M.R.O. 1—38,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 15	Press ~~His.~~
48 - 49	
Dated 6 - 1	~~19~~ 48.8

Not to be folded or roughly handled

No. 48. Read the following letter from the Adjutant General of the Army; to the Secretary to Government, Military Department, dated 2nd December 1857, No. 1497.

SIR,

I have the honor, by order of the Commander-in-Chief, to forward for submission to the Right Honorable the Governor in Council, copy of a correspondence from the Officer Commanding Cuddapah, relative to the interpretation of Act III of 1857, in reference to the station under his command.

Lieutenant General Sir Patrick Grant is of opinion, that the Act above referred to, was never intended to apply to Military Cantonments, and His Excellency hopes that the Pound a Commanding Officer has authority to establish under the Regulations may not be interfered with.

(Signed) W. G. WOODS, Lieut.-Col.,
Adjutant General of the Army.

To the Adjutant General of the Army, Fort Saint George, dated Cuddapah, 19th November 1857, No. 282.

SIR,

I have the honor to forward copy of a correspondence to be laid before His Excellency the Commander in Chief, and beg to offer the following remarks:—

1st. That the town of Cuddapah is from 2 to 2½ miles from the Military Cantonment, consequently that it is quite impossible for Officers living in this Cantonment to employ their servants in taking cattle down such a distance to be impounded.

2nd. That there is but little grass, and few trees within the Cantonment, that the hedges are composed of the milk hedge through which Buffaloes, and cattle easily penetrate, and that these are very easily destroyed, consequently that the station would be quite ruined without a Pound, the utmost watchfulness is required to prevent cattle kept within and without Military limits ruining the place.

3rd. That corpses are occasionally found within the Cantonment, 2 have lately been found which required immediately to be disposed of without a reference to Cuddapah 2½ miles distant, the Pound funds have been employed for such a purpose.

4th. That if the Pound in the Cantonment is done away with, we should be immediately over-run with the cattle unless another is established with Peons to work it by the Civil Authority contiguous to the Cantonment.

5th. Such being the circumstances of the case, I have the honor to solicit the favorable consideration of His Excellency that we may be duly protected in case Act No. III of 1857 be interpreted to refer to all land of whatever description, though such is certainly not mentioned in the Act, Section XX even in the latter case provides that the provisions of the Act may be set aside with respect to any district, &c., &c., &c.

I have &c.,

(Signed) G. F. SALMON, Major,
Commanding Cuddapah.

No. 267.
Head Quarters, Ceded Districts, Bellary,
24th November 1857.

(Signed) D. MACLEOD, Major General,
Commanding Ceded Districts.

Extract from Cantonment Orders by Brevet-Colonel H. PRIOR, Commanding, dated Cuddapah, 1st July 1855.

The following copy of Cantonment Standing Orders is re-published for general information.

Standing Orders for the Cantonment of Cuddapah.

I. Cattle of all descriptions are prohibited from grazing on the public roads, or parade or

Cattle may conveniently
be sent — and [illegible]

drill grounds of the Cantonment. Any cattle found grazing as above set forth or Tattoos found loose in any part of the Cantonment will be pounded, and a fine be levied on each as follows:

On Buffaloes, Cows. Horses, Donkeys, &c.,..... ..... 4 Annas.
On Sheep or Goats. ... . 2 „

One half of the fine to be given to the informer, and the other half to be retained by the Cantonment Adjutant, to form a fund for the relief and burial of poor persons, who die within the limits of the Cantonment, or who may be found dead on the banks of the river. The Cantonment Adjutant will see that the above order is attended to, and will give directions accordingly.

2 * * *
3 * * *
4 * * *

(A true Copy.)

(Signed) J. LEGGETT, Lieut.-Col.,
Commanding Cuddapah.

Cuddapah, 6th April 1840.

Approved.

(By Order)

(Signed) R. ALEXANDER, Lieut.-Col.,
Adjutant General of the Army.

Head Quarters, Bangalore, 22nd June 1840.

"COPY."

From M. MURRAY, Esq., Magistrate of Cuddapah; to Major G. F. SALMON, Commanding Cuddapah, dated 11th November 1857, No. 929.

