

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

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Dated 4-6-	18.60.

13/4.

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
4th June 1860.

Read the following Precis:—

No. 38. *Precis of Reports from the Zillah Magistrates on the practical working of Act III of 1857, relating to Trespasses by Cattle, up to 31st December 1859.*

BELLARY. Mr. Hathaway reports that pounds have been established in the 16 Cusbah stations of Taluqs and in 23 important villages. They have been built with mud walls or rough stones and are generally 20 feet square. Their cost varies from 1½ to 10 Rupees, the average being Rupees 7¼.

An abstract of the Act containing necessary rules, has been furnished to the pound-keepers with instructions to prepare their registers and returns in the prescribed form. Moreover, a Notice embodying important information, such as the rates of fine to be levied on Cattle impounded—the period, after the expiration of which unclaimed Cattle are to be sold—and the punishment for opposing the legal seizure of stray Cattle, was published throughout the district.

Village Munsiffs are pound-keepers ex-officio. At Bellary and at Ramandrug, the Superintendence is vested in the Deputy Collector and Police Amin. The pound-keepers are remunerated by a fee of ¼ the fine levied on each animal. At Bellary, the fee is paid to the person nominated to keep the accounts.

Rates of the expense of feeding impounded Cattle have been fixed. When a large number are impounded, they are taken out for grazing, when half-rates only are charged.

9,657 Cattle were impounded, of which 422 were sold.

Realized by fines...	2,174 6 8
„ proceeds...	1,704 13 3
	3,879 3 11

Expenditure—	
Cost of pounds...	268 10 4
Fees to pound-keepers.	543 11 2
Refunded to owners.	116 0 0
	928 5 6
	Rupees... 2,950 14 5

With this surplus, the erection of 21 other pounds has been sanctioned.

Proceedings of the Madras Government, Judicial Department,
4th June 1860.

The working of the Act has, the Magistrate believes, been found very beneficial by the people at large. The only complaint is that the period allowed for owners to reclaim their Cattle, is too brief.

Complaints against seizure have been very rare. There were 11 charges of forcible resistance to seizure of Cattle—all of which were dismissed.

CANARA. Mr. Fisher states that it was only in September 1859, that pounds were fairly established, and people appointed to take charge of them. Even then no pounds had been erected in the Supah Taluq, owing to the disturbed state of the country.

The outlay on the pounds erected amounts to Rupees 1,296-7-2—the average cost of each pound being Rupees 35. The sum is very nearly met by the amount, Rupees 1,223-6-5, credited to the Cattle Fines Fund from February to December 1859.

The pay allowed to pound-keepers is Rupees 2, except at 3 places, where it is Rupees 3 and 3½.

CHINGLEPUT. Mr. Shubrick states that the total number of pounds is 84. The pound-keepers are remunerated by fees equal to ½ of the collections, realized by each.

20,348 Cattle were impounded—of which 83 were sold.

The collections were :—

By fines.....	4,329 10 0
„ proceeds..	269 13 0
	<u>4,599 7 0</u>

The expenses were :—

For pounds.....	125 8 4
„ Stationery...	36 1 1
„ Feeding un-	
claimed Cattle.	70 0 3
„ Fees to	
pound-keepers.	432 0 0
	<u>663 9 8</u>
Rs...	<u>3,935 13 4</u>

Three individuals were committed, charged with having forcibly rescued Cattle, but they were all acquitted. There were two cases in which complaints of illegal seizure were preferred to the District Munsiffs.

Proceedings of the Madras Government, Judicial Department,
4th June 1860.

The pound-keepers have been supplied with printed forms of Registers and Returns—and Act III of 1857 has been published in the District Gazette, and copies struck off for sale at six Pice each.

Second half year of 1859.

One pound has been erected in the Saidapett Taluq.

10,177 Cattle were impounded—60 of which remained unclaimed and were sold.

The collections were :—

By fines.....	2,258 15 0
„ proceeds...	246 14 9
	<u>2,505 13 9</u>

The expenses were :—

For pounds....	0 12 0
„ feeding	
unclaimed	
Cattle.....	50 5 9
„ Stationery	13 15 0
„ Fees to	
pound-	
keepers....	246 15 7
	<u>312 0 4</u>
	<u>2,193 13 5</u>

Add surplus on 30th June

1859.....	<u>3,935 13 4</u>
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At credit of the Cattle Fines

Fund.....	<u>Rs...6,129 10 9</u>
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The allowance to pound-keepers has been doubled, being raised to ⅔ of the amount collected by each.

There was one complaint of Cattle having been illegally impounded. The decision of the District Munsiff was reversed by the Magistrate on appeal.

COIMBATORE.

Mr. Thomas states that due publicity was given to the Act throughout the District.

He has recently issued orders to the Tahsildars to construct, at an average cost of 20 Rupees, a pound at each Cusbah station, and also at some other large places. Meanwhile stray Cattle are secured near the Village Police Choultry, till reclaimed or sold.

The Village Police and Taliaries are ex-officio pound-keepers, but no extra remuneration have been given them.

The Magistrate raises the question, who should be the pound-keepers under the new Police arrangements.

