



S U P P L E M E N T
TO THE
B O M B A Y G O V E R N M E N T G A Z E T T E.

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PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

The following Report of the Select Committee of the Council of the Governor of Bombay for the purpose of making Laws and Regulations, together with the Bill as altered by them, is published for general information :—

The Select Committee appointed to consider and report upon a " Bill for the better suppression of Frauds in the Cotton Trade in the Presidency of Bombay," beg to submit to the Council the following Report.

The Committee have deemed it desirable to make very material changes in the Bill as laid before them—it re-enacted with some alterations all the existing enactments on the subject which have for so long been almost a dead letter; and it sought to give them vitality by providing for a system of strict Government inspection of Cotton at the various subsidiary ports and such other places in this Presidency as to the Governor in Council might seem expedient.

3. While approving of many of the provisions of the original Bill, the Committee thought some of them of doubtful application, and objected to others as calculated to permit undue interference on the part of Government with the freedom of the trade.

4. The Committee conceive that the object of any legislation such as that proposed, is the *prevention* of the practices which endanger the existence of the great Cotton Trade of this Presidency rather than the mere punishment of offenders, and keeping this in view, they now beg to submit for the approval of the Council the draft of such a measure as appears to them best calculated to meet the exigencies of the case.

5. They have adopted Section I. of the original Bill, and with some slight alterations have embodied Sections II. III. IV. and V. in Sections II. and III. of the Draft Bill, which they now lay before the Council.

6. In Sections IV. V. VI. and VII. of the Bill as now submitted, they have provided, as contemplated in the original Bill, for a system of licensing Cotton Presses, by which certain responsibilities will attach to the Licensee.

7. The adulteration of Cotton can most easily be detected and checked at the Presses, and it has been proved that with regard to certain descriptions of Cotton, the great adulteration lately practised has been rendered possible only by the connivance of the owners of up-country Presses. The Committee have therefore deemed it desirable that Government should possess a register of all Cotton Presses worked throughout the Presidency, and that power should be placed in the hands of the Government to refuse licenses to any but persons of respectability, and to withdraw licenses from such persons as may obstruct in the execution of their duties any Government Cotton Inspectors.

8. In Section VIII. the Committee provide for the punishment of persons offering adulterated Cotton for compression.

9. By Section IX. and X. it is proposed to render it incumbent on the owner of every Press to place upon bales compressed by him a certain ineffaceable distinguishing mark, which shall be held to be a trade-mark, and any unauthorised use of which by other persons shall therefore be punishable. The Committee anticipate much benefit to the trade from this provision. By appealing, even though indirectly to his self-interest, it will enlist every Press owner more or less in the cause of the prevention of the adulteration of Cotton; the respective purity or otherwise of Cotton turned out of the various pressing establishments will be closely watched in the market, and the respective trade-marks will in proportion come into favour or disrepute.

10. Sections XI. and XII. provide for the appointment of Government Inspectors of Cotton and define their duties, which are chiefly to examine Cotton offered for compression or exposed for sale, and to seize and detain all Cotton with respect to which any offence under this Act shall appear to have been committed.

11. Section XIII. enables Government on due cause being shown, to forbid the export from any subsidiary Port of Cotton which has not been examined by a Government Inspector.

12. This is a power which will doubtless be used with great caution, but it is one which from the experience of the past, and the evidence obtained by the recent Cotton Commission, it seems necessary to place in the hands of Government. It can only be used in the event of any Port becoming notorious for the export of adulterated Cotton, as in the case of Broach during the last season, and it has been considered desirable that it should never be put in force without the recommendation of the Chamber of Commerce as representing the Mercantile community of this Presidency.

13. Section XIV. provides for the levying of a small export fee in order to meet the expenses of Government Inspection, &c.

14. The Committee are naturally averse to anything having the appearance of putting a Tax in the free export of Cotton, but looking to the great national interests involved in the present case, which alone justify on the part of the Legislature, even the slight interference with the course of trade which is contemplated by this Act, and to the necessity which exists for providing the means of carrying out the system of Government inspection believed to be necessary, they beg to recommend the levying of the small fees mentioned in this Section—in doing so they are, they believe, expressing the opinion of the Mercantile community most directly interested in this matter; they are carrying out the suggestions of the Native Dealers of Broach and Compta; and it seems but fair that the trade which demands special and exceptional protection, should itself furnish to Government the means of affording this.

