

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

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Not to be folded or roughly handled

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*Proceedings of the Madras Government, Judicial Department,
8th December 1862.*

No. 68. Read the following *Precis of Reports* from the Zillah Magistrates on the practical working of their cattle pounds under Act III of 1857, during the Calendar years 1860 and 1861.

Tinnevely.—In 1860, 32 new pounds were erected, and 68 more were added in 1861, making a total of 189 now in operation. The average cost of each pound has been 10 Rupees. Of the pound-keepers 109 receive a remuneration varying from 3 to 4 Rupees per mensem with $\frac{1}{2}$ Rupee additional for Saderwarid, the rest are unpaid.

Madura.—In 1861, 8 new pounds were completed, and there are 24 more under construction, raising the total number to 98. But the Act is not confined to these, for at many other villages there are simple enclosures which are used as pounds. The pounds at Madura and Ramnad and four other places are kept by paid servants: the others by the village Officers without remuneration. Paid servants will have to be entertained in many other villages when they are clubbed together as proposed by Mr. Pelly. The pound at Madura cost 252-12, the others may be divided into three classes covering an area of 40, 25 and 15 square yards respectively, and costing 70, 45 and 32 Rupees, each pound is surrounded by a mud wall with a coping of brick in chunnam. Six cases of forcible rescue and 2 of illegal seizure occurred in 1860. In 1861 as many as 90 charges of forcible rescue were brought, but the greater number were dismissed and were probably malicious. Only one case of illegal seizure occurred in the latter year. The Act is appreciated.

Some old useless cattle when sold fetch less than what they have cost for feed, and the balance has been a charge on the general fund.

Tanjore.—Eight new pounds were erected in 1860 and 6 in 1861, raising the total to 57. Complaints are rare and the Act generally acceptable.

Trichinopoly.—The number of pounds is still 51, no more being required. Twenty of the keepers receive $3\frac{1}{2}$ Rupees monthly, and a watcher on $1\frac{1}{2}$ is allowed to each of them. In the other villages the collections will not allow of the servants being paid. The number of cases of forcible rescue in the two years under report were 76, of which all but 11 were dismissed.

Coimbatore.—There are now but 31 pounds, 10 of which were built in 1860 at an average cost of 18 Rupees, but the operation of the Act is not so limited, stray cattle being secured in every village at the Monegar's Choultry. In 1860 a shed was erected at the Ootacamund market for the shelter of the cattle, and bandy pettahs were formed at 7 large villages on the chief road at an average outlay of 31 Rupees. In 1861 the old pound at Ootacamund was replaced by a substantial building costing 325 Rupees. The Collector proposes with the permission of Government to construct more pounds and bandy pettahs, and to pay the servants at the larger village. Sixty-four charges of forcible rescue were lodged in 1861, but most of them were dismissed. The Act has a salutary effect.

Malabar.—One hundred and sixty new pounds were built in 1860 and 2 in 1861, making the total number 436. Of the new ones 25 are large pounds costing from 42 to 89 Rupees, and 137 of a smaller description costing from 3 to 15 Rupees. The average cost of the whole has been Rupees 7-10. Only 7 of the pound-keepers are paid, their salaries ranging from 6 to 4 Rupees per mensem.

Canara.—The pounds are placed under the supervision of the village headmen, but in the immediate charge of a paid servant on from 2 to $3\frac{1}{2}$ Rupees a month. There are but few large villages in this District and extensive grazing grounds. Tresspasses are therefore rare, and the operations of the Act limited. In South Canara at the close of 1861 there was a sum of Rupees 116-11 to be made good from future receipts. This adjustment cannot be effected for two years at least unless the collections very much exceed the maximum hitherto attained.

Salem.—Nine new pounds having been erected in 1860 and 4 in 1861, the present number is 92. The Act works well. In 4 out of 5 charges of forcible rescue preferred in 1860 punishment was awarded; only one case occurred in 1861, and that was dismissed.