Proceedings of the Madras Government, Judicial Department,
4th June 1860.

The collections were:—

By fines.....	4,141	4	2
„ proceeds...	3,123	6	4
	7,264	10	6
For repairing a pound.....		32	11 0
	Rs...	7,231	15 6

In reference to Act V, 1860, Section I, which authorizes the appropriation of the surplus funds accumulated under Act No. III, 1857, to the construction and repair of roads and bridges and other works of a like nature—the Magistrate proposes that Bandy-pettahs or enclosures as halting places for traffic carts be added to the class of works on which these funds are to be expended. He has authorized the erection of a few of these enclosures, and solicits sanction for the advance he has made, about Rupees 200, being debited to the Cattle Fines Fund.

The Bandy-pettah comprises a low wall, from 4 to 5 feet in height, capable of holding from 50 to 70 bandies, and has a thatched shed for shelter from rain for the bandy-men. They keep the draught Cattle from straying, and enable the bandy-men to be a mutual protection to each other and their property. In one which the Magistrate had built three years ago by the prisoners in the town of Coimbatore, there is surplus fund of Rupees 100 arising from the sale of manure.

CUDDAPAH. The number of pounds established is 129 at a cost of Rupees 12 each, except the two in the town of Cuddapah, which cost Rupees 20 and 15.

The total collection is Rupees.. 3,075-8-5
The cost of 129 pounds was... 1,559-0-0

Rupees... 1,516-8-5

There is a decrease in the collections in 1859 compared with those of 1858, which the Magistrate, Mr. Wedderburn, attributes to the cession of 3 Taluqs to Kurnool on the 30th June 1858.

The operation of the Act appears to have been very limited, and is accounted for by the services of the village Potails, who are ex-officio pound-keepers having been unremunerated.

Proceedings of the Madras Government, Judicial Department,
4th June 1860.

GANJAM.

Mr. R. Davidson, Officiating Magistrate, reports that the Act has been in operation only in so far as the levying of penalties on trespasses by Cattle is concerned and in a few sales. No pounds have been erected owing to the "restriction on general expenditure." The fines levied and the proceeds of stray cattle were credited to Government.

KURNOOL.

80 pounds have been established at a cost of Rupees 1,216-12-0. The average cost is Rupees 15, the lowest cost of a pound being Rupees 6 and the highest 28 Rupees.

The total receipts were Rupees 3,747-7-7.

No pound-keepers have been entertained on hire—the duties being discharged by the village servants. A pound-keeper has now been appointed on Rupees 5 a month for the town of Kurnool, where there are no village servants.

In a few instances, village servants have been charged with embezzling pound money, and on conviction, have been punished.

On the whole, the Act seems to have worked well and beneficially for the interests of the agricultural community.

MADURA.

Out of 140 pounds proposed to be established, 69 were ordered to be constructed, and many of them have been built.

One of these pounds is 40 square-feet, 4' x 10', and the others 28, 4' x 7'. The cost of the large pound is Rupees 48, and of each of the others, Rupees 32.

From January to November 1858, the receipts were:—

By fines	667	6	0
„ proceeds ...	327	9	7
Rupees...	994	15	7

which was carried to the credit of Government, and the Magistrate requests that its refund may be authorized.

From December 1858 to June 1859, the collections were:—

By fines	1,765	6	1
„ proceeds.....	539	8	1
Rupees...	2,304	14	2
Deduct cost of 69 pounds ...	2,224	0	0
Rupees ...	80	14	2

*Proceedings of the Madras Government, Judicial Department,
4th June 1860.*

These 69 pounds are not sufficient to give effect to the Act. The practice which obtained previously of placing stray Cattle (where there is no pound) in charge of the Village Officers, was reverted to. The Magistrate proposes, therefore, to build the 71 additional pounds, and also 6 pounds in the villages on the lower range of the Pulney Hills, at a cost of Rupees 2,464.

71 at 32	...	2,272
6 at	...	192
Rs.		2,464

To be refunded...	...	994	15	7
Balance on 30th June 1859.	...	80	14	2
Do. on 31st December 1859.	...	2,553	6	4
Rupees...		3,629	4	1

From July to December 1859, the collections were, both from fines and proceeds by sale of unclaimed cattle, Rupees 2,553-6-4.

The collections are, therefore, sufficient to cover the entire cost of the pounds.

The village servants have performed the duties connected with the keeping of pounds. In many of the villages, the remuneration to the village servants being very small, Mr. Clarke proposes having a keeper from each pound, distinct from those officers, and to be entertained after the fund promises a sufficient income for that purpose.

A pound-keeper was entertained at Dindigul on Rupees 2 a month. Keepers would also be entertained for a few pounds located in towns.

Mr. Clarke reports that the Act has been found very useful. It has not been extended to Paumbem, where there is hardly any cultivation, and where its protection does not seem called for.

There have been ten cases of resistance to seizure of strayed cattle, but none of illegal seizure.

MALABAR. Mr. Grant reports that, prior to receiving the Orders of Government, pounds were erected in all such localities as required their immediate construction. But they are generally of small dimensions. One involved an outlay of Rupees 42—the cost of the others, which numbered 275, varying from 12 Annas to Rupees 13½. The average cost was Rupees 4-3-9.

