

MADRAS RECORD OFFICE.

Government of Madras.

Indivul DEPARTMENT.

G.O. No.	483	Press
		~~Mis.~~
7-8		
Dated	14-4	1918

Not to be folded or roughly handled

Fort St. George, Judicial Consultation, 20th April 1858.

No. 7. Read the following letter from T. J. KNOX, Esq., Acting Magistrate of Masulipatam; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated Ellore, 15th February 1858, No. 46.

SIR,

* Herewith returned.

No. 43, 44, 45, 48, 49, 50, 51,
52, 35, 54, 123, 124, and
125 of 1858.

Para. 1. I have the honor to acknowledge the receipt of orders of Government on the petitions* noted in the margin, requiring me to submit an early report on the working of Act III of 1857.

2. I have also received from Government through the Revenue Board certain petitions from certain Zemindars complaining of this Act because it cuts off a source of revenue which, they assert, was guaranteed them at the permanent settlement. These Zemindars have not yet furnished me with any proofs of their assertions, and I will not on their account, delay my report on the Act in general, for it is more correct that in my capacity as Collector, I should report on the cases of the Zemindars through the Revenue Board as directed, and as I hope to do at an early date, for I have noticed the Zemindars that I must be furnished with their accounts by the 1st Proximo, after which date I will report on such information as I may then possess.

3. I have been moving about the District for some weeks, and my attention was speedily drawn to the operations of Act III of 1857 by the loud, and universal complaints against it.

4. The first grievance is the high amount of the fines, especially on buffaloes. It is true these animals are special vagrants, and very destructive, but 8 Annas is undoubtedly a heavy fine on an animal whose worth does not average 8 Rupees.

The richer ryots seldom are fined twice, for certainly the Act has compelled them to keep herdsmen, but it is on the poorer classes, the fines fall so heavily, neither private grazing lands, nor enclosed fields are common here, and a man who owns 2 or 3 buffaloes is unable to keep a cowherd, and he may not have children able to do this business, and as too often the case, when he does send his children, they commence playing, or sleeping, and the buffaloes have strayed into some forbidden place, and what would support the family for a month is gone in a single hour.

5. Another grievance is a charge made for feeding the cattle when in the Pound, where they are probably are never fed, the poverty of some of the Pound-keepers, the readiness of all to make money unjustly, and the general cruelty towards dumb animals practiced in India, lead me to believe these animals are seldom fed, though fodder is always charged for.

6. Another grievance is that the animals are so speedily sold, and I admit it is very often very difficult to trace a stray cow or buffalo in this country.

7. The fact is that the Act enforces an individual watchfulness over cattle very foreign to the habits of the people, and it provides against evils which were never felt in a country where there are neither fences, nor hedges, and as there are generally grazing lands in common to the village during the cultivation season, so at other seasons, cattle were allowed to wander where they pleased.

8. It is true the Foujdary Court have ruled that the seisor of cattle must prove that the cattle were doing damage to bring the case within the provisions of this Act, but a man must pay his fine to release his cattle from the Pound in the first instance, and is seldom willing to leave his home and occupations with the hope of recovering his money by complaining to some distant authority within 10 days, as ordered by Section XIV of the Act.

9. Another grievance is the easy door this Act affords for the Pound-keepers to levy money for their own use, and for neighbours having quarrels to avenge themselves.

10. Another grievance is the power of fining, under Section XV, animals trespassing on the banks of the public canals, or crossing at forbidden places; I believe this power has been exerted by Subordinates in the Department Public Works with undue severity, because it has been forgotten how very difficult it is many places, to avoid banks, and with the numerous channels now being cut, an adequate supply of bridges, or even slopes have not been provided, and in the zeal to protect public works, the necessity that the seisor should prove the damage done, is forgotten. I heard lately of an attempt to levy fines on cattle which had walked down into a large shallow pit dug out by tank-diggers, not because of any damage done but because the turning up

Fort St. George, Judicial Consultation, 20th April 1858.

of the earth by the feet of the cattle, made it a little difficult to measure the amount of earth that had been excavated.