South Arcot.—Act III of 1857 has been generally acceptable and successful. The collections have diminished, which argues a corresponding decrease of tresspasses committed, and would show that the people take greater care of their cattle.

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Madras.—Eight new pounds have been provided, but owing to the abolition of some and the transfer of others to North Arcot, the net number now in the District has been reduced by one. Up to April 1860 the pound-keepers received no pay. Since that time they have been paid 2½ Rupees a month to enable them to pay a menial to attend to the pounds. They had previously been in the habit of employing the Vettiya and of levying extra fines for their remuneration.

North Arcot.—Up to the beginning of 1860 the Act had been very imperfectly carried out in this District. A single report is now sent showing the improvements effected up to 24th September 1861. Thirty-nine pounds were added to the former 27 in 1860, and 37 more having been erected in 1861, there are now altogether 103 in operation. From the beginning of 1861 the watchers have been paid 2 or 2½ Rupees a month, but there is still a large and increasing surplus, showing that the Act is at last understood and appreciated. The village headmen are considered to be sufficiently remunerated by being allowed to nominate the watchers, and by having the sweepings, &c., for their perquisites. The average cost of each pound including a covered shed has been Rupees 20. More are yet to be built and the surplus in hand will not be paid to the Local Fund till the full complement is attained and a regular surplus certain. The number of charges of forcible rescue and illegal seizure were 5, of which 3 were dismissed.

Bellary.—During the years under report 25 new pounds have been constructed. In the town of Bellary the pound-keeper receives 5 Rupees monthly with 1½ for Saderwardi, and 3 for a sweeper. Elsewhere no remuneration is given; the former system of allowing 25 per cent. commission having been prohibited (Proceedings of Government, 4th June 1860, No. 105). Twenty-six charges of forcible rescue were preferred in 1860 and 53 in 1861, but nearly all of them broke down. Cases of illegal seizure have been very rare.

Cuddapah.—The cost of the 129 pounds hitherto built has been Rupees 1,379, which is more than repaid annually by the collections. One hundred and seventy more are to be provided at an average outlay of 15, and it is also proposed to pay the Munsifs in 20 of the largest villages at the rate of Rupees 2½ per mensem. These charges will exhaust the balance now in hand, so that the time has not yet arrived for making a donation to the Local Fund. It is however doubtful whether the whole of the collections are brought to account.

Kurnool.—The pound-keeper at Kurnool receives a monthly salary of 5 Rupees, but elsewhere the office is honorary. It is intended to erect 95 more pounds at an average cost of 18 Rupees. No complaints have been brought under the Act. The people do not enforce its provisions very rigorously, preferring to settle disputes by private arbitration.

Nellore.—The number of pounds in this District has been raised to 273 by the addition of 29 new ones during the two years under report. All the pounds are superintended by the village Munsifs ex-officio, who are paid from 1 to 3 Rupees per mensem for their trouble. The Munsif at Nellore itself receives 5 Rupees. The Act is very useful, owing to the great number of cattle in the District; but more pounds are required. At present there is an average area of 30½ square miles to each pound. Financially there is a decided surplus year by year, but there has been a slight gradual decrease in the collections showing the efficacy of the Act in preventing trespass.

Forcible rescue.		Unlawful seizure.	
Preferred.	Punished.	Preferred.	Punished.
1860 152	17	33	11
1861 273	56	56	17

Kistna.—The number of new pounds erected was 11 in 1860, and 1 in 1861. Complaints have been numerous, as shown in the margin. Hitherto no remuneration has been given to the Munsifs, but the Magistrate thinks that separate pound-keepers should be appointed, to be paid either by a fixed salary, or in small villages by a percentage on the fines. A Gumasta on 10 Rupees is also required in each Taluk and in the Huzur to check and abstract the accounts.

A regular system of checks on the pound-keepers has been established. The pound-keepers "send to the Taluk Cutcherry a duplicate of the receipt given to the seizer of the cattle, and the Samutdars are required to collect all the original receipts from the seizers and to send them also to the Taluk to be compared with the duplicates."

