

- (1) Number of pages 1-16
(2) Date of repair 1.2.56
(3) Initials of the Referencer R
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MADRAS RECORD OFFICE

Government of Madras

Judicial

DEPARTMENT

G.O. No.	2087	Press
B.P. No.		Mis:
Dated	11-10-	1881. 195

Not to be folded or roughly handled

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

11th October 1881, No. 2087.

The Madras Coffee Stealing Prevention Act.

Read again—

From W. LOGAN, Esq., District Magistrate of Malabar, to the Chief Secretary to Government, dated Calicut, 25th January 1881, No. 407 [Current No. 426].

With reference to G.O., Judicial Department, No. 2786, dated 30th November 1880, on the subject of thefts of coffee in transit between Wynaad, &c., and the coast towns, I have the honor to report that I have been in communication with the Superintendent of Police on the subject, and that we are unanimously of opinion the Police Force must be considerably increased if the duty of protecting coffee in transit between the ghats and the coast towns is to be thrown on the Magistracy and Police.

2. The Superintendent of Police has, at my suggestion, prepared an estimate of the extra force that will be required, and he is of opinion that four Head Constables and 137 Constables will have to be entertained at a total annual cost of Rs. 14,165-13-10.

3. It may appear an easy matter to put down habitual receivers such as those alluded to in paragraph 1 of the Government Order under reference, but the practical difficulties in the way are very numerous—

- (a) If the coffee planters themselves or *trustworthy* agents accompanied the carts and boats conveying the coffee, the thieving could not be carried on or if attempted could be detected at once and the guilty parties punished.
- (b) As matters stand, however, no *trustworthy* agent accompanies the coffee. Policemen cannot be everywhere by day and by night, and so the parties are free to carry on their operations at many of the stages in the long journey the coffee has to come.
- (c) What happens in most cases is that the theft is detected only when the coffee comes to be measured out in the curing-house yard, but then it is too late to detect the thieves, and all the remedy the planter has is to fine his cart contractor the value of the missing stuff.
- (d) This fining of the contractors is *always* done, but it is insufficient to stop the thieving, because the coffee, as Mr. Grant points out, is peculiarly liable to be "sweated" in various ways. The contractor cannot be held responsible for delivering more than he received; and by "sweating" the coffee, not only can deficiencies that have naturally occurred by wastage in various ways be made good, but a margin of profit can be left over. No wonder then that coffee transport contracts are at a premium.

4. If the planter was in a position to protect his own interests, the proper course would be to tell him to do so; but he is not in such a position, because:—

I.—As a capitalist the planter cannot be expected to travel down to the coast with each consignment of crop; his estate has to be looked after, &c.

3. The taluks to which I would respectfully recommend the extension of the Act are—Chirakal, Kóttayam, Kurumbranád, Calicut, and Ernád.

ENCLOSURE No. 1.

From G. L. YONGE, Esq., Honorary Secretary, Vayitri Planters' Association, to the Collector of Malabar, Calicut, dated Vayitri, South Wynaad, 19th September 1881.

I have the honor to own receipt of your Memorandum of the 10th instant, No. 3157, handing me, for the information of this Association, the Proceedings of the Madras Government, dated 6th September 1881, No. 1849.

2. The Government Order thereon sanctions the extension of Act VIII of 1878 to the low-land tracts traversed by the coffee in transit to the coast, and the Association notes that the Government are of opinion that it will be sufficient to apply the Act to the main roads from Wynaad to the coast, but that they call upon you for a report to say, if this is not enough, what roads should be specified in the notification.

3. I am desired to ask you to convey the respectful thanks of the Association to the Government of Madras for granting the extension of this important Act to the seaboard, and I am also to thank yourself and all the District Officers for the co-operation given to the Association throughout the correspondence of the past four years.

4. Responding to your request for the Association's remarks on the proposals of Government, I am directed to point out that it is absolutely necessary for the proper working of the Act that its provisions should be extended to the whole district. The Committee deprecate most earnestly the proposal to confine its operations to the main lines of roads.