Those established in Towns and Taluq Cusba stations must necessarily be substituted by larger and more substantial ones. Twenty-six of these are required. Their cost varies from Rupees 89 and 92 in Betutnaad and

*Proceedings of the Madras Government, Judicial Department,
4th June 1860.*

Cochin, to Rupees 53 and 59 at Calicut and Palghat. The average of the estimates is Rupees 70 per pound.

To June 1859, the collections were—

From fines...	...	5,837	2	4
„ proceeds...	...	2,442	6	3
		8,279	8	7

The outlay is—

For 276 pounds Rs.	1,169	11	10	
„ 26 large do.	1,820	0	0	
„ Feeding Cattle.	808	7	7	
„ Compensation for damages..	464	15	11	
„ Refunds to owners	209	15	1	
„ Sundries...	178	1	10	
		4,651	4	3
Rupees...	3,628	4	4	

No salaries are allowed to the pound-keepers, who are, without a single exception, the heads of villages. Mr. Grant does not venture to offer an opinion as to granting them any allowance. The collections of fines, &c., may by degrees diminish considerably in amount, as the trespasses of Cattle must be less when the provisions of the law become more generally known.

Mr. Grant states that the provisions of the enactment have worked most beneficially in the district—and describes the state of matters before and after its coming into force.

NELLORE. Mr. Elton reports that the Act has been brought into operation throughout the District, including the Zemindaries.

215 pounds have been established—and others are in course of construction. The average cost per pound is Rupees 13-9-6.

The total collections were up to the 30th June 1859, Rupees. 9,709 10 5

Cost of pounds and salaries of pound-keepers...	...	3,704	15	6
Rupees...		6,004	10	11

Heads of village are ex-officio pound-keepers. Their pay has been fixed at Rupees 3 for Taluq Cusbahs and large villages—and Rupees 2 in ordinary cases. At Nellore, the Village Munsiff receives 5 Rupees a month.

If the Act is to be thoroughly worked, it seems probable from the feeling of the people,

*Proceedings of the Madras Government, Judicial Department,
4th June 1860.*

that a pound will be necessary in every village. Cattle from neighbouring villages are not even now driven in any instance to a pound in another village, as the people object most strongly to such a system, as it renders their Cattle liable to contagion, whenever murrain is prevalent.

In continuation of his report, the Magistrate states that 29 new pounds have been erected—and, as more pounds are wanted, steps are being taken for supplying the want.

The balance as per last report			
was...	...	...	6,004 10 11
Collections since...	...	...	8,489 11 8
			<u>14,494 6 7</u>

Cost of 29 pounds			
built...	...	...	569 12 9
Pay of pound-keepers...			
	...	...	878 4 5
Proceeds refunded	129	8 2	
			<u>1,577 9 4</u>
			<u>Rupees 12,916 13 3</u>

Mr. Dykes reports that the working of the Act has been singularly easy, and Act V, 1860, has removed the only feature in it, that threatened trouble by cancelling so much of the original Act, as vested the disposal of all cases of forcible resistance in the Courts. The urgent necessity for Act III, 1857, in a country like Nellore, where Cattle are bred in great numbers and pasturage is most valuable, might easily be conceived, and is fully shown by the amount of collections—whilst the eagerness of the different villages for the establishment of pounds where they have not yet been established, is also convincing proof that the working of the Act is as generally acceptable as salutary.

NORTH ARCOT.

Mr. Robinson states that in this district comprizing an area of upwards of 7,500 square miles, and a population of 1,588,104, there are only 27 pounds, established in the Cusbahs of Taluqs and Zemindaries.

The Act came into operation from May 1857. Up to the close of 1859, the collections were:—

From fines.....	...	2,913 11 11	
„ proceeds. ...	1,804 7 4		
			<u>4,718 3 3</u>
Refunded to owners of Cattle sold.		37 12 2	
			<u>Rupees... 4,680 7 1</u>

*Proceedings of the Madras Government, Judicial Department,
4th June 1860.*

The cost of a pound was limited to Rupees 10, but the accounts of expenditure have not yet been made up.

The Magistrate proposes establishing pounds throughout the district, and to raise the number of them to 50, and to attach a sweeper or watcher on a pay of Rupees 3 to each pound. He would likewise, to give the village Moniagar a direct interest in the cleanliness of the pound, suggest that the manure be considered and allowed as the lawful perquisite of the office.

The Magistrate reports that the Act is decidedly unpopular in the district, not because there is anything in its spirit and provisions unsuited to local habits and feelings, but because its operation has been a limited and one-sided that the people are either in ignorance or error respecting its real scope and advantages. One very general local objection to the Act is that the summary levy of fine it sanctions, opens the door to the gratification of private pique and revenge. Another is that a distant and expensive journey to prosecute, with very uncertain issue, a neighbour for carelessness and damage which he will ordinarily be glad enough to compromise privately, is a very unprofitable proceeding. In proof that the Act has not received full recognition, the Magistrate notices the significant fact that out of the whole proceeds, levied under its provisions, not one farthing has ever been claimed by, or paid away as compensation to any one since it came into operation.