Sheds are wanted for all the pounds, and 114 new pounds are necessary. Orders have already been issued for the erection of 355 sheds at 17 Rupees each, and 65 new pounds at an average cost of 8 Rupees. Great hardship is occasioned by all cases under Section XIII and

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XIV, Act III of 1857, having to be personally investigated by the superior Magistracy. It is feared that instances are not rare in which the powerful take advantage of the delay to which this rule gives rise to oppress the weak who would generally have to travel a long distance to obtain a remedy. The superior Magistrate should be empowered to decide such cases on a perusal of the proceedings held by the Taluk officers.

Godavery.—Prior to 1860 there were 195 pounds in the Rajahmundry District, while in the Taluks transferred from the late Masulipatam District there were as many as 260. Six new pounds have now been added at an average cost of 5 Rupees raising the total to 461. In 1861 ten charges of forcible rescue were preferred and 9 of illegal seizure, out of which 6 and 3 respectively were proved.

Vizagapatam.—Further advances of 55 and 56 Rupees respectively were made in 1861 for the pounds at Vizagapatam and Bimlipatam, raising the total advance to Rupees 608-8, whereas the collections up to the end of 1861 aggregate only 472 Rupees. The estimated area of the District is 18,935 square miles which gives an area of 823 square miles to each of the 28 pounds. The Magistrate however is taking steps to work up to the wish of Government that each considerable village or circle of hamlets should be provided for.

Ganjam.—Thirty-six pounds have been built at an average expense of 15½ Rupees and others are in course of erection. The effect of the Act is beneficial and its working satisfactory. There is already a surplus in hand which will be applied to local objects with the permission of Government.

The following Abstract Statements show the receipts and charges in the various Districts.
Abstract Statement of Receipts and charges in the Cattle Fines Fund during 1860.

District.	Balance at close of 1859.	Collections.	Total of Columns 2 & 3.	Disbursements.	Surplus balance.	Transferred to Local Funds.	Surplus retained.	Remarks.
Tinnevely ...	2,028	7,603	9,631	888	8,743	6,500	2,243	
Madura ...	4,858	5,658	10,516	2,628	7,888	6,942	946	
Tanjore ...	a	9,367	9,367	2,370	6,997	a	...	(a) The entire surplus in hand in Tanjore is transferred to the Local Fund at the close of the official year.
Trichinopoly..	7,349	2,625	9,974	789	9,185	...	...	
Coimbatore...	7,232	4,596	11,828	482	11,346	10,000	1,346	
Malabar...	...	...	14,055	6,375	7,680	6,891	789	
North Canara...	...	...	1,487	616	871	871	...	(b) For S. Canara see the following Statement.
Salem ...	5,626	5,740	11,366	1,928	9,438	8,553	885	
South Arcot.	10,928	3,418	14,347	906	13,441	12,493	948	
Madras....	d	3,858	3,858	1,194	2,664	...	...	
North Arcot.	2,392	2,409	4,801	852	3,949	...	...	
Bellary ...	d	4,498	4,498	697	3,801	...	...	
Cuddapah. ...	1,710	1,520	3,230	12	3,218	...	...	
Kurnool...	d	...	3,675	43	3,632	...	...	
Nellore...	12,917	12,401	25,318	6,557	18,761	14,430	4,331	
Kistna.....	36,292	13,693	49,985	798	49,187	47,155	2,032	
Godavery. ...	d	7,444	7,444	399	7,045	e	...	
Vizagapatam..	...	...	320	388	...	...	...	(c) These figures show the actual collections and expenditure from the first introduction of the Act up to the end of 1860.
Ganjam....	...	...	...	...	...	...	...	(d) These amounts differ from the balance given in former accounts. (e) The "greater part" of the balance in the Godavery District has been transferred to the Local Fund

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Abstract Statement of Receipts and charges in the Cattle Fines Fund during 1861.