5. The Committee, in confirmation of their views, would especially point to the large coffee transit obtaining on the road from the top of the Kuttiyádi Pass to the low country and to the numerous cross roads that cut the main lines. If these latter are excluded from the Act, great facilities will be afforded to the receivers of stolen coffee to continue their nefarious practices, and the provisions of the Act will, to a great extent, be rendered nugatory.

6. Instances can be quoted of parafs of coffee loaded on estates for transmission to Calicut having been diverted from the main road to some cross road never to be heard of again, and the Committee hope that their proposal, that the Act should be in force throughout the entire district, will have your support, together with the support of the other District Officers, and will also receive the favorable consideration of the Madras Government.

7. The Committee further desire me to suggest to you the advisability of having one recognized form of coffee pass issued by the Government. These passes should bear a one-anna revenue stamp, and their use made obligatory, and should be procurable at all Cutcherries and Post Offices.

8. In conclusion, I have the honor to append a copy of the resolution passed by the Committee on the 14th instant.

RESOLUTION.

Resolved that the Honorary Secretary address the Collector of Malabar praying that the Act may be extended throughout the whole of the district, and that a recognized form of pass be made obligatory, the said form to bear a revenue stamp of one anna and to be procurable at all Cutcherries and Post Offices.

(Signed) G. L. YONGE,
Honorary Secretary.

ENCLOSURE No. 2.

From Major F. HOLE, Superintendent of Police, Malabar, to the District Magistrate of Malabar, dated Vaniacolum, 16th September 1881, No. 223.

With reference to your endorsement, No. 3157, dated 10th September 1881, on true copy of G.O., No. 1849, dated 6th idem, I have the honor to state that I consider it highly desirable that the Coffee Stealing Act should be extended, not only to the main roads leading from Wynaad to the coast, but to all the roads and rivers and all the taluks through which these roads and rivers run from Wynaad to the coast.

2. In the towns on the coast the Act is greatly needed for keeping a check on the receivers, and in the interior the thieves could still go on, as usual, pilfering coffee without any fear of being called to account, unless the Act is extended to the taluks through which the roads and rivers run to the coast.

ENCLOSURE No. 3.

List showing the Main Roads and Rivers leading from Wynaad to the Plains.

Names of Roads.	Names of Rivers.	Taluks in which located.
1. Road No. 2.—Cannanore Fort, <i>via</i> Perambady Ghat to Coorg and Mysore, <i>via</i> Kudali, Mattanur, Allegil, and Gunnoth.	Irrity River ..	Kóttayam and Chirakal.
2. Road No. 3.—Tellicherry, <i>via</i> Periah Ghat to Mysore frontier (Bavally Bridge), <i>via</i> Kuthparamba, Canoth, Periah, and Manantoddy.	Erinholi River ..	Kóttayam and Wynaad.
3. Road No. 27.—Loopline from Tellicherry to Manantoddy on No. 3, <i>via</i> Peringalature, Nadapuram, Kutiyádi Ghat, and Coroth Angaddy.	Kutiyádi and Mahe Rivers.	Kóttayam, Kurumbranád, and Wynaad.
4. Road No. 5.—Calicut, <i>via</i> Carcoor Ghat to Nilgiris and Mysore, <i>via</i> Coondoty, Arreacode, Nilambúr, and Yedathara.	Arreacode River.	Ernád and Calicut.
5. Road No. 4.—Calicut, <i>via</i> Támrachéri Ghat to Mysore frontier near Pongalycottah, <i>via</i> Támrachéri, Pudukaddy, Vayitri, Culpetta, and Gunapuddyvetom.	Punur River ..	Calicut and Wynaad.

CALICUT,
3rd October 1881.

(Signed) G. McWATERS,
Acting Collector.

ORDER THEREON, 11th October 1881, No. 2087.

Ordered that the following Notification be published in the *Fort St. George Gazette* :—

NOTIFICATION.

Under the provisions of Section 2 of Act No. VIII of 1878 ("The Madras Coffee Stealing Prevention Act"), the Governor in Council is pleased to direct that the said Act shall take effect from and after this date in the undermentioned taluks of the District of Malabar, viz. :—

Chirakal,
Kóttayam,
Kurumbranád,
Calicut, and
Ernád.

