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PART VI.

BILLS OF THE GOVERNMENT OF INDIA.

HOME DEPARTMENT (Legislative).

Simla, the 13th August 1867.

The following Bill, and Statement of Objects and Reasons accompanying it, are published for general information, by order of His Excellency the Governor General, under the 19th of the Rules for the Conduct of Business at Meetings of the Council of the Governor General of India for the purposes of making Laws and Regulations:—

A Bill for the Suppression of Frauds in the Cotton Trade.

WHEREAS it is expedient to provide for the suppression of fraudulent practices in the Cotton Trade; It is hereby enacted as follows:—

I.—Preliminary.

1. This Act may be called "The Cotton Frauds Short Title. Act, 1867."
2. The Governor General of India in Council may extend this Act to the whole or such part of the Territories under any Local Government as shall be specified in that behalf by notification in the *Gazette of India*.
3. In this Act—unless there be something repugnant in the subject or context—
Interpretation Clause.

"Bale." "Bale" means any package of cotton;

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"Gin."

"Gin" means any machine used for the purpose of cleaning cotton;

"Press" means any kind of machinery used for the purpose of compressing cotton;

"Press."

"Imprisonment" means imprisonment of either description as defined in the Indian Penal Code;

"Imprisonment."

"Section."

"Section" means a section of this Act;

"British India" means the Territories which are or shall be vested in Her Majesty by the Statute 21 & 22 Vic. Cap. 106 (*An Act for the better government of India*), other than the Settlement of Prince of Wales' Island, Singapore, and Malacca;

"Foreign export."

"Foreign export" means export out of British India;

"Gender."

Words denoting males include females: words in the singular number include the plural, and vice versa;

"Number."

And wherever this Act shall operate, "Local Government" means the person authorized by law to administer Executive Government therein, and includes a Chief Commissioner.

II.—Licenses for Cotton Presses.

4. From the day on which this Act shall be declared by notice in the *Gazette of India* to be in operation in any territory No cotton-press to be worked without license.

ries or districts, no press shall be used in such territories or districts for the purpose of compressing cotton, without a license obtained in the manner and subject to the conditions hereinafter mentioned.

5. Licenses for the working of cotton presses may be granted by the Collector of the District within which such presses are to be worked, to any persons who the Collector may be satisfied are in possession of the presses for the licenses of which they apply.

Every such license shall expire and shall be renewable upon the first day of January in the year next ensuing the year in which it was granted.

The Collector may, for reasons which he shall state in writing under his signature to the person applying for any such license or renewal, refuse to grant or to renew the license of any press.

6. For all purposes of this Act, a licensee shall be held to be the owner of the press for which he has obtained a license.

7. Every license issued under this Act shall specify the number of presses for which the same is granted, the place in which they are situate, 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.

Upon the removal to another place of a press comprised in any license, or upon change of the power employed for working such press, it shall be necessary for the licensee to obtain a new license in respect of the press, subject to the conditions aforesaid.

8. Every applicant for a license under this Act shall lodge with the Collector, a cloth, parchment, or paper, impressed or marked either with some distinctive mark not less than one foot square, or with his name, or that of his firm or company, in letters, not less than one inch and a half long. Such name shall be in the English language, and also in such other vernacular language (if any) as the Local Government shall direct in this behalf, and the name or mark shall be called a press-mark.

Upon the grant of such license the licensee shall mark with the press-mark every bale compressed by any press in his possession or comprised in the license, and the press-mark shall be affixed to the wrapper or cloth underlying the fastenings or bands of the bale.

III.—Inspectors of Cotton.

9. The Local Government may appoint such and so many Officers, to be styled Inspectors of Cotton, as shall appear expedient.

It shall be the duty of such Officers to suppress the use of unlicensed presses and to examine cotton

brought for compression or kept or offered for sale. In the execution of this duty the Inspectors shall at all times have access to every building or enclosure within which any cotton is stored, or any gin or press at work, or prepared for work, is situate; and if the licensee of any press or his servant or agent, shall be convicted of having offered any obstruction to such Inspector in the execution of his duty, his license may be adjudged by a Magistrate to be suspended for such fixed time as the Magistrate shall think fit or to have become void.

10. The Inspectors may seize cotton with respect to which any offence under this Act shall appear to have been committed, and may give such cotton into the custody of any Police Officer.

Every Police Officer shall be bound at the request of any Inspector to assist him in seizing and detaining such cotton, and in bringing the offender to justice.

11. Any magistrate may grant a warrant authorizing an Inspector to open any bale finally pressed for foreign export, and thereupon the Inspector may open the same accordingly; but no Inspector shall, without such warrant, open a bale so pressed as last aforesaid.

12. The Inspectors shall, in their official capacities, be subject, in any seaport to which this Act may apply, to the orders of the Commissioner of Customs, and in all other places to which this Act shall apply, to the orders of the Collector of the District in which they hold their appointments, or in which they are for the time being employed.

The Local Government may suspend or dismiss any Inspector for neglect or misconduct in the discharge of his duty.

IV.—Fees.

13. Upon every bale of cotton exported from any territories to which this Act shall have been extended under Section 2, there shall be levied such fee as the Governor General of India in Council shall from time to time notify in the *Gazette of India*.

Such fees may be levied at such place or places within British India (whether or not this Act shall have been expressly extended to the territories in which such place or places is or are situate) as the Governor General of India in Council shall from time to time notify as aforesaid.

14. Whenever any such fee shall be levied at a seaport within the territories of any Local Government other than the Local Government from whose territories the cotton was originally exported, the former shall transmit to the latter Government the whole or such portion of the fee as the Governor General of India in Council shall from time to time notify as aforesaid.

