

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 993	Press
21-22-23	~~Mis.~~
Dated 23.7.	~~19/858~~

Not to be folded or roughly handled

21/11

Read the following letters.

No. 21. From C. F. CHAMIER, Esq., Acting Register to the Court of Foujdaree Udalt; to T. PYCROFT, Esq., Chief Secretary to Government, dated 26th June 1858, No. 18.

Adverting to Extracts from the Minutes of Consultation, under dates the 4th and 18th April and the 24th December 1857, and the 14th and 27th April 1858, calling upon the Judges of the Foujdaree Udalt, in communication with the several Magistrates, to furnish certain information relative to the carrying out of Act III of 1857, I am directed to forward for the orders of the Government, the Returns received from the Magistrates, showing the places, besides District Police stations, where they would propose to establish Pounds for confining trespassing cattle; and to state that it would perhaps be desirable that the newly appointed

Register of Cattle impounded in the Pound established in the village of _____ in the
Talook of _____ for 185 .

Signature.

No. 22. From A. HATHAWAY, Esq., Acting Magistrate of Madura ; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 28th June 1858, No. 175.

1. I have the honor to bring to the notice of Government that no authority appears as yet to have been given to Magistrates to bring into force the provisions of Act III of 1857, relating to trespasses by cattle.

suggestions

N^o 993

Extract from the Minutes of Consultation

Dated 23rd July 1858.

Read the following letters

From the Act ^y Register	} Here enter 26 th June 1858. 12/18
Soudaree Adalat	
Act ^y Mag. of Madras	" " 28 " " " 175

Jud^l Dept^y N^o 399.

MC
WM

On the 4th April 1857.
Government called upon
the Soudaree Court to procure
from the several Magistrates
information in regard to cer-
tain points connected with
the proposed working of
Act N^o III of 1857, or the
"Act relating to trespasses
by cattle".

2. The Act was passed
on the 31st of January 1857.
but was to take effect from
the 1st May following; and
it was hoped that shortly
after the latter date Gov^t
might be in a position to
issue a general order on
the subject, after taking
into consideration the

suggestions

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

the number of Pounds required in their respective Districts and the expense attendant on erecting them.

3. A report was sent in by the Magistrate of this District to the Session Judge on the 27th June of that year, but no authorization has yet been received.

4. It appears to me advisable that the provisions of the Act should be enforced in this District, but this cannot be done without the sanction of Government for incurring the necessary preliminary expenditure.

No. 23.

ORDER THEREON, No. 993; dated 23rd July 1858.

* Judicial Dept. No. 399.

On the 4th April 1857, Government called* upon the Foudaree Court to procure from the several Magistrates information in regard to certain points connected with the proposed working of Act No. III of 1857, or the "Act relating to trespasses by Cattle."

2. The Act was passed on the 31st of January 1857, but was to take effect from the 1st May following; and it was hoped that shortly after the latter date, Government might be in a position to issue a General Order on the subject, after taking into consideration the suggestions of the local Officers and the Foudaree Court.

3. The attention of the latter authority has repeatedly been called to the reference, and when, on the 27th* April last, Government had occasion to dispose of a letter respecting the introduction of the Act into the *Masulipatam* District, they took that opportunity to reiterate their requisition, enquiring whether the matter had been retarded owing to the neglect of any of the Magistrates, in which case they directed, that the names of such Officers should be submitted.

4. From the papers which accompany the Court's letter above recorded, it would appear, that with the exception of the Magistrate of *Cuddapah*, who seems to have overlooked the subject altogether (for his communication of January last, is no answer to the reference) all the replies were received before the end of September last. No cause is assigned by the Foudaree Adawlut for the great length of time that these replies have been allowed to lie in their office. The delay in their transmission, moreover, has not been compensated by the mode in which they are now laid before Government. There has been no attempt to abstract or put in a more convenient form the information supplied. On the contrary, the letter of the Acting Register simply furnishes a brief opinion on the several points involved in the Government reference, and the whole mass of correspondence, one hundred and seventy enclosures in all, has been sent up unaccompanied by any precis or epitome, or any note of those parts of the letters from the Judges and Magistrates, most deserving of regard. In directing the attention of the Foudaree to the delay that has occurred on the present occasion, the Governor in Council must express his hope, that it will not recur.

5. He now proceeds to pass orders for the working of the Act III of 1857.

1st. The recommendations of the Magistrates vary as to the extent to which the Act should be brought into operation. Some would have a Pound in every village, others only in a few chief stations in their several Districts.

By Section III, the Magistrate is to establish Pounds at the Thannahs or District Police stations, and at such other places as he, under the orders of Government, may determine.

Magistrates will therefore at once erect Pounds at the stations first indicated, *i. e.* Thannahs or District Police stations. For the rest they will understand, that it is the wish of Government, that eventually every town and all considerable villages shall have Pounds established within their limits, and that there should be a Pound for every cluster of smaller hamlets. It will, however, be well to carry out the measures gradually by establishing the Pounds, first at the Thannahs and Towns and some of the largest and most important villages, and increasing their number by degrees as the object for which they are to be kept up and mode of working the Act become better understood. The number to be first constructed, must also depend on the circumstances of the different Dis-

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

tricts. In some, *e. g.* Malabar, the nuisance from straying cattle is described as very great. In others it is not much felt. Magistrates must act on their own discretion in this respect. Where any Pounds have been already established, they should be maintained.