SALEM.

Mr. Knox reports that there are 79 Cattle pounds in the District—and applications are constantly being received for the establishment of others.

The total receipts during the whole of the last year			
is Rs.....	7,860	9 7	
Out of which have been expended.....	3,220	12 10	
Balance is.....Rs...	4,639	12 9	

The pounds are under the charge of the village Munsiffs, but no fees are paid for this duty.

Mr. Knox is of opinion that the Act has operated beneficially. "Greater attention is

Proceedings of the Madras Government, Judicial Department,
4th June 1860.

paid to fences—an important point in farming is promoted—and disputes regarding boundaries are more easy to dispose of.”

The Magistrate notices the course imposed under Section XIII of the Act of committing to the Criminal Courts cases of rescue of Cattle.

SOUTH ARCOT. There are 293 pounds in this District, and their number will be shortly increased.

Village Munsiffs and Kutwals are entrusted with the supervision of the pounds, without remuneration. In each case, a Vettyman on an average salary of Rupees 2, has been appointed under the Village Munsiff or Kutwal.

Mr. Wood has no doubt, that the Act is working well.

The collections are	11,156	7	3
and expenses	227	15	4
Rupees	10,928	7	11

which the Magistrate requests authority to transfer to the “Local Funds.”

TANJORE. Mr. Caldwell reports that the introduction of the Act seems on the whole to have given satisfaction.

33 pounds have been established in towns, all of which are Police stations. The Magistrate contemplates increasing the number of pounds, and proposes erecting them in the first place at the Head Quarters Mahanums, where they do not exist already.

Heads of villages have been nominated pound-keepers. In towns like Combaconum, Tanjore, Negapatam, &c., pound-keepers have been entertained. The scale of wages, chiefly at the rates of Rupees 5 and 2, has been made with reference to the locality, and as to whether the individual appointed, has any other means of livelihood.

The course required by Section XIII has been found to operate injuriously. 15 cases occurred in which 31 persons were concerned.

The collections were :—

From fines.....	5,867	14	4
„ feedings....	1,274	4	2
„ proceeds....	1,971	2	5
	9,113	4	11

The expenses were :—

For feeding.....	1,690	3	8
„ pound-keepers.	335	2	3

Proceedings of the Madras Government, Judicial Department,
4th June 1860.

For cost of pounds.	297	7	9
„ refunds to			
owners.....	51	8	0
„ Saderward.....	30	11	6
	2,405	1	2
Rupees...	6,708	3	9

The Magistrate suggests that this surplus should be employed on local and sanatory improvements to be accounted for annually under the head of “Local Funds.”

In continuing his report from July to December 1859, the Magistrate states that 10 more pounds were established.

The Magistrate has no further remarks to make except that the experience gained would seem to show that the Act on the whole continues to work satisfactorily.

He has also submitted a further statement of collections and expenditure.

From fines.....	3,230	8	9
„ feeding....	596	6	10
„ proceeds....	1,364	0	9
	5,191	0	4
For feeding....	890	8	1
„ pound-keepers....	842	11	5
„ pounds.....	235	2	0
„ refunds to			
owners.....	167	3	8
„ Saderward....	69	2	0
	2,204	11	2
	2,986	5	2

Add previous surplus on 30th			
June 1859.....	6,708	3	9
Rupees...	9,694	8	11

TINNEVELLY. Mr. Levinge states that 89 pounds have been constructed at an average cost of 10 Rs. This number appears to be sufficient. When the villagers make the request, others will be built. The pounds are mostly mere enclosures formed by mud walls. The one in Tinnevely is more substantially built, and contains a shed to shelter the impounded Cattle. It cost Rupees 60. The whole of the pounds might be provided with sheds at an expense of about Rupees 7 each. At present, it is rather cruel the way in which the animals are exposed to the sun.

Proceedings of the Madras Government, Judicial Department,
4th June 1860.

Up to 1st July 1859, the col-			
tions were...	...	3,852	1 1
Cost of pounds....	...	891	8 10
Rupees...		2,960	8 3

The pound in the town of Tinnevely is in charge of the Cutwall—all others are in charge of the Village Munsiffs. No application has been made for the appointment of a pound-keeper, nor does the Magistrate think it necessary to appoint one. He proposes, however, to appoint keepers to the pounds in the towns of Tinnevely, Tuticorin, and Trichendoor on Rupees 3 each.

The Magistrate believes the Act to be beneficial and popular.

In the continuation of the above report for the second half year of 1859, Mr. Silver proposes ordering at a cost of Rupees 616, sheds to be erected in all pounds, 88 in number, for sheltering impounded Cattle.

TRICHINOPOLY. Mr. Bird states that, up to the 30th June 1859, 41 pounds have been constructed, and 13 others nearly completed.

These enclosures have been established at the Cusbah towns and some of the largest and most important villages. The heads of village and the village Munsiffs have been selected as pound-keepers.

The balance on the 30th June			
1858, was.....	3,920	2	9
„ collections to 31st May 1859.	2,676	4	2
		6,596	6 11
Cost of pounds... 1,069	0	6	
Refunded to owners. 17	14	5	
		1,086	14 11
Rupees...	5,509	8	0

No salary has been paid to the pound-keepers, but it is contemplated to pay the village Munsiffs.