District.	Number of pounds.	Balance at close of 1860.	Collections.	Total of Columns 3 & 4.	Disbursements.	Surplus.	Transferred to Local Funds.	Surplus retained.	Remarks.
Tinnevely ...	189	2,243	10,451	12,694	8,182	4,512	1,500	3,012	
Madura ...	98	916	6,981	7,927	785	7,142	3,338	3,804	(a) These figures include feeding charge.
Tanjore ...	57	...	9,088	9,088	3,637	5,451	...	...	(b) The disbursements in the Godavery District include Rupees 71, the balance of sale proceeds refunded to the owners of cattle.
Trichinopoly..	54	9,185	3,490	12,675	1,325	11,350	6,432	4,918	(c) In Ganjam Rupees 3 and in Malabar Rupees 92 were awarded in compensation for damages.
Coimbatore....	31	1,346	3,895	5,241	519	4,722	...	...	(d) In Ganjam Rupees 13 were paid as rewards to persons seizing stray cattle.
Malabar ...	438	789	2,551	3,340	998	2,342	700	1,642	(e) These figures represent the actual collections and disbursements from the introduction of the Act up to the end of 1861.
South Canara.	15	...	...	435	551	...	...	...	
North Canara.	24	...	...	1,700	710	990	...	...	
Salem ...	92	885	6,969	7,854	2,236	5,618	4,618	1,000	
South Arcot.	293	948	3,425	4,373	298	4,075	...	...	
Madras ...	83	...	3,880	2,253	1,627	...	...	...	
North Arcot.	96	...	7,037	1,876	5,161	...	...	...	
Bellary ...	86	...	3,793	239	3,554	...	...	...	
Cuddapah ...	129	3,378	1,176	4,554	225	4,329	3,450	879	
Kurnool ...	80	...	3,362	...	...	...	...	...	
Nellore ...	273	4,331	8,610	12,941	5,132	7,809	6,323	1,489	
Kistna ...	615	1,953	13,082	14,985	396	14,589	11,990	2,599	
Godavery	461	...	...	8,862	465	8,397	3,288	5,109	
Vizagapatam..	23	...	...	472	668	...	...	...	
Ganjam ...	36	170	1,376	1,546	983	563	...	...	

No. 69. ORDER THEREON, 8th December 1862, No. 1,992.

The foregoing Precis contains the substance of the various Magistrates' Reports on the operation of Act III of 1857 in their several Districts during the calendar years 1860 and 1861.

2. Cattle pounds are now widely established throughout the Provinces. The Act is well understood and generally appreciated, and no remarks seem to be called for from Government.

3. In the 6 Districts marginally noted "feeding charges" are again exhibited as an item of expenditure.

Proceedings 4th June 1860, No. 705, para. 9. It has already been pointed out to be irregular. Expenses of feeding impounded cattle need only appear in the accounts in those rare instances, when, as stated by the Magistrate of Madura, they are not covered by the sale proceeds.

4. In Ganjam and Malabar certain sums were disbursed as compensation for damages. The Magistrates will be reminded that compensation is only allowable in cases falling under Section XVII and XVIII of the Act and that any sum awarded under those Sections is to be recovered from the person causing the trespass, not disbursed from the Fund. Another item which appears in the Ganjam accounts is clearly irregular, Rupees 13-6 having been paid to the seizers of cattle as rewards for which the Act makes no provision.

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5. The Magistrates of Coimbatore and Kistna request the sanction of Government to measures which it is observed they are empowered to carry out under their own authority.

No sanction is necessary for adding to the number of pounds or sheds,* nor for the remuneration of the pound-keepers. These matters are left to

the discretion of the Magistrates, the only limit to the expenditure being the amount available in the Cattle Fines Fund of the District. The Magistrate of Kistna will however be directed to bear in mind that the system of paying pound-keepers by a commission on the Collections has been prohibited. As regards the same Magistrate's proposal to entertain a Gumasta in each Taluk and in the Huzur to check the receipts and keep the accounts, the Government can hardly suppose so large an establishment to be necessary. The experiment should be tried first in two or three of the Taluks where trespasses are most frequent.