15. The three concluding Sections of the Bill are merely formal and do not appear to call for any remarks.

16. With these observations the Committee recommend that the Bill, as now submitted by them to the Council, be passed into law.

MICHAEL H. SCOTT,
W. E. FRERE,
H. L. ANDERSON,
W. B. TRISTRAM,
RUSTOMJEE JAMSETJEE JEJEEBOY.

Bombay, 17th March 1863.

A Bill for the prevention of adulteration of Cotton and the better suppression of Frauds in the Cotton Trade in the Presidency of Bombay.

WHEREAS it is expedient to consolidate and amend the Law for the suppression of fraudulent practices in the Cotton Trade within the Territories subject to the Government of the Presidency of Bombay; It is enacted as follows:—

I. Regulation III. of 1829 of the Bombay Code, and Act XV. of 1851 are hereby repealed.

II. Whoever adulterates or deteriorates cotton by mixing therewith any dirt, stones, or other foreign matter, or who fraudulently or dishonestly mixes cleaned and uncleaned cotton, or cotton of good and bad quality or of different varieties in one bale, or who fraudulently or dishonestly by exposing cotton to dew or by any other means deceptively increases or attempts to increase the weight of the same, shall be punishable on conviction with imprisonment of either description for a term not exceeding twelve months, and shall also be liable to fine.

III. Whoever fraudulently or dishonestly sells, or offers for sale, any cotton adulterated, deteriorated or deceptively increased in weight, as in the 2nd Section of this Act described, shall be punishable with imprisonment of either description for a term not exceeding twelve months, or with fine, or with both.

IV. From and after the day of No Cotton Press to be established or worked without a license. no press used or capable of use for the purpose of compressing cotton shall be so used without a license obtained in the manner and subject to the conditions hereinafter described, and any person who shall without such license so use, or attempt to use such press shall be punishable on conviction with fine not exceeding Rupees One Thousand, and such press shall be confiscated.

V. Licenses for the working of cotton presses, may be granted by the Collector of the District within which such presses are to be worked or such other Offi-

cer as the Governor in Council may empower in that behalf to any person who the Collector or such Officer may be satisfied is in possession of the press or other machine for the license of which he applies, and such licenses shall expire and shall be renewable in every case upon the 1st January of the year next ensuing; and subject to such rules as the Governor in Council may from time to time prescribe, the Collector or other Officer aforesaid may refuse to grant or to renew the license of any press, and whoever after such refusal shall work, or permit to be worked, any such press, shall be liable to the penalties in the last Section prescribed.

VI. For all purposes of this Act the licensee shall be held to be the owner of the press for which he has obtained a license. Licenses to whom to be regarded as owners.

VII. Every license issued under this Act shall specify the number of presses for which the same is granted, the locality in which they are situated, and the power employed for working them, according to a written statement which shall accompany the application for such license, and for every press so licensed, or the license of which shall be so renewed, a fee shall be levied at the rate set forth in the Schedule to this Act annexed, and upon the removal to another locality of a press included in any license, or change of the power employed for working the same, it shall be necessary for the licensee to obtain a new license subject to the conditions aforesaid, failing which he shall be liable to the penalties prescribed in Section IV.

VIII. Any person offering for compression Cotton adulterated or deteriorated or mixed as described in Section II. shall on conviction be liable to a fine of Rupees One Thousand, and all such Cotton shall be confiscated. Penalty for offering adulterated Cotton for compression.

IX. It shall be incumbent on every applicant for a license under this Act to lodge with the Collector or other Officer empowered to Every licensee of a Cotton press to use a distinguishing name or mark.

issue such license, a cloth, parchment, or paper, impressed or marked with his name, or that of his firm or company, in letters not less than one inch and a half long, which name for any press in the Town of Bombay shall be in the English language, or with some distinctive mark not less than one foot square; and upon the grant of such license the licensee shall be bound to mark or cause to be marked every bale compressed by any press in his possession, or included in such license with a name or mark corresponding with the one lodged as aforesaid, which name or mark shall be affixed to the wrapper or cloth underlying the fastenings or bands of such bale, and for every case of failure so to mark any such bale compressed as aforesaid, such licensee shall be liable, on conviction before a Magistrate, to a fine not exceeding Rupees One Hundred, and his license if it be so adjudged by such Magistrate, shall be suspended or shall become null and void as to all presses or machines for compressing cotton included therein.