SIR,

I have the honor to forward herewith for your consideration, copy of an Arzee received from the Bustee Ameen of this town, from which it appears that the Cutwall of the Cantonment is in the habit of pounding stray cattle and collecting sums for their release; I request you will be so good as to inform me by what authority the Cutwall is empowered thus to pound cattle as, in my opinion, only the Magistiacy can do so, or those authorized by them, and the Cutwall of the Cantonment has no magisterial power, I have to request you will favor me with a list of the cattle, sheep, horses or other animals pounded, shewing the sums collected upon each, and all the expenses incurred, commencing from the 1st of January of the current year.

I have &c.,

(Signed) M. MURRAY,
Magistrate.

"COPY."

To the Magistrate of Cuddapah, dated 12th November 1857, No. 276.

SIR,

Requesting information under what authority the Cantonment Cutwall is empowered to pound stray cattle.

Para 41 "Officers Commanding will establish such additional standing orders in their respective Cantonments as local circumstances may render necessary. Copies of which are to be forwarded to the Adjutant General of the Army for the confirmation of the Commander in Chief."

In reply to your letter No. 929, subject as per margin, I have the honor to annex copy of Station Orders, para. 1, issued by Colonel Leggett when in command of Cuddapah and approved and confirmed by the Commander in Chief.

2. I beg also to quote for your information page 155, para. 41, General Regulations, which provides that Officers Commanding stations will establish such additional standing Orders in their respective Cantonments as local circumstances may render necessary. Copies of which are to be forwarded to the Adjutant General of the Army for the confirmation of the Commander in Chief.

I have &c.,

(Signed) G. F. SALMON, Major,
Commanding Cuddapah.

"COPY."

From M. MURRAY, Esq., Magistrate of Cuddapah: to Major J. F. SALMON, Commanding Cuddapah, dated 12th November 1857, No. 942.

SIR,

With reference to your letter of this date No. 276, with which you forward to me Lieutenant Colonel Leggett's Cantonment Order under date the 6th April 1840, and also para. 41 of the General Regulations, I beg to refer you to Act III of 1857, passed by the Legislative Council of India, explicitly for the pounding of stray cattle, this Act cancels any former order of Officers Commanding Cantonments, or even of the Commander in Chief, and no money can be collected for the release of stray cattle by any authority, not specified in the above Act, and all money collected must be brought to the credit of Government. Any collections therefore made in your Cantonment since the passing of the Act is the property of Government, and cannot be appropriated by the Commanding Officers or by their order, at variance with the Act.

The Military Authorities have no Police jurisdiction in the Cantonment, and offences (not military) committed within it, are forwarded for trial before the Magistracy, and in former times, stray cattle found in the Cantonment were forwarded to the Police Ameen of Cuddapah, and placed under his supervision. Should you still be of opinion that the orders of an Officer Commanding a Cantonment can supersede the Acts of the Legislative Council of India, I shall, with your permission, refer the point to Government, and, in the meantime, I request you will favor me with a list of the animals pounded and the sums collected upon them from the date the Act came in force, 1st of May 1857, to enable me to forward it to Government with my reference.

I have &c.,

(Signed) M. MURRAY,
Magistrate.

"COPY."

To the Magistrate of Cuddapah, dated 18th November 1857, No. 281.

SIR,

I have the honor to acknowledge the receipt of your letter No. 942, subject as per margin, and in reply beg to state that I have carefully read over Act No. III of 1857, as also the paras. repeated by the said Act, of Regulation XI of 1816, and I do not find that the Act cancels any former order of Officers Commanding Cantonments or even of the Commander in Chief, as stated in your letter. No allusion whatever is made in this Act or in the paras. of Regulations XI of 1816 which is repeated, to land made over by Government to the Commander in Chief for military purposes, on the contrary, the Preamble of Act No. III of 1857, expressly states the object of the Act, and in my opinion limits it to the occupier of land held under the Civil Department, but not a word is mentioned of Military Cantonments. The terms used are "whereas loss and injury are suffered by "*cultivators*" and *occupiers of land from damage done to "crops"* and "*other produce of land by the trespass of cattle to the sides of slopes of public roads* and *embankments by cattle trespassing thereon.*"

I have however submitted a copy of our correspondence to His Excellency the Commander in Chief to be guided by his orders in the matter.