The Magistrate observes that the system of Cattle pounds has been attended with benefit, and proved a check on the frequent trespass of Cattle on the fields of Ryots.

The Magistrate states, in continuation of his report up to 31st December 1859, that the 54 pounds referred to have all been completed, and the district is sufficiently supplied.

Proceedings of the Madras Government, Judicial Department,
4th June 1860.

The balance on the 31st May			
1859, as per last report was...	5,509	8	0
„ collections to 31st Decem-			
ber 1859.....	1,963	10	7
		7,473	2 7
Cost of pounds.....	83	4	6
Feeding Cattle.....	12	2	6
Refunds to owners.	28	4	0
		123	11 0
Rupees...	7,349	7	7

This sum the Magistrate considers nearly sufficient to give some small salary to the pound-keepers.

VIZAGAPATAM. Mr. Fane reports that the system of pounds answers well.

23 pounds have been erected, at a cost of Rupees 17-8-0, except that of the pound at Vizagapatam which is Rupees 25. The total expense was Rupees 400—and the fines collected amount to Rupees 151-14-4.

The cultivators of valuable crops, like Indigo, have petitioned to have pounds at more than one place in a Tálug. They said that damaging as Cattle straying is to them, the going to the head-quarters of the Tálug; 10 or 15 miles, to impound stray Cattle, wastes too much of their time.

The only Police Station, where a pound has not been erected, is Pultair or Bobily. The Zemindar of Bobily has sent in a petition praying that Government might reconsider the subject matter of Act III, 1857. Stray Cattle are usually seized by the cultivators, who always watch their crops carefully, and delivered to the owners, or the owners themselves on being informed of the trespass, generally proceed to take back their Cattle. When any damage has been done, the matter is settled amicably, and compensation, usually below 3 Annas, is given whenever claimed. While stray Cattle remain in the possession of a cultivator, prior to their being reclaimed by the owner, he enjoys their produce and labor, and claims no further remuneration for his care. Under this custom, complaints to the Magistrates of trespass by Cattle have been infrequent.

GODAVARI. Mr. Purvis is of opinion that the operation (Rajahmundry.) of the enactment has been on the whole bene-

Proceedings of the Madras Government, Judicial Department,
4th June 1860.

ficial. It has even in its present form, gone far towards protecting the careful agriculturist from the damage done by the Cattle of his negligent neighbour, and has given him, if he thinks fit to avail himself of it, a summary and lawful means of redress. Some provisions in the Act, the Magistrate thinks, require modification, before it will be thoroughly effectual in its working.

The relief which it is intended to secure by the Act for damage done is, owing to the Magistrate and his Assistants being the only authorities through whom summary redress is to be obtained, attainable only after so much trouble that the injured parties are deterred from seeking redress. Mr. Purvis can hardly call to mind any instance, in which compensation has been sought for under the Act. He thinks it, therefore, very desirable that the District Munsiffs and Heads of District Police, should be invested with power to award compensation to the extent of the fine levied.

Another hardship connected with the enactment was the necessity of the Police Officers forwarding every case of forcible rescue to the Criminal Court. Under Section II, Act V, 1860, this course is no longer imperative. Mr. Purvis, however, is inclined to extending the power of disposing of trivial cases of this nature to the Heads of District Police.

As is the case with almost every Law enacted for the general good of the community, the Act under observation is sometimes made use of to gratify private malice.

The frequent impounding of Cattle by the Subordinates of the Public Works Department for trespassing on the banks of the canals, intersecting the Godavari Delta in all directions, was at first the cause of a good deal of complaint. But these embankments have since been let out, the Ryots of the village in most cases taking the rent. The Magistrate is of opinion that the fund derived from the sale of such tracts, should be expended in fencing in the canal banks. At present they are quite unprotected and trespass is unavoidable.

195 pounds have been established at every District Police Station and in the larger and more important villages. The average cost is Rupees 6.

Proceedings of the Madras Government, Judicial Department,
4th June 1860.

Rupees 9,028-12-1 have been collected. After deducting the outlay on pounds and incidental expenses, the surplus is Rupees 7,510-11-4.

The Magistrate will address Government on the subject of remunerating the pound-keepers.

KRISHNA.
(Guntoor.)
(Masulipatam.) Mr. Knox reports that 875 pounds have been established—177 in Guntoor and 698 in Masulipatam. Those in Guntoor cost Rupees 1,182-2-1—those in Masulipatam Rupees 2,957-1-6. The Magistrate thinks that at least 100 pounds should be constructed, in Guntoor—complaints being constantly made that the Ryots have to drive Cattle sometimes no less than 8 miles to the pound.

Mr. Knox submits that, as in future 2 or 3 villages will be united into one, and the Munsiffs and Curnums of the villages thrown in, will be discharged, and the emoluments of their office given to the office-holder, it will be very advisable to separate the office of pound-keeper from the Munsif, and to employ the thrown-out Curnums or Munsiffs as pound-keepers. Another reason, why the pound-keeper should be distinct from the Village Munsiff is, that it appears absolutely necessary that the Munsiff should enquire into the propriety, or otherwise, of impounding Cattle and dispose of the case. In the enlarged Taluqs, it will hereafter be very difficult for a poor Ryot to go 20 or 25 miles to the Tahsildar to have his cow released from the pound, or to obtain justice, if he thinks, he has been wronged.