(By Order of the Honorable the Governor in Council.)

Chief Secretary.

To the District Magistrate, Malabar.
" Board of Revenue.

Exd. T. O'Connor.

Govt. of (1881) Madras
JUDICIAL,

To
THE DISTRICT MAGISTRATE,
Malabar,
Do, Do, Do.

Dated October, 11th.

Issued

Per.

G O., 11th October 1881, No. 2637.

OCTOBER

The Madras Coffee Stealing Prevention Act.—
Notification published directing that this Act shall
take effect from and after 11th October 1881 in
certain taluks of the Malabar District.

X 7
Camp - Mellattur, 15th December 1880 —

No. 925—

To The District Magistrate of Malabar
Cabinet—

With reference to your endorsement No. 3346 dated 7th December 1880, on p. 5. No. 5786 dated 30th November 1880, I have the honor to enclose an estimate providing for an adequate establishment of constables to patrol the roads from the coffee works or the coast as far as the limits where the Coffee Stealing Prevention Act comes into operation.

2. You will perceive by the estimate enclosed that I have estimated for four new stations and for an extra force of 4 heads and 137 constables to patrol by night the roads along which the coffee is brought to the coast from the four ghats in Wynad and the ghat in Coorg.

3. I forward also a statement showing that the total cost of these extra men will be about Rs 1052 for mensem or Rs 12624 per annum. The clothing will cost about Rs 1541 per annum in addition.

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addition.

4. I shall require the four new stations, at Edacurra near the foot of the Bancon ghant, at Jante about 10 miles from the Boorg ghant, and at two places between Krenthode and Boyjore on the banks of the river.

5. It will not be possible for the Police to look after the coffee during transit in the season unless the roads are patrolled and the coffee watched from every station along the road both day and night. The day beats are performed now but the present strength of the Police is incapable of furnishing constables for night beats for each one of which two men are absolutely necessary.

6. Even with all these precautions it will be very difficult to prevent a deal of coffee being lost unless a guard is sent in charge of each consignment, for of course the thieves are the bandy contractors and they can always find opportunities for pilfering a lot of coffee in the way down. I notice that Mr. Frank in his Statement showing consignments of coffee in 1879 from the Ouchterlony Valley and actual delivery shows that out of the enormous quantity of 20,605 bushels, despatched on different occasions, 262 bushels, after deducting the excess bushels delivered, were left delivered.

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delivered. An allowance seems to have been made for any waste along the road, which must be something considerable considering that the coffee is brought down in bulk as a rule and merely tied up in mats and that the carts every now and then break down.

7. It is doubtless true that some huts have sprung up along the road the owners of which are supposed to steal the coffee, but the greatest thieves, as I have before stated, are the bandy contractors who are in league with the receivers at the coast towns. They, as soon as they arrive in the low country, meet men sent out by receivers from the coast towns for the purpose of running in the coffee by night. The coffee is delivered over to them and carried off, and when it has once got into the hands of the receivers it is almost impossible to obtain a conviction against them as the law at present stands for no person is able to swear to coffee.

8. There were seven bandy contractors and bandy men only during the season of 1879 convicted of pilfering coffee during transit on the prosecution of some of the local firms at Calicut and sentenced to long terms of imprisonment, but prosecutions are tedious matters and men on business cannot afford to lose their time in prosecuting.

presenting dishonest buying contractors and frequently content themselves with merely fining the contractors the value of the coffee left delivered. Whether Mr. Hunt acted in this way, or not I cannot say, but I would suggest that he should be asked the question as he never has any complaint to me at any time during the year of any of his coffee having been stolen.

9. In addition to the cases mentioned in para 8, there were five cases of theft of coffee reported at Ellicherry and Calicut, all of which were convicted.

10. In conclusion I have only to add that whenever thefts of coffee have been reported the Police have used their utmost endeavours to detect them; but if those who lose their coffee do not report their losses and merely content themselves by not fining buying contractors the value of the lost coffee, it is of course impossible for the Police to take any action. The only course left us to pursue is what I have herein recommended, viz. to increase the strength of the force and provide beats by day and night to watch the coffee during its transit from Wynaud and Coorg to the Coast.