One thing is clear however that cattle cannot be sent down from 2 to 2½ miles to the Pound in Cuddapah. I might, and other Officers might at once entertain extra servants for such a purpose, which we cannot do, it is equally clear that the young trees planted by the District Engineer at the expense of Government, and the roads and hedges, and trees of the Cantonment, already much wanting in trees and grass, and which already require much care in their preservation cannot be allowed to be ruined, the present system will require to be continued, or a Pound established by the Civil Department with Peons to work it contiguous to the Cantonment, if this be judged to refer to all land of whatever description.

I have &c.,

(Signed) G. F. SALMON, Major, *Commanding Cuddapah.*

(True Extract and Copies)

(Signed) G. F. SALMON, Major,
Commanding Cuddapah.

(True Copies.)

(Signed) W. G. WOODS, Lieut.-Col.,
Adjutant General of the Army.

Cattle may conveniently be sent — and they diminish

No. 49. ORDER THEREON, No. 15; dated 6th January 1858.

The Government are of opinion that any Cattle Pound which may be established at Cuddapah whether within or without the Cantonment must be established under the provisions of Act III of 1857.

2. There is, however, no reason why the Magistrate should not under the Act form a Pound within the Cantonment to which straying or tresspassing cattle may conveniently be sent, and they direct that Mr. Murray will arrange for constructing and keeping up such a Pound immediately.

3. The proceeds from cattle thus impounded must be appropriated in the manner prescribed by Section XII of the Act and cannot be applied to the burial of dead bodies found within the Cantonment. Such bodies must be buried by the Police and the expenses included by the Magistrate among his contingent charges.

(Signed) T. PYCROFT,
Chief Secretary.

Bd. xd. F. Cartledge.

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Rem.

The Local Regulations - Reg VII. 1822 Sec VI. C 2
establishing by the Commanding Officer of
a Military Bazar Station for Station when
the Police is under the immediate charge of
the Officer Commanding) — under this order
of Govt, might perhaps include Rules for
the pounding of cattle straying or
tresspassing within a Cantonment -
Act III of 1857 notwithstanding -
but
Cuddapah is not a Military Bazar
Station -
was Lt Col Commg? Officer any Police
Authority within the Cantonment -

neither if he had done it appear that the Station orders posted by Raja Salmon were sanctioned by Govt —

I conclude therefore that if a pound is to be established then it must be under the Act —

But the Magistrate may keep one in a close to the Cantonment and thus obviate the existing complaint —

The Guicowar Canal as mentioned in appeal to the

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burial of bodies found within the Cantonment — which must be done by the Police at the public cost — but must be expended in the manner prescribed in Sect XI - XII of the Act —

10-12-57

JP

Lastly. The Magistrate should be directed to establish a pound with adequate establishment for the purposes of the Cantonment

Second

This with ordinary cases please JP

If in addition the charges of disinfecting & removal of dead bodies & removal of such nuisances should be the Police at the public cost — Petition does not state that he can withhold his quarterly allowance

Mahjithan Quarters 11.9 Well

C10 Dec

Printed F. Cartledge.

Judicial Depart.
5

No 15

Extract from the Minutes of Consultation
Dated 6th January 1858

From the Asst General of the Army
~~Ecclesiastical Dept~~ 2 Dec 1857 No 1497.

The Govt are of opinion that any cattle found within or without the Cantonment must be established under the provisions of Act III. 1857.

2 - Time is known no reason why the Magistrate under the Act - that should not, from a pound within the Cantonment to which straying or best pasturing cattle may conveniently be sent - and they direct

that the Railway will
arrange for construction
and keeping up such
a pound in each station.

3- The proceeds from
cattle thus impounded
must be appropriated
in the manner prescribed
by Sect XII of the Act
cannot be applied to
the burial of dead bodies
found within the Canton-
-ments- Such bodies
must be buried by the
Police and the expenses
incurred by the Magis-
-trate among his contin-
-gent charges.

Military Dept.
Govt of Cuddapah. } Despd. 13th

Dy to Govt 8th January 1858.

Judicial 1858 January

No 13

Cotton Thefts & Receipt of Stolen Cotton

8th January 1858.

Opinion of Counsel with reference to the Correspondence submitted by the Advocate General relative to the interpretation of Act III of 1857 which empowers Cattle pound which may be established at Buddaphalli whether within or without the Cantonment must be established under the provisions of the said Act

48-49

C18 Dec 57
14 Jany 58