15. All such fees levied by the Local Government from whose territories the cotton shall have been originally exported, and (in case they are levied by another Local Government under the directions of the Governor General of India in Council as aforesaid) all or such portion of the fees as aforesaid, shall be paid to the credit of a fund to be termed the "Cotton Improvement Fund," which shall be established by each Local Government to whose territories this Act shall have been extended, and shall be devoted solely to carrying out the objects of this Act.

V.—Penalties.

16. Whoever adulterates or deteriorates cotton by mixing therewith any seed, dirt, stones, or other foreign matter, or who fraudulently or dishonestly mixes cleaned and uncleaned cotton, or cotton 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 punished with imprisonment for a term not exceeding twelve months, and shall also be liable to fine.

17. Whoever fraudulently or dishonestly sells, or keeps or offers for sale, any cotton adulterated, deteriorated, or deceptively increased in weight, as aforesaid, shall be punished with imprisonment for a term not exceeding twelve months, or with fine, or with both.

18. All cotton which shall have formed the subject of a conviction under Section 16 or Section 17 shall be confiscated.

19. Whoever without such license as is mentioned in Section 4 works or attempts to work any such press as is referred to in the same Section, shall be liable to a fine not exceeding one thousand Rupees.

20. Whoever after such refusal as is mentioned in Section 5 works or attempts to work the press in respect of which the refusal has been made, shall be liable to a fine not exceeding one thousand Rupees.

21. Whoever neglects to obtain a new license under the circumstances mentioned in Section 7, shall be liable to a fine not exceeding one thousand Rupees.

22. Any licensee failing to mark any such bale compressed as aforesaid, shall be liable to a fine not exceeding one hundred Rupees, and his license, if it be so adjudged by the Magistrate, shall be suspended for such fixed time as the Magistrate shall think fit, or shall become void as to all presses comprised therein.

23. Whoever counterfeits or imitates any press-mark, for the use of which a license under this Act shall have been granted, or packs any bale in

any cloth or wrapper bearing a press-mark, which he shall not have been licensed to employ, shall be punished with imprisonment for a term which may extend to two years, or with fine, or with both.

24. Whoever offers for compression cotton adulterated, or deteriorated, or mixed as described in Section 16, shall be liable to a fine not exceeding one thousand Rupees, and all such cotton shall be confiscated.

25. Whoever abets, within the meaning of the Indian Penal Code, any offence made punishable by this Act, shall be punished with the punishment herein provided for such offence.

26. No person shall be proceeded against for any offence under this Act except by summons on information laid by an Inspector of Cotton or some other person.

27. All offences against this Act may be tried, and all confiscations and fines under its provisions may be adjudicated by any Magistrate with powers not inferior to those of a subordinate Magistrate of the first Class.

All such fines may be levied by distraint and sale of the offender's goods by warrant under the hand of the convicting 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 levied, and the proceeds of all cotton confiscated under this Act, shall be carried to the credit of the Cotton Improvement Fund, established by the Local Government within whose Territories such levy or confiscation shall have been made.

VI.—Miscellaneous.

28. Nothing herein contained shall affect the right of any person defrauded by an offender against this Act to sue him in the Civil Courts.

29. All or any of the powers and duties conferred and imposed by this Act on a Collector may be exercised and performed by such other Officer as the Local Government shall from time to time appoint in this behalf. Every person shall be legally bound to furnish information to any officer so appointed when required by him to do so.

30. The Local Government may from time to time, with the previous sanction of the Governor General of India in Council, make rules for the guidance of officers in matters connected with the enforcement of this Act, and alter and add to the rules so made: Provided that such rules, alterations, and additions are not inconsistent with any of the provisions herein contained.

SCHEDULE.

	<i>Fees leviable.</i>
	Rs.
For every press worked by steam, or any power other than animal or manual labour	5
For every press worked by animal, or animal and manual labour	2
For every press worked by manual labour alone	1

STATEMENT OF OBJECTS AND REASONS.

THE object of this Bill is to apply to the whole of British India, other than the Lower Provinces of Bengal, and the Presidencies of Madras and Bombay, provisions similar to those contained in the Bombay Cotton Frauds' Act (No. IX. of 1863), an enactment which, in the opinion not only of the local authorities, but also of the Liverpool and Manchester Chambers of Commerce, has been decidedly successful.

The Cotton Frauds' Act now extends only to Bombay and Berar; and from these territories the Central Provinces, in which no such Act is in force, are divided only by an imaginary line. Under these circumstances, the non-application of any such law encourages adulteration at the borders, and the same practice, with all its injurious effects on the commerce of the country, is likely, unless checked by some such measure as the proposed Bill, to increase with the extension of the Railway system. As regards the North-Western Provinces, the Calcutta Chamber of Commerce has already pressed the application of the law to those ter-

ritories; and there can be little doubt that its immediate extension thereto would be desirable, although the urgent need for the law will not arise until the Railway shall have connected the North-West with the great cotton-port of Bombay.

As the proposed measure will directly benefit both the grower and the exporter, it is right that it should pay its own expenses, and these the Bill proposes to raise by an inspection-fee prescribed by the Governor General in Council, which however, there is no intention of regarding as a source of revenue. The Local Government of any Province, having a port of export, will most conveniently levy the fee in the form of an export duty. In the case of the inland Provinces the fee will also, as a rule, be levied as an export-duty, but by the Local Government of the port (including, for this purpose, Calcutta, Madras, and Bombay) to which the cotton is brought for exportation. In all such cases the latter Government will refund to the Government of the inland Province so much of the export-duty as may represent the fee chargeable by such Government. Provision is, however, made for the inland Government, (if this should seem more convenient) itself levying the fee at such place or places within its own territories, as may be appointed by the Governor General in Council.

(Signed) H. S. MAINE.

SIMLA, *The 2nd August 1867.*

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