I have &c.
S/ J. Cole, Major,
Superintendent of Police
(Enc. copy)

Princed
By St. Vincent
in date 4 28/81

Statement showing the cost of Malabar Police Force to provide greater security for coffee during transit from the Wynaud and Coorg to the Coast -

No.	Description	Cost per month	Cost per annum	Cost of coffee per annum	Cost of Police
1	Head Constables - 2 nd grade	40	480	23	503
2	do - 3 rd do	30	360	23	303
46	Constables - 1 st class	310	4416	501	497
45	do - 2 nd do	35	3780	190	4270
46	do - 3 rd do	299	3588	501	4009
	Total	1052	12624	1541	14165

S/ J. Cole, Major,
Superintendent of Police
Princed
By St. Vincent

Malabar 15. Nov 1880

(Enc. copy)

Statement showing proposed increase to the Malabar Police Force to provide greater security for Coffee during transit from the Wynnad and the Coorg to the Coast Towns.

Names of Stations	2nd grade H. Constable	3rd grade H. Constable	1st class Constable	2nd class Constable	3rd class Constable	
Edacarra.	1	.	4	3	3	a new station to be opened up.
Nellambore	-	-	2	1	1	
Edavanna	-	-	1	2	1	
Munjerrey	-	-	1	1	2	
Koidoth	-	-	2	2	2	
Arecode	-	-	2	2	2	
Isroke	-	-	2	2	2	
2 new stations between Arecode & Byfurre.	-	2	6	5	5	Each station to consist of one Head and 8 Constables - still to be fixed hereafter.
Calicut	-	-	2	2	2	
Cherayur	-	-	2	1	1	
Moornamangalam	-	-	1	2	1	
Janocherry	-	-	1	1	2	
Podupadi	-	-	2	1	1	
Vytherry	-	-	1	2	1	
Telli-cherry	-	-	1	1	2	
Koottaparamba	-	-	2	2	2	
Canote	-	-	2	1	1	
Periab	-	-	1	2	1	
Kooliadi	-	-	1	1	2	
Nadaputram	-	-	2	1	1	
Charasherry	-	-	2	2	2	
Trutty	-	-	1	2	1	
Ganote	1	-	3	4	4	a new station to be opened up.
Chalote	-	-	1	1	2	
Cherithab	-	-	1	1	2	
Total	2	2	46	45	46	

Signd J. Hob. Major.
Supt of Police
Malabar.

True copy

Mr. [unclear]
Ag. District Magistrate.

In Judicial 426/01

J. DEPARTMENT.

No.

From The Dist Mgrs Malabar 27 Nov 1881

no 407 advocating the extension of the Coffee
Stealing Prevention Act to the low country
Taluk of Malabar

No

These papers were to lie over
till the H.S. the last port.
shd have had an opportunity
at 005 being able to make
such inquiries as he might see
fit. Since then they appear
to have been overlooked.
It has been ascertained
that Office does not begin to
go down till Nov. the bulk
not till Dec. There is therefore
ample time before the
Act, shd. pt. so decide, to
meet the exigencies of the
season.

FOR ORDERS.

With reference to the expense
thefts of Coffee alleged to be
committed in transit bet-
ween the Wynad & the coast,
to which the attention of
the D. Mgrs & the I. G. Colie
was drawn in Cop. 30 Nov/80.

In the face of these
repeated representations
of the G. D. Lemarks
I will not further
oppose the desired

no 2786, Mr Macwaters forwarded
a letter written by Mr Dagen,
before handing over charge,
again advocating the extension
of the Act, as being the best

In order 426/81

economical means of
~~providing~~ affording security
 to the traffic. Mr MacLennan
 himself entirely agrees
 with his predecessor.

If the Act is not
 brought into operation, the
 Collector estimates that
 an addition to the Police
 Force, estimated to cost
 Rs. 14,165 per annum, will
 be imperatively required.