6. The Magistrate of Ganjam with only 36 pounds proposes, with the permission of Government, to apply the small balance which he has in hand to local objects of general utility. The transfer of the surplus collections to the Local Funds has been generally authorized wherever a clear surplus is available. This, however, does not appear to be the case in Ganjam, and the Magistrate will recollect that the construction of pounds wherever necessary and their maintenance in an efficient condition should be the first charge on the Fund. When these objects demand no farther outlay, whatever surplus exists may be credited to the Local Fund under the general sanction already accorded.

7. In Vizagapatam on the other hand where the original outlay on the existing pounds has not yet been recovered, the Magistrate is taking measures to provide pounds in every considerable village. In 4 out of the 23 pounds in operation during 1861 no collections were made, while 7 others produce less than 3 Rupees and only 4 more than 10 Rupees in the whole year. The Acting Magistrate will be careful to ascertain the cause of this small income before making any extensive advances. No pound has yet been provided at Pultair, but it is not stated whether the Rajah of Bobily is still opposed to its establishment, nor has the pound at Waltair been built, although 130 Rupees were advanced for that purpose in 1859.

8. South Canara is the only other District where the collections fall short of the charges, and it is one of the few Districts where all the pound-keepers are more or less remunerated. Until the original outlay is recovered, it appears to the Government that the majority of the pounds should be kept by the village servants without extra emoluments.

9. The Magistrate of the Kistna District urges that the superior Magistracy should be empowered to dispose of cases under Section XIII and XIV of the Act on the record of the Talook Officers. This would be contrary to the Act. It should be permitted. With the full complement of Assistant and Deputy Magistrates, it is hoped that cases of hardship are very infrequent.

10. It appears to the Governor in Council that the pound system may now be left entirely to the management of the Magistrates, subject, as regards the disposal of any surplus, to the control of the Board of Revenue. Annual Reports are therefore no longer required, but the Accountant General will continue to submit the yearly statement prescribed in para. 10 of the Proceedings of Government, dated 4th June 1860, No. 705. The statement for 1861-62 is long over-due.

11. A copy of the Precis recorded at the head of these proceedings will be furnished to each of the Magistrates, that they may see how the Act is working in other Districts.

(Signed) A. J. ARBUTHNOT,

Chief Secretary.

Edw. T. McMootry.

Magistrate

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Judicial Department.

No 1992.

8th December 1862

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following precis of reports from the Zillah Magistrates on the practical working of their cattle pounds under Act III of 1857 during the calendar years 1860 & 1861.

(Here enter Precis)

The foregoing Precis contains the substance of the various Magistrates' reports on the operation of Act III of 1857 in their several Districts during the calendar years 1860 and 1861.

2 Cattle pounds are now widely established throughout the Provinces. The Act is well understood and generally appreciated, and very few remarks seem to be called for from Government.

3 In the Districts marginally noted some improper charges are allowed to appear in the accounts. In the first line "feeding charges" are again exhibited as an item of expenditure. This has already been pointed out to be irregular. Expenses of feeding impounded cattle need only appear in the accounts in those rare instances, when, as stated by the Magistrate

Machua
Tanjore
Katalabai
Canara
Salem
Kanyam
Salem

Dec: 4th June 1860 No 705

Para 9.

Magistrate of Madina, they are not covered by the sale proceeds. In the ~~Madina District~~ ^{Madina District} refunds of surplus sale proceeds are entered among the disbursements. In the sale of unclaimed cattle, the surplus proceeds are to be held in deposit for three months before being carried to the credit of the General Fund. If the owner appears within that period, the amount is to be paid him at once, otherwise it is to be credited to the Cattle Fines Fund. ~~After having once been carried to account to the Fund, and cannot be refunded on any subsequent claim being brought forward.~~

4 In Banyam and Malabar certain sums were disbursed as compensation for damages. The Magistrates will be reminded that compensation is only allowable in cases falling under section XVII and XVIII of the Act. Another item which appears in the Banyam accounts is clearly irregular, Rs. 13-6-0 having been paid to the Seizer of Cattle as rewards for which the Act makes no provision.

