M.R.O. 1—39,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 948 Press ~~Mis.~~

14-15

Dated 11— 7— ~~19~~ 1857

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, from 9th to 15th July 1859.

No. 14. Read the following letter from C. F. CHAMIER, Esq., Register to the Court of Foujdaree Udalut; to T. PYCROFT, Esq., Chief Secretary to Government, dated 2nd July 1859, No. 16.

1. The Judges of the Foujdaree Udalut, having observed that it is in the contemplation of the Legislature to amend Act III of 1857, relating to trespasses by Cattle, have directed me to bring under the consideration of the Government certain questions respecting the construction of the Act, which have been raised by the local authorities, and which, in their opinion, are of sufficient importance to demand the attention of the Legislature.

2. The *thirteenth* Section of the said Act directs that the offences of forcibly opposing the seizure of Cattle doing damage, or forcibly rescuing the same after seizure, shall be dealt with by the Police Officers under Section XXVII, Regulation XI of 1816, which requires them to forward the parties and proceedings to the Criminal Court. This, the Judges think, must operate as a serious hardship in cases where the offence is committed at a place remote from the Zillah station, and is not of an aggravated character. They would accordingly suggest that Section XIII be modified, so as to allow of petty offences of the kind in question being dealt with by the Magistracy and Police.

3. The same Section defines the punishment for the offences alluded to, but does not specify the authority by whom they may be awarded. A Subordinate Judge or Principal Sudder Ameen has power to pass sentence of 6 months' imprisonment, but not to inflict so high a fine as Rupees 500. The Judges think that the Police, the Magistracy, and the Courts should respectively have authority to punish forcible resistance to seizure, and rescue after seizure, to the extent of their general criminal powers.

4. Some difficulty has also been experienced in the interpretation of the following passage in Section XIV, viz: "or other Officer having criminal jurisdiction, authorized to receive and try charges without reference by the Magistrate." This provision would confer on Heads of Police, Police Ameens, and even Village Moonsiffs, the power of awarding damages to the extent of one hundred Rupees, in cases of illegal seizure of Cattle; all those Officers having the jurisdiction and authority specified. The Judges cannot think, however, that such was the intention of the Legislature; and they consider it desirable that some more definite expression should be used, to describe the class of Criminal Judicatories to whom reference is intended to be made.

(Signed) T. PYCROFT,
Chief Secretary.

No. 15. From H. FORBES, Esq., Member for Madras of the Legislative Council of India, Calcutta, dated Fort Saint George, 11th July 1859, No. 948.

I am directed to forward to you copy of a letter, 2nd Instant, No. 16, from the Judges of the Foujdaree Udalut and to state that the suggestions therein contained, appear to Government to deserve the attention of the Legislature, in the contemplated amendment of Act III of 1857, relative to trespasses by Cattle.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Recd 15th

Judicial.

No. 918.

H. Forbes Esqre.
Member for Madras of the
Legislative Council.

Sir.

I am directed to forward to you copy of a letter, 2d Instant No. 16, from the Judge of the Foujdaree Udalut & ~~in reference to~~ to state the suggestions therein contained, ~~to state that the Govt. concurs with the Foujdaree Udalut in thinking that there does not appear sufficient importance to demand the~~ attention of the Legislature in the contemplated amendment of Act III of 1857, relative to Trespasses by Cattle.

I am Sir
Your most obedient
humble Servant
W. Oldfield

Fort St George,
11 July, 1859.

Pro of Govt 15 July.

Judicial 1859 Despatch

No 948.

To the Members for Madras
of the Legislative Council
of India.

Dated 11 July, 1859.

Ref. 214/60. Pro. 20 Sept 1860 No. 52 & 53.

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