

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 986

Press

~~Mis.~~

10-11

Dated

21-7-1918

Not to be folded or roughly handled

Fort St. George, Judicial Consultation, 27th July 1858.

No. 10. Read the following letter from G. F. FULLERTON, Esq., Acting Deputy Register to the Court of Foujdaree Udalut; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 13th July 1858, No. 23.

SIR,

1. I have the honor by direction of the Judges of the Court of Foujdaree Udalut to acknowledge the receipt of Extract from Minutes of Consultation of the 3rd July, forwarding copy of a letter from the Chief Engineer with correspondence between the District Engineer and Magistrate of Masulipatam on the subject of the "Cattle Trespass Act," and requesting to be informed whether the Court has passed any ruling to the effect mentioned in the Chief Engineer's letter, and if so, desiring the Judges to make any observations on such ruling that may occur to them.

2. I am directed by the Judges to state for the information of Government, that the Court have ruled on a former occasion that the provisions of Act III of 1857, are only applicable when the cattle trespassing are doing damage; but they would explain that they consider the *fact* of trespass as legally involving damage, subject to the contingency of its being established on the part of the owner of the cattle, that the place trespassed on was of such a nature as to exclude the possibility of any damage or annoyance arising from such trespass.

No. 11. ORDER THEREON, No. 986; dated 21st July 1858.

Resolved, that copy of the above letter be communicated to the Department Public Works, in reference to the Extract Minutes Consultation in that Department, dated 22nd Ultimo, and also to the Magistrate of Masulipatam.

2. The Magistrate will cancel the Notice published in the District Gazette by the late Acting Magistrate and in place of it will insert one to the effect given in the above letter from the Court of Foujdaree Adawlut, which he will remark throws upon the owner of the cattle found trespassing the onus of proving that the place trespassed on was of such a nature as to exclude the possibility of any damage or annoyance arising from such trespass—and rules that when this cannot be proved the *fact* of the trespass legally involves damage, and is therefore punishable under Act III, 1857.

3. The Court of Foujdaree Udalut will also be requested to issue a Circular for the guidance of all Magistrates, &c., on the subject matter of the letter above recorded.

(Signed) T. PYCROFT,
Chief Secretary.

80986 Judicial Dept
Extract Minis of Cons. of 21 July 1858
For James Adams 13. Jul 1858.
pg. 23.

Resolved that copy of
the above letter be
communicated to
the DP Worker in super
to the Secy in that
Dept. dated 22nd ult.
and also to the Major.
- that of Manipulation
2. The Major will
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- that for getting by the
Late Acting Major.
- that and in place
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W. J.
W. H.

pass the above letter
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7
Dec 11. 1857.

J. P. W. L. Oakes

Foujdaree Adawlat. }
Mag. of. Manipal. }
The Court of Foujdaree
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J. P. W. L. Oakes

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