M.R. O. 1—33,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 1294 Press ~~His.~~

103-104

Dated 23.6.1861 ~~19~~ .

9/9

Not to be folded or roughly handled

WNG

Proceedings of the Madras Government, Judicial Department, 23rd October 1861.

No. 103. Read the following Proceedings of the Board of Revenue, dated 19th September 1861, No. 5,085.

Read letter from P. GRANT, Esq., Collector of Malabar; to W. HUDLESTON, Esq., Secretary to the Board of Revenue, Chepauk, dated Calicut, 7th September 1861, No. 201.

1. Under instruction from the Accountant General, all fines on stray Cattle, &c., collected under the provisions of Act III of 1857, are carried to the General Account under the head of "Local Funds."

2. In Cantonments it appears that fines on stray Cattle are carried to the Military chest. I beg to know whether such practice is correct and to be continued, in fact whether the cognizance of such fines lies beyond the sphere of my duties, as, under the impression that Act III of 1857 was of general application, I made a reference to the Joint Magistrate of Cannanore, on the subject. Eventually it was placed before the Provincial Commander-in-Chief who expressed an opinion that uniformity of system in all Cantonments is desirable, and that unless there is some legal objection to the practice, that the present rule of carrying the fines to Military chest should be maintained.

Ordered to be submitted for the decision of Government.

(A true Copy and Extract.)

(Signed) W. HUDLESTON,
Secretary.

To J. D. Sim, Esq., Secretary to Govt., R. D.

No. 104. ORDER THEREON, 23rd October 1861, No. 1,294.

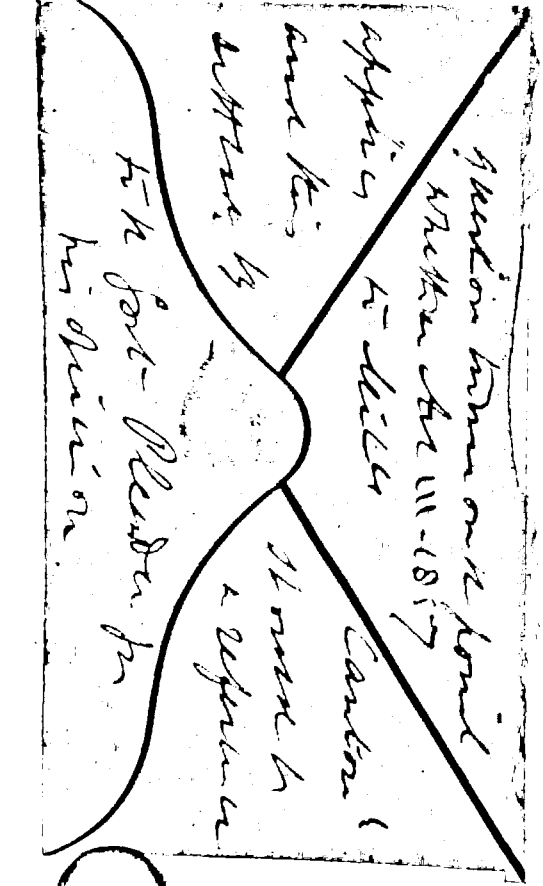
Resolved that these Proceedings be forwarded to the Government Pleader for his opinion as to whether Act III, 1857, relating to trespasses by Cattle, applies to Military bazar stations under Regulation VII, 1832.

(Signed) J. D. SIM,
Secretary to Government.

Exd. T. O'Connor.

Cattle Trespass Act in
Contravention

Chief Land
Service with Branch



land & Chief Secy.

The Act III of 1857 is
a general application
for Regulation for Ex-
cepting Mil. Cantonments
& abolishes Sect XII & 52
of Reg XI of 1827 and Sec
Reg 7 of 1832 in relation
to Cattle pound, it might
be questioned whether these sections
could now be
repealed, unless Govt. could
the new Act pass.

The Govt Mayo should
consult the Act in that

capacity, in subordination to the Magistracy & proceeds after giving for the purpose of the Act might be placed at the disposal of the Officer Commanding for not less than the Cattle Trespass Act, and an account being submitted to Govt every year in the Judicial Dept. — Account unless Govt is pleased to dispense with it in any instance or otherwise ordered by Govt. The Legislature might fix Pleaders or Advocates for Govt

Memo.

Ex: Mins: Council 23rd July '58 — No. 993. para 5. § 7. —

Note. in §3, the Magistrates must provide for special localities, Ramandroog, Neilgherries, &c.

The owners of Zemindaries & other Estates were denied the privilege of collecting Cattle fines — & compensation in lieu granted to some of them.

Certain portions of the Presidency ~~is~~ exempted from ~~Act~~ Act V relating to Trespass by Cattle.

Under § XX, any district or tract of country to which its provisions may be ~~just~~ extended, may be excluded from the operation of the Act, with the sanction of the Governor General in Council.

In the Town of Madras, Stray & Trespassing

trespassing cattle are
dealt with under § CXV
Act XIII 1856 & the pro-
ceeds of the pounds
are credited to the
Police Superannua-
tion Fund.

Reg. VII – 32 Cantonments.
Military Bazars Sta-
tions. There seems to be
nothing with about
impounding cattle,
unless it be in § XXXV
Officers Command-

"Constituting & defining
"Limits Bazar Stations
"& thereby vesting in
"the Cantonment Authority
"authority with respect
"to removing nuisances
"& to assessments on
IX "houses & premises
"upon the streets of the
"Bazars & Pettahs within
"their jurisdictions &
"houses, pandals & other
"buildings & there
"is nothing else
about creating Bazars
Limits
as used in Cantonments by Government

Military Receipts Fines levied under the Regulations But the above Fines applied to the Regimental Funds when the distress is properly held to be within the cantonment the Court in whose jurisdiction the property is lodged has power to remit the amount levied to the Commanding Officer with the Provincial Governor in Chief (Colonial Grant states) is of opinion that, unless there is some legal objection to

§ XI. Cl. 3.

to the practice, the present rule of carrying the fines to the Military Chest should be maintained.

§ XXI. By Act III – 57, the word 'Magistrate' includes a Joint Magistrates, or other officer lawfully exercising the powers of a Magistrate.

Act V – '60 § I. directs the appropriation of the surplus Cattle fines &c., under the direction of the Govt., to the construction & repair of roads & bridges, & other works of a like nature. This could be done by the Magistrate in Cantonments from the Milty. Chest, & the Cattle Acts extended to Cantonments by General Order

× or Commanding Officers,

Dealey to ask
the subject to forward
to the Govt Pleader
to ascertain the Extent
of Govt liability under
Act V of 1871

Forwarded for opinion
Dated 23rd October 1871

Resolved that these Proc.
be forwarded to the Govt.
Pleader for his opinion as to
whether Act III - 57, relating
to Trespasses by Cattle, applies
to Military Bazar Stations
under Reg. VII - 1832.

The Govt. Pleader.
" Board of Rev.
" Adjutant Gen. of the Army.

24/10

Judicial
Proc[illegible] 19
1861. Department.

No.

PROCEEDINGS of the BOARD of REVENUE,

Dated 19*th September* 1861.
Despatched, 25 *Sept*
Received, 26 "

No. 5,085.

A-1563

Submitting for decision a letter from the Collector of Malabar requesting to know whether in Cantonments all fines on stray animals &c, are to be carried to the Military Chest or to the General Account under the head of "Local Funds".

Govt. Sec. Rl. Cor. 1861 100-104

Settlement Order