The Magistrate strongly urges the reduction of the fines on buffaloes and cows to 4 and 2 Annas respectively. He is also of opinion that 3 weeks instead of one week, should expire before unclaimed Cattle are sold.

Section XIII of the Act requires that every person, who shall forcibly oppose the seizure of Cattle or rescue them after seizure, should be committed to the Criminal Court.

This was a very heavy punishment. The modification of the Section by the ruling of the Foujdári Adálat that a Head of Police is competent to punish the offence within the general authority vested in him, was a great boon. Mr. Knox submits that the alteration in Section II, Act V, 1860, was not for the better.

There have been some instances of what appeared undue severity on the part of the Subordinate Servants of the Public Works and Electric Telegraph Departments in seizing Cattle on embankments and near the Telegraph lines, though they fail to prove that the slightest damage has been done. The Magistrate has pointed out to the District Engineer and the Electric Telegraph Officer that the impounder of the Cattle must show the damage done to the Public Works.

In 1857, 58 and 59, there were 93 cases of illegal seizure, and 175 of forcible rescue.

Mr. Knox thinks that Section XVIII should be repealed, and every pig should be, charged 8 Annas for—and it should be provided, not only in the case of pigs, but all Cattle, that, when damage has been done, though not wilfully, the authority disposing of the case, may give the whole or any portion of the Cattle fine to the sufferer to make amends for the loss.

It should also be provided that, when the seizor has illegally and maliciously seized Cattle, and is unable or unwilling to pay the fines on their release, it should be realized by distraint and sale of his property—and where there is no property, he should be imprisoned for a short period.

No. 39. ORDER THEREON, 4th June 1860, No. 705.

In Extract Minutes Consultation, 23rd July 1858, No. 993, the Magistrates of Districts were directed to report on the 1st July 1859, on the operation of Act III, 1857, relating to trespasses by Cattle. The Government of India, having shortly afterwards on the requisition of the Home Government, called for a report on the practical working of the Act, the Magistracy were requested to send in their reports at the expiration of the year 1859.

2. From seven Districts two reports have been received, one up to 1st July and a second in continuation to 31st December 1859. From each of the other Districts, a single report has been furnished for the whole year. The substance of these reports is given in the *Precis* recorded above. The report from *Canara* comprehends the Northern and Southern Divisions of that province—and that from the *Krishna* District includes *Masulipatam* and the old *Collectorate* of *Guntoor*.

3. In their reports, the Magistrates have for the most part stated the number of pounds established in their respective Districts—the parties on whom the duties of pound-keepers have been imposed—the rates of remuneration granted to them—the collections and disbursements of the Cattle Fines Funds—the nature of the cases adjudicated under the Act—and the effect of the measure on the population.

4. The number of pounds established in the different Districts varies from 698 in *Masulipatam* to 27 in *North Arcot* and 23 in *Vizagapatam*. Between 200 and 300 have been construct-

ed in *Malabar*, *Nellore*, and *South Arcot*. There are upwards of 100 each in the *Cuddapah*, *Guntoor*, *Madura* and *Godaveri* Districts—and less than that number in the other Districts, excepting *Ganjam*, where no pounds have been erected. The reason assigned by the Officiating Magistrate, viz., the restriction on general expenditure, is no reason for pounds not having been provided. The fines levied and the proceeds of unclaimed Cattle, which have been improperly carried to account, should have been applied for this purpose as far as they would go.

5. With 293 pounds in *South Arcot*, the Magistrate proposes adding to their number. In *Trichinopoly*, 54 pounds are considered sufficient. The Government have already signified their wish that a pound should eventually be provided in every town and considerable village, as well as for every cluster of hamlets. No further sanction is, therefore, necessary for adding to the number of pounds, as solicited by some of the Magistrates. The limit to the extension of the system of pounds will be the amount available for the outlay in the "Cattle Fines Fund" of the District. The same remark applies to the erection of sheds, wherever wanted, for the shelter of the impounded Cattle from sun or rain.

6. Pounds have been erected in the *Zemindary* tracts of the *Presidency*. In *Vizagapatam*, the *Rajah* of *Bobily* is averse to the establishment of a pound at the *Police station* in *Pultair*, preferring the usage of that part of the country, whereby the seizure of stray Cattle and the compensation for damages are amicably settled between the cultivator and the owner. The Agent will explain to the *Zemindar* that the Act merely propounds a summary remedy by the aid of the *Police* and *Magistracy* for a species of trespass, for which it is practically impossible to obtain redress by *Civil suit*—and further that as resort to the Act is not compulsory, it will be optional with the population of the villages on his estate, or elsewhere, to avail themselves of the means sanctioned by law, or to settle among themselves as heretofore in regard to the damages which any may sustain from the stray Cattle of their neighbours.