X. The name or mark affixed to any bale under the provisions of the last preceding Section is and shall be held to be a trade-mark, and if any person shall pack any bale of cotton in any cloth or wrapper to which a name or mark other than the name or mark which he may have been licensed to employ has been already affixed, he shall be liable on conviction to imprisonment of either description for a term which may extend to two years, or to fine, or to both.

XI. The Governor in Council may appoint such and so many Officers to be styled Inspectors of Cotton, and shall assign to such Officers such salaries as shall appear expedient, and it shall be the duty of such Officers to suppress the use of unlicensed presses for compressing cotton, and to examine cotton offered for compression or exposed or intended for sale, and in the execution of such duty such Officers shall at all times have access to every building and enclosure within which any gin or press for cleaning or compressing cotton at work or prepared for work is situated, and if the licensee of any press for compressing cotton, or his servant or agent, shall be convicted of having offered any obstruction to such Inspector, his license may be adjudged to be suspended for a fixed time, or to have become null and void.

XII. It shall be lawful for such Cotton Inspectors to seize and detain all cotton with respect to which any offence under this Act shall appear to have been committed, and to give into the custody of any Police Officer any person who shall appear to have committed such offence; and such Police Officer shall be bound to assist such Inspector of Cotton in seizing and detaining such cotton, and in bringing the offender to justice.

XIII. It shall be lawful for the Governor in Council on a representation by the Chamber of Commerce of Bombay that adulteration of Cotton prevails at any port or place, to declare by notice published in the *Government Gazette*, that from and after any day therein named, no cotton shall be exported or forwarded from the port or place specified in such notice until such cotton shall have been examined by an Inspector appointed under Section X. of this Act, and until each bale of the same shall have been stamped or marked in token of such examination in such way as the Governor in Council may direct; and whoever after such notice shall export or forward from any port or place specified in the same any cotton not examined, or in any bale not stamped or marked as aforesaid, shall for each bale so exported or forwarded, be liable on conviction to a fine of Rupees Fifty.

XIV. There shall be levied upon every bale of cotton exported from any port or place in the Presidency of Bombay to any port or place except in British India, a fee not exceeding 4 annas, and all fees so levied shall be paid to the credit of a Fund to be termed the Cotton Improvement Fund, to be appropriated by the Governor in Council of Bombay solely towards carrying out the objects of this Act.

XV. All offences against this Act may be tried, and all confiscations and fines under the provisions thereof may within the town of Bombay be adjudicated by any Magistrate of Police and elsewhere by any Magistrate as defined in Section XV. of the Code of Criminal Procedure, and all fines may be levied by distraint and sale of the offender's goods by warrant under the hand of such Magistrate,

and shall otherwise be subject to the rules in relation to fines and the commutation and levy thereof prescribed by the Penal Code and the Code of Criminal Procedure: Provided that, in the infliction of the penalties provided by this Act, no Magistrate shall exceed the limits of his ordinary Criminal jurisdiction, and that all fines and fees recovered, and the proceeds of all cotton confiscated under this Act, shall be carried to the credit of the Cotton Improvement Fund.

XVI. Nothing in this Act shall affect the civil rights of any parties defrauded by any offender against this Act, but they may sue for the same as if this Act had not been passed.

XVII. The word "bale" when used in this Act shall be held to include "dokra" and all

other packages of cotton. The word "gin" shall be held to include "churkas" and all other machines used for the purpose of cleaning cotton. The word "press" shall be held to include every kind of machinery used for the purpose of compressing cotton.

SCHEDULE.

	Fees leviable.
For every press worked by steam or other power.....	Rs. 5 0 0
For every press worked by animal or manual labour, and not by steam.....	,, 2 0 0
For every press worked by manual labour alone.....	,, 1 0 0

By order of His Excellency the Governor in Council,

R. WEST,

Officiating Under-Secretary to Government.