10. My own opinion is that the great objections to the Act in itself, without reference to the character of the Pound-keepers, are the amount of the fines, and the impounding of the cattle before the damage done has been proved by the seizer. I confess I see great difficulties in this matter unless the Pound-keepers were entrusted with the power of releasing cattle without the fines being paid, either because no damage has been proved or because the owner notifies his intention to protest as permitted by Section XIV. However, I believe the people are fast coming to an understanding among themselves, never to enforce the Act.

11. I venture also to submit to the consideration of Government, that where Officers of the Department Public Works send cattle to the Pound, they be directed to send a statement to the Magistrate describing the damage done, and that they also shew that there was a proper road or bridge, as the case may be, provided, by which the trespassing cattle should have been driven.

No. 8.

ORDER THEREON, No. 483; dated 14th April 1858.

1. The Acting Magistrate of Masulipatam, in reporting on certain petitions complaining of the heavy fines levied on trespassing cattle, under Act III of 1857, states, in the above letter, the grievances to which the people are subjected by the operation of this Act.

2. The Government do not see the force of Mr. Knox's objections, but on the contrary they consider that the rapidly improving state of the Masulipatam District renders the protection afforded by this Act very necessary. The Act is a fair and a just one, although perhaps the scale of fines may be too heavy; but Government cannot on this account withhold its enforcement.

3. The attention of the Court of Foujdaree Udalt will be called to Extract Minutes Consultation, 4th and 18th April 1857, Nos. 399 and 441; and they will be desired to submit, at an early date the information therein called for, for the purpose of bringing into practical operation the provisions of Act III of 1857, generally throughout the Presidency.

4. Ordered that the following endorsement be passed on petitions Nos. 43 to 44, 48 to 54, and 123 to 125.

"The Government see no reason for withholding the enforcement of Act III of 1857, in the Masulipatam District. The Act appears to them a fair and a just one."

(Signed) H. FORBES,
Acting Secretary to Govt.

For Orders.

From the A. Magistrate of Masulipatam
of 15th February 1858 -

Perhaps the scale of fines may be too heavy but it is absurd to say that cattle are so much on cultivation or channel banks with impunity because their owners are poor. Whilst Masulipatam was a poor & uncultivated by ~~which~~ it might not have mattered but now that it is rapidly improving in every way, I consider the protection afforded by the Act to be very necessary.

all acts - that scale for general cases & when hiring, when none before & no more are deemed at fault of previous - the act in question here is a fair & just one and the scale must be used in proportion to it - seems generally to indicate that

Letter from
of Masulipatam

my 1857 (No 48)

Magistrate of

reporting on

explaining

ried on

under Act

it is a sound wise piece of
legislation -

1. April hold

3/

Judicial Department.

N^o. 483

Extract from the Minutes of Consultation

Dated 14th April 1858.

Read the following Letter from
the Acting Magistrate of Masulipatam.

(Here enter 15th February 1857 No 40)

1. The Acting Magistrate of
Masulipatam, in reporting on
certain petitions complaining
of the heavy fines levied on
trespassing cattle under Act
III of 1857, states, in the above
letter, the grievances to which
the people are subjected by the
operation of this Act.

2. The Govt. do not see
the force of Mr Knox's objections
but on the contrary they con-
sider that the rapidly improv-

any state of the Masulipatan District renders the protection afforded by ~~the~~ this Act very necessary. The Act is a fair and a just one, although perhaps the scale of fines may be too heavy, but Govt. cannot on this account withhold its enforcement.

3. The attention of the Court of Tanjore District will be called to Exh. Shis. Cons. 4th and 18th April 1857 Nos 379 and 441, and they will be desired to submit, at an early date, the information therein called for, for the purpose of bringing into practical operation the provisions of Act III of 1857 generally throughout the Presidency.

4. Ordered that the following endorsement be placed on Petitions Nos 45 to 45, 48 to 54, and 123 to 125.

"The Govt. see no reason

for withholding the enforcement of Act III of 1857 in the Masulipatan District. The Act appears to be a fair and a just one"

PR

Copy to Magistrate of Masulipatan }
" to Tanjore District. }
" Endorsement to the Petitions. }

Sept 19th

Endorsement given from the
Ct of Tanjore District

Recd 29th Aug 1858

Recd 45

In Dept of Cons. Affairs
in Dec 1858 Department

No. 483

Extract Mins. Cons.

Dated *11th* Feb 1858

St. James
1103