The Coffee Stealing Prevention
 Act, No. 9 of 1878 (M.) was brought
 into operation from the 1st
 1878 in the Nilgiri District &
 throughout the Wynad in
 Malabar. Since then repeated
 representations have been
 made to extend the law
 to the low country taluqs of
 Malabar, through which the
 coffee is carried to the coast.

Extension of the Act
 to the lowland taluqs
 traversed by the coffee
 in transit to the coast.

L.D.
 19/8/78

as yet, the port have not been
 satisfied that the special pro-
 tection provided is required,
 or that the ordinary law, if
 properly worked, will not
 suffice.

In a letter (recorded in
 Gov. 12. Nov/78, no. 2288,) the
 Wynad Planters Assocn. in
 arguing this extension stated that
 "the cartmen have every facility
 afforded them for disposing of
 the coffee entrusted to them
 between the foot of the ghats &
 Calicut: it is notorious that
 estate coffee is bought & sold
 at the various bazaris along
 the road - inferior coffee being
 collected before the quantity
 thus illicitly disposed of.
 "Clauses 5, 6, 7 & 8 are especially
 calculated to protect our industry
 from the Wholesale robbery -
 but until the provisions of the Act
 extend to Malabar as a district
 our produce is still in as much
 peril as previous to the passing of the

Govt. in passing Orders, declared their readiness to put the Act in force, wherever special facilities exist for tampering with the produce; & called on Collector to report.

Mr Logan, in replying, quite agreed with the Planter; his opinion being that wherever coffee is conveyed for any considerable distance by cart, or by boat &c there exists necessity for bringing the Act into force; the halting places swarms with men who drive a thriving trade by sweating the coffee - these men are ostensibly dealers in such, tobacco &c & their modes of operation are difficult to detect: in the coast ports there are a number of dealers ready to buy up from the sweaters: £5, 8 & 10 would afford a tolerably efficient protection: & the Act would be hailed by all legitimate trading merchants.

On this, the Govt. remarked that what the Govt. had pointed out was only ordinary theft to which the ordinary law,

FOR ORDERS.
G.O. 21 Dec
1878 no 2587 J.D.

G.O. 5 Feb. 1879
no. 200.

and the precautions of owners should suffice - that a special case had not been made out, & refused to interfere.

In January 1879 Mr Logan again addressed Govt. forwarding a representation from the Planter Assocⁿ; the Collector observed that the ordinary law did not suffice - the planter does everything he can by contracting with the carrier to deliver ^{at the coast} the quantity made over - but the sweaters live & flourish by making up the bulk by inferior trash - the ordinary law does not give the Dept of Police sufficient power. The Secy of the Association admitted that during the past the enactment had been in force, it had had the best results - but foresaw that, when once it was well known that the special protection ceased at the ridge of the plants, the nefarious practices would flourish more vigorously than ever.

Govt. however saw no reason
to alter their former opinion

The Planters then petitioned
Govt. of India, inter alia (paras.
(28-35) memorializing against
the refusal of this Govt. to extend
the Act.

The Govt. of India in
replying (vide, G.O. 16th Decr.
1879, no. 3195), in reference to
this part of the Memorial,
observed, "The Collector of Malabar
appears to have made out a
strong case for such extension"
& suggested "that if after a
further year's working of the
Act, the Collector's still reports
to the same effect, H. of the G. of I.
may perhaps see cause to
reconsider his decision."

The Govt. accordingly by the
G.O. quoted above, para 3,
directed the Colr. to report
at the end of the year.

Mr. MacWatters' report
is in G.O. 16 Aug. 1880 no. 1982.

in G.O. 5 July 1879
no. 1583 !

17 2
after exhibiting numerical results
under the Act, he states that the
consensus of opinion among the
district-officers is that "the Act in
its restricted application has,
been of little practical advantage."
- that there is abundant testimony
that an enormous quantity of
coffee was tampered with
before reaching its destination,
where much its quantity & value
diminished as its quality deteriorated
- that a host of receivers are
springing up on the main
road, ^{whom} ~~that~~ the ordinary law
is unable to reach, ~~then~~ as
the stolen coffee is hurried
away to the receivers mixed
with other coffee beyond iden-
tification. He agrees with
Major Hale & the Asst. Supt. of
Police in urging ^{the} extension
of the Act. Major Hale, in para
4 & 5 of his letter explains
the manner in which the
coffee grower is defrauded.