7. The duties of pound-keepers have been, throughout the *Presidency*, imposed on the village authorities, wherever they were available. At the towns, where no village servants exist, pound-keepers have been employed on salaries not exceeding *Rupees 5* a month. In most of the Districts, no extra remuneration has been given to the village servants. In *Canara*, where the "Cattle Fines Fund" exhibited no surplus, and in *Nellore*, where there is a large balance at credit, salaries, *Rupees 3* and *2*, have been allowed to village officers for their services. In *Bellary*, $\frac{1}{4}$ the fines levied have been paid as fees. In *Chingleput*, the village servants are allowed "10 per cent. per quarter or 40 per cent. per annum on the collections," whether on fines alone, or including the sale proceeds of Cattle, is not specified. In respect however to both these Districts the Government consider the mode of remuneration adopted or one varying with the number of Cattle impounded to be open to obvious objection as tending to annoyance and oppression and they would wish it to be altered. In *South Arcot* where 293 pounds have been completed, a *Vettyman*, Subordinate to the *Village Munsiff*, is attached to each pound on a monthly pay of *Rupees 2*. Some of the Magistrates hesitate to recommend that remuneration should be given for the charge of pounds. The Magistrates of *Madura* and *North Arcot* propose to employ on pay a sweeper or watcher for each pound. No general order can be laid down on this head—the Government will be content to leave it to the discretion of the Magistrates.

8. The fund created by Act III of 1857, consists of fines levied on impounded Cattle, and the unclaimed proceeds of such as are sold. This fund is liable to charges, which, as appears from the accounts furnished by the Magistrates, may be classified into—

- 1st. Outlay on pounds,
- 2nd. Stationery and incidental expenses,
- 3rd. Fees or salaries to pound-keepers, and
- 4th. Refunds to owners of the surplus proceeds of Cattle sold.

In *Malabar* alone, the sum of *Rupees 464-15-11* was paid as "compensation for damages." The only cases, it should be remarked, in which compensation is awardable, are those falling under Sections XVII, XVIII of the Act.

Proceedings of the Madras Government, Judicial Department,
4th June 1860.

9. In the accounts from many of the Districts, "feeding charges" are exhibited as an item of expenditure—and credit is taken for sums recovered under that head. This appears to be unnecessary. Feeding charges are merely petty daily advances, fully adjusted on the release or sale of the Cattle, and need not be exhibited in the accounts. Judging from the statements from some of the Districts, Tanjore, as an instance, where the amount debited for feeding Cattle, is Rupees 1,690-3-8, against which the set off at credit is only Rupees 1,274-4-2—the course prescribed in Section XI of the Act does not appear to have been strictly followed. On the sale of unclaimed Cattle, the amount to be held in deposit for three months, before being carried to credit of the "Cattle Fines Fund," is not the full proceeds derived from the sale, but the "surplus proceeds," after deducting therefrom "the fines leviable and the expenses of feeding, together with the expenses of sale, if any." The expenses of feeding are to "be paid over to the pound-keepers, who shall also retain, and appropriate all sums received by them on account of such expenses under Section VII." Under this arrangement, the collections coming under the head of "fines" will comprise the fines chargeable on all Cattle, whether released or sold—the sums carried to account as "unclaimed proceeds" will be the "surplus proceeds" arising under Section XI—while the sums expended and recovered as feeding charges will not appear in the accounts.

10. With the exception of Canara and Vizagapatam, where the receipts have hardly sufficed to cover the outlay, the fund in all the other Districts, as far as the accounts have been furnished, possesses large sums at credit. These accounts of the Cattle Fines Fund are shown in the following table.

Districts.	No. of pounds	Fines.	Unclaimed proceeds.	Outlay.	Surplus balances.
Bellary...	60	2,174 6 8	1,704 13 3	928 5 6	2,950 14 5
Canara, North and South...	37	1,223 6 5	.....	1,296 7 2	.....
Chingleput...	85	6,588 9 0	516 11 9	975 10 0	6,129 10 9
Coimbatore...	28	4,141 4 2	3,123 6 4	32 11 0	7,231 15 6
Cuddapah...	129	3,375 8 5	.....	1,559 0 0	1,516 8 5
Ganjam...	.....	.....	.....	.....	.....
Godavari (Rajahmundry)...	195	9,028 12 1	.....	1,518 0 9	7,510 11 4
Krishna (Guntoor and Masulipatam)...	875	.....	.....	.....	.....
Kurnool...	80	3,747 7 7	.....	1,216 12 0	2,530 11 7
Madura...	146	5,313 12 0	539 8 1	2,224 0 0	3,629 4 1
Malabar...	276	5,837 2 4	2,442 6 3	4,651 4 3	3,628 4 4
Nellore...	244	18,199 6 1	.....	5,282 8 10	12,916 13 3
North Arcot...	27	2,913 11 11	1,804 7 4	37 12 2	4,680 7 1
Salem...	79	7,860 9 7	.....	3,220 12 7	4,639 12 9
South Arcot...	293	11,156 7 3	.....	227 15 4	10,928 7 11
Tanjore...	43	10,969 2 1	3,335 3 2	4,609 12 4	9,694 8 11
Tinnevely...	89	3,852 1 1	.....	891 8 10	2,960 8 3
Trichinopoly...	54	8,560 1 6	.....	1,210 9 11	7,349 7 7
Vizagapatam...	23	151 4 4	.....	400 0 0	.....
	2,763	1,04,793 0 6	13,466 8 2	30,283 2 8	88,298 2 2