2ndly. The fund for the payment of the necessary expenses is laid down, (Section XII) to consist of the fines, and the unclaimed proceeds of the sale of unclaimed cattle. It will, however, be necessary that the Pounds shall be constructed at the first instance at the public cost, the expenses being reimbursed eventually from the source above indicated. Magistrates will, therefore, be at liberty to make the necessary advances from the District Treasury, recovering the same in due course. Great differences are, however, observable in the estimated cost of these enclosures as submitted by the various Magistrates, and in some cases the expense far exceeds what Govern-

e. g. Ganjam 41 Pounds, at Rupees 3,280 or Rupees 80 each.
Madura 140, at Rupees 6,525 or average Rs. 49 each. The 1st class is 70 and 2nd class 45 Rupees.

ment can consider necessary. All that is required is a moderate sized enclosure surrounded with mud walls, or when the material is abundant with rough stone walls, which can be easily

and cheaply built and repaired if damaged, with a substantial gate or wicket of bamboos or rough timber and a lock and chain. It is remarked, that the cost of the Pounds proposed by the Magistrates of Masulipatam, Rajahmundry, Chingleput and Bellary, for their Districts, varies from 3½ to 10 Rupees.

In the Districts on the Western Coast, it may, as observed by the Acting Magistrate of Canara, 30th June 1857, be necessary that the Pounds shall be in part covered in to protect the cattle during the monsoon.

3rdly. By Section IV in the Presidency of Fort St. George, the heads of villages are to be *ex-officio* the keepers of village Pounds. In special localities as at Ramandroog and on the Neilgherries, the Magistrates must at their discretion appoint to the duty the parties best qualified for it.

4thly. It will be the duty of the Magistrate to prescribe immediately, and to revise from time to time, a scale of rates for the expense of feeding the cattle impounded.—Vide Section VII.

5thly. "Forms of Registers for the Pound-keeper and of the Returns to be furnished by him."—The Madura forms being considered by the Foudaree Court most appropriate, copy will be circulated to Magistrates. The Government see no occasion for a reference to the Commissioner of Police.

6thly. In accordance with the Court's recommendation, all District Moonsiffs will be invested with the power of receiving and hearing complaints under Section XV, in addition to the other Officers therein specified.

7thly. No portion of the Presidency is exempted from the Act.

8thly. "Salaries of Pound-keepers."—Government find it impossible at present to lay down any general rule. Magistrates will use their own discretion, provided that they are in no case to make a larger allowance than will be covered by the sources referred to in Section XII of the Act. They will report on this and all other points on the 1st July next, directly to Government, when the operation of the Act will be reviewed.

6. Resolved, that copy of the foregoing Extract be furnished to the Court of Foudaree Adawlut, in reference to their Acting Register's letter of the 26th Ultimo.

7. Resolved also, that copy of para. 5, and of the following paras. with copy of the Madura form of Registry be forwarded to all Magistrates, in reference to their several reports upon the Cattle Trespass Act, and that it be also forwarded to the Chief Commissioner of Police for the Madras Presidency.

8. Resolved further, that the Court of Foudaree Adawlut be requested to submit for publication in the Fort St. George Gazette, a Notification to the effect that all District Moonsiffs have been invested with powers to receive and try complaints of illegal seizure of cattle, under Section XIV of the Act.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Ind. Dep. No. 556

suggestions of the Local Officers and the Foujdare Court.

3. The attention of the latter authority has repeatedly been called to the reference and when, on the 27th April last, Government had occasion to dispose of a letter respecting the introduction of the Act into the Manipal district, they took that opportunity to reiterate their requisition, enquiring whether the matter had been retarded owing to the neglect of any of the Magistrates, in which case they directed that the names of such officers should be submitted.

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-4-
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by the various Magistrates
and in some cases the
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necessary

e.g. Gajane - 41 Pounds
at Rs 3280 or Rs 80 each
Madura 140 at Rs 65.25
or average Rs 49 each. The
1st class is 70 and 2nd class 45.

15
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mud walls - or when the
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of Canara - 30 June 1857 - be
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6 ^{4th} In accordance with the Court's recommendation, all District Moonsiffs will be invested with the power of receiving and hearing Complaints

Complaints under Sec. XV, in addition to the other offices therein specified.

^{4th} No portion of the Presidency is exempted from the Act.

^{4th} "Salaries of Pound Keepers" Govt find it impossible at present to lay down any general rule. Magistrates will use their own discretion provided that they are in no case to make a larger allowance than will be covered by the sources referred to in Sec. XII of the Act. They will report on this and all other points on the 1st July next, directly to Govt, when the operation of the Act will be received.

6 Resolved that copy of the foregoing Exh. be furnished to the Court of Foydaree Adawlat in reference to their Act. Registrar's letter of the 26 ultimo. — The Registrar

7. Resolved also that copies
of para 5 and of the
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Form of Expiry be
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8. Resolved further
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Madras Adawlat
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Fort St. George Gazette
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Magistrates have been
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to receive & try com-
-plaints of illegal
seizure of cattle under
sect XIV of the Act -
JP.

Office.

The letter from the F. L.
only is to be printed -
not the enclosures

To the Hon. Madras - Dist. 24th

Para 5 to 8 to the Magistrates -
and to the Chief Com. of Police
for the Madras Presy. } Dist. 24th
105

with the
form and address:
To the Magistrate of
the
also 25th -
form of Expiry - and
sent Chief -

21023

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Box 145

Jul 25 1857 to Aug 25 1857
Box 145

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