The Govt. referred the papers
to the Asst. Secy. of the Lg. of
Police for report.

The Lg. Police agreed with the

Collector & the Police Officers
of Malabar. The Adj. Genl.
was of the same opinion.
The Govt. in passing Orders
(Gov. 20 Sept 80 No 2282)
remarked that the Act was
intended for the coffee -
growing districts, that the
owners of valuable goods
were themselves bound to
take special precautions &
that the general powers of
the Police were sufficient.

At the request of the
Governor, the Manager of the
Ombudsman, Petates who had
had a conversation with
his place on this subject, ^{advised} ~~there~~
a communication to the Chief
Secy, giving it as his
opinion, that the operation
of this ~~special~~ law ceased
at the very place where it
was most urgently required;
he further indicated places
where depots for the reception
of stolen produce had sprung
up, and generally, explained
how owners were defrauded.

(Gov. 30 Nov 80 No 786)

23
Govt. in the Nov. 7 30
Nov. 80 considered it dis-
creditable to the local Auths
- Police & Magt - that such
wholesale systematic roba-
beries shd take place.

It is with reference to
this Order that Mr. Logan, in
the letter under consideration,
addresses Govt. He gives it
as the opinion of himself &
the Supt of Police that if the
duty of protecting coffee
in transit between the
ghats & the Coast is to be
thrown on the Magt &
Police the Police Force
must be considerably in-
creased - at a total annual
cost of Rs 14,166. He shows the
practical difficulties in the way
of putting down habitual
receivers (p. 3), and also how
the Planter is not in a
position to protect his own

^{my} interest. He also states that if Govt should, on reconsideration extend the Coffer Stealing Act, the extra Police force would not be required - He further argues that this would supply a remedy more effective than the additional Police Force he applied for.

The question now is whether a sufficient case has yet been made out for applying the Act, as directed; and (2) whether the Police force is to be increased.

[Faint handwritten notes and signatures follow, including what appears to be a signature at the bottom.]

Office Memorandum

The Hon. the Governor

& Council

20 (100) 2007/81

204/81
26/9/81

Judicial Department. 270
15

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter again

G.O. of 6 Sept. 1881. No. 1849.

Read also - letters from
Collector of Malabar. 8/19
Augt. & 28 Sep 81. No. 3348
3360.

Order. 11 Oct 1881. No. 2087.

Ordered that the fol-
lowing Notification
be published in the
Fort St. George Gazette.

Notification

Sanction this rule not
have the effect of annulling
the former rule? applying
to the rule of 1878.

Under the provisions
of Section 2 of Act No.
VIII of 1878 / "The Madras
Coffee Stealing Prevention
Act" / the Governor
in Council is pleased

to direct that the said
Act shall take effect
from and after this
date in the undermen-
tioned Taluks of the
District of Malabar,
viz,

Cherapal.
Kottayom
Kurumbranad.
Calicut, and
Ernad.

77 17/10/52.

St. Magt. Malabar } Dec 20/10
Copy to the Board of King }
Gazette 1/11 } 13

Govt. of {188 } Madras.

Dated

Recd.

}

188 , No.

Nos.

20

12/10/13
d. am.

C 7/15
2/10/13

IN A LETTER FROM THE *Collector*
OF MALABAR DATED 28th
Sept. 1881 *1881* TO THE
Chief Secretary to Govt.
Cottacassum

ENCLOSURE No.

Subject.

Copy of a letter from the
Superintendent of Police
regarding the intention
act May 1878

Ind 24/10/81

28-7-97

Gobt. of 1887 Madras.

Just
DISPOSED OF

11 OCT 81

BY G.O. NO. 2087

*The Madras Coffee Stealing Prevention
Act ^{Not} published ^{directly}
that this Act shall take effect from
and after 11th October 1881 in certain
Taluk's of the Malabar District.*