Under Section I, Act V, 1860, the surplus of the Fines Funds after making full provision for the payment of the salaries allowed to pound-keepers and the expenses incurred for the construction and maintenance of pounds and other purposes connected with the execution of Act III, 1857, "may be applied to the construction and repair of roads and bridges and other works of a like nature." The Magistrate of Coimbatore has made advances, (which the Government sanction) to the extent of Rupees 200 out of the "Fines Fund" for the construction, in his District, of Bandy-pettahs or enclosed halting places for traffic carts. The Magistrates of South Arcot and Tanjore request authority for transferring the surplus collections to the "Local Funds" for the purpose of being laid out on works of public utility to be determined on communication with the District Engineer. The Government approve of this measure, and authorize its adoption, under the conditions of Section I, Act V, 1860, in every District, whenever a clear surplus is available. The Accountant General will submit an annual statement

Proceedings of the Madras Government, Judicial Department,
4th June 1860.

of the "Cattle Fines Fund," exhibiting the income and expenditure of the Fund and the surplus sums transferred in each District to the credit of the Local Funds during the year.

11. In some Districts, the collections under the Act have been carried to the credit of Government. This proceeding, it will be observed, was unauthorized, and the Government direct that, in every instance where it has been done, the entry be reversed.

12. The number of offences cognizable under the Act, have been few in most of the Districts. In the Kishna District, however, since the Act was brought into operation, there were 93 cases of illegal seizure and 175 of forcible rescue. The inconvenience and hardship arising from the course prescribed by Section XIII, Act III, 1857, has been ameliorated by Section II of the later Enactment V, 1860. The Magistrate of Coimbatore raises the question, who should be pound-keeper, when the new Police are introduced. This is provided for in Section IV, Act V, 1860. The extracts from the reports noted in

From the Magistrate of the Godavari District, paragraph 6. the margin, relative to the impounding, by
" Do. Krishna do. paragraph 11. subordinates of the Public Works Department, of Cattle trespassing on the embankments of Canals, will be communicated to the Public Works Department.

13. The general impression is that the Act is working favorably. In North Arcot, however, it seems to have been very imperfectly carried out, and it is not popular, because the people do not understand it. More pounds should be built, as proposed—and the Magistrate should use his exertions to extend its operation, and make the provisions of the Act fully comprehended.

14. The Magistrate of the Godavari District represents that, owing to the Magistrate and his Assistants being the only authorities, through whom summary redress is to be obtained, relief for damage done is attainable only after so much trouble, that the injured parties are deterred from seeking redress. He thinks it desirable that the District Munsiffs and Heads of Police should be invested with the power of awarding compensation to the extent of the fine levied for the trespass. It will be pointed out to Mr. Purvis

Notification, 10th Augt. 1858, Gazette, page 299. that District Munsiffs have been specially invested with the power of receiving and trying complaints under Section XIV of the Act. In regard to extending this power to Heads of Police, it is observed that the Member for

Proceedings, 17th February 1860, No. 193. Madras reported that the Select Committee on the Bill to amend Act III, 1857, which has become Law, were of opinion that the Act never contemplated that the offences against it were to be treated as trivial, and they were, therefore, unwilling to recommend to the Council any alteration of the Act in that respect.

(Signed) T. PYCROFT,
Chief Secretary.

No. 40. To the Secretary to the Government of India, Home Department, dated Fort Saint George, 4th June 1860, No. 706.

With reference to the correspondence noted in the margin, I am directed by the Honorable the Governor in Council to forward, for submission to the Government of India, the accompanying copy of a Precis, containing the substance of

the reports received from the Magistrates of Districts on the practical working of Act III, 1857, relating to Trespasses by Cattle. I am likewise to forward copy of the Proceedings of Government thereon. It will be observed that the general impression is that the Act has been working favorably.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Sept 5th for 1st
Encls: 1.

Judicial.

11x

N^o. 406.

The Secretary to the Govt. of India.

Sir

From the Govt. of India -

23rd July 1858 N^o. 1141.

" do - 25th March 1859

N^o. 598.

To do - 27th April 1859

N^o. 575.

From do - 10th Jan'y. 1860.

N^o. 58.

To do - 26th do N^o. 93.

With reference to the correspondence noted in the margins, I am directed by the Honble the Governor in Council to forward, for submission to the Govt. of India, the accompanying copy of a Process containing the substance of the reports received from the Magistrates of districts on the practical working of Act III - 1857 relating to Trespasses by Cattle. I am likewise to forward

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A copy of the
Proceedings of Govt.
thereon. It will be
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that the Act has
been working fa-
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Fort St George
4 June 1850

J.P.
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No 7
The Secretary to the
Govt of India

Oct 4th June 1862

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Forwarded copy.
Rec'd containing

the destruction of the
works derived from the
magistrate of districts
on the practical working
of ed. III of 1859 relating
to challenges by cattle.

C G May
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