr. G. L. Yonge, Secretary to the United Planters' Association of Southern India.

(True Extract.)

Chief Secretary.

To the Honourable Mr. G. Romilly.
„ the District Magistrate of Nilgiris.
„ Mr. G. L. Yonge.

Govt. of {1895} Madras.
JUDICIAL.

Issued

Recd.

Encl.

G.O., 13th March 1895, No. 564.

MARCH.

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READ AGAIN G.O., No.
189

DATED

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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