5 The Magistrates of Coimbatore and Kistna request the sanction of Government to ~~measures~~ ^{measures} which they are empowered to carry out under their own authority. No sanction is necessary for adding to the number of pounds or sheds, nor for the remuneration of the pound keepers. These matters are left to the discretion

of

of the Magistrates, the only limit to the expenditure being the amount available in the Cattle Fines Fund of the District. The Magistrate of Kistna will however be directed to bear in mind that the system of paying pound keepers by a commission on the Collections has been prohibited. As regards the

Magistrate's proposal to entertain a Sumasta in each Taluk and in the Zujur to check the receipts and keep the accounts, the Government can hardly suppose so large an establishment to be necessary. The experiment should be tried first in two or three of the Taluks where trespasses are most frequent.

6 The Magistrate of Banyam with only 36 pounds proposes, with the permission of Government, to apply the small balance which he has in hand to local objects of general utility. The transfer of the surplus collections to the Local Funds has been generally authorized whenever a clear surplus is available. This however

— This does not appear to be the case in Banyam, and the Magistrate will recollect that the construction of pounds wherever necessary and their maintenance in an efficient condition should be the first charge on the Fund. When these objects demand no further outlay, whatever surplus exists may be credited to the Local Fund under the

General

* And that any sum awarded under those sections is to be recovered from the person causing the trespass, not disbursed from the Fund.

* Bandy-pettahs would also fall under this category.

general sanction already accorded.

7 In Vizagapatnam on the other hand — where the original outlay on the existing pounds has not yet been recovered, the Magistrate is taking measures to provide pounds in every considerable village. In four out of the 23 pounds in operation during 1861 no collections were made, while 7 others produced less than 3 Rupees and only four more than 10 Rupees in the whole year. The A.D. Magistrate will be careful to ascertain the cause of this small income before making any extensive advances. No pound has yet been provided at Pullari, but it is not stated whether the Rajah of Bobbili is still opposed to its establishment: nor has the pound at Waltari been built, altho' 130 Rupees were advanced for that purpose in 1859.

8 South Canara is the only other District — where the collections fall short of the charges, and it is one of the few Districts where all the pound keepers are more or less remunerated. Until the original outlay is recovered, it appears to the Government that the majority of the pounds should be kept by the village servants without extra emoluments.

9 The Magistrate of the Krishna District urges that the Superior Magistrate should be empowered to dispose of cases under Sec: XIII and XIV of the act on the record of the Taluk officers.

officers. This would be contrary to law, and cannot be permitted. With the full complement of Assistant and Deputy Magistrates, it is hoped that cases of hardship are very infrequent. It appears to the Governor in Council that the Pound system may now be left entirely to the management of the Magistrates, subject, as respects the disposal of any surplus, to the control of the Board of Revenue. Annual reports are therefore no longer required, but the Accountant General will continue to submit the yearly statement prescribed in para 10 of the Proceeding of Government dated 4th June 1860 No 705. The statement for 1861-62 is long over due. A copy of the ^{proceedings} recorded at the head of these Proceedings will be furnished to each of the Magistrates, that they may see how the act is ^{working} ~~proceeding~~ in other Districts.

to the Magistrates of the several Districts
" Board of Revenue
" Accountant General

22nd Dec 1861
5 copies
1 signed

C. J. K.

Pr. Dec.
Jul. 1862. Department.

No. 1992

PROCEEDINGS OF GOVERNMENT,

Dated 8th December 1862.

1992
The 9th Dec 1862.
The statement received from the Government
of the 9th Dec 1862.

Nothing certain observations
on the basis of reports from
the Gillies & Macquibbans in the
practical working of their
Cattle pounds where about
of 1857 during the calendar
years 1857-61 and giving
some instructions with the
former results.