M.R.O. 1—39,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 352 Press ~~Mis.~~

11-12

Dated 3-3-1862 ~~19~~ .

5/6

Not to be folded or roughly handled

MS

Proceedings of the Madras Government, Judicial Department, 3rd March 1862.

Read again Proceedings 23rd October 1861, No. 1,294.

No. 11. Read also the following letter from CLEMENT DALE, Esq., Government Pleader, Sudder Adalat; to J. D. SIM, Esq., Secretary to Government, Fort Saint George, dated 13th February 1862, No. 21.

Paragraph 1. I have the honor to acknowledge the receipt of the Proceedings of Government under the date and number noted in the margin; and in reply to report as my opinion, that Act No. III of 1857 is general in its operation, and extends equally to Military Bazar stations as to any other locality.

23rd October 1861, No. 1,294, Judicial Department.

2. In Section XI it is enacted that fines recovered and received, as also the surplus proceeds of the sale of unclaimed cattle, *shall be transmitted to the Magistrate*; while Section XII provides that such fines and proceeds *shall* form a fund which shall be available for the payment of salaries to pound keepers, *or* of expenses incurred for the construction and maintenance of pounds. From these Sections, and the general tenor of the Act, I entertain no doubt that it was the intention of the Legislature that all moneys received under the provisions of the Act should be paid to the Magistrate of the District, and that it was never contemplated, nor does the Act provide, that such moneys should be carried to a Military Cash Chest.

3. By Section 20 however the local Government, with the sanction of the Governor General in Council, may exclude from the operation of the Act, any District or tract of country to which its provisions may be judged unsuitable; I am of opinion that under this Section if His Excellency in Council were to deem it unsuitable that the provisions of the Act should be exercised in a Military Cantonment, an Order of Council might be passed with the sanction of the Governor General excluding such Military Cantonment from the operation of the Act.

4. Whether, if such an order were passed, the Officer having criminal jurisdiction within such Military Cantonment would have authority under any general law to seize and impound cattle trespassing on land or doing damage within the Cantonment, I am not required to [illegible]se, so far however as I am at present aware, I believe no such general power exists, but under the G. O. G., No. 126 of 1851, Section 2, each Officer, Commanding a Military Bazar station, is empowered to establish a regulation "for dealing with stray cattle."

No. 12. ORDER THEREON, 3rd March 1862, No. 352.

The opinion of the Government Pleader will be communicated to the Magistrate of Malabar, and to the Military Department.

2. It is clear from it that Act III of 1857, applies to Military Cantonments as well as to other places, and, therefore, that the fines and sale proceeds derived from stray cattle within Cantonments must be forwarded to the Magistrate—but there seems no reason why under the subsequent Act V of 1860, the net surplus should not be made over to the Officer Commanding, to be applied within the station, to the purposes indicated in the first Section of that Act, viz., "to the construction and repair of roads, and bridges, and other works of a like nature." As His Excellency the Commander-in-Chief recommends it, the Government authorize the surplus being placed at the disposal of the Commanding Officers. The Board of Revenue will make the necessary communication to the Collectors of Districts containing Military Cantonments.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Deposition given by the State Prisoner Sharamad Cunhi Koya.

Q. The Proceedings forwarded by the Chief Secretary to the Madras Government & and the Statement enclosed therewith will be read, hear them, and inform the Court to which of your heirs you wish the property you possess in the Shernad Taluq, should be made over &c.

A. I have a wife, four sons, and two daughters in the said Shernad Taluq. As my sons have not attained their majority, all the property I possess should be made over to my elder daughter Raviya Bibi. It appears from the statement that the said property being under attachment the rent of 25 Rupees collected therefrom up to 30th November 1861, after deduction of P a P 10 (costs) has left a balance of 18-11-2 which sum should also be delivered to the said Raviya Bibi. It is my intention that my elder daughter Raviya Bibi should distribute the whole of my aforesaid

aforesaid property equally amongst my wife, sons, and daughters, and that she should take the property which falls to her share; to which effect I beg the Court will address a reply.-

21st February 1862.

(Signed) Sharamal Kunhi Koya

Taken before me in open Court this 21st February 1862.-

(Signed) R. Coplestone
Sessions Judge

R. Coplestone
Sessions Judge

Enclosure in a letter from the Sessions Judge of Calicut Regular Dated 21st February 1862

Encl. to Ltr. dt. 28 Feby. 1862

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read again Pros: 23rd Oct. '61 No. 1,294.
Read also letter from the
Govt. Reader ——— Enter 13th Febry. '62 No. 21.

Order — 3d March 1862 No. 352.

The opinion of the Govt. Reader will be communicated to the Magistrate of Malabar, & to the Mily. Dept.

2. It is clear from it that Act III - 57 applies to Mily. Cantonments as well as to other places, and, therefore

therefore, that the fines & sale proceeds derived from stray cattle within Cantonments must be forwarded to the Magistrate— but there seems no reason why under the subsequent Act, IV of '60, the net surplus should not be made over to the officer Commanding the station, for the use of the Commander-in-Chief

+ & the pounds, wells, &c. but in the funds of that Act viz "the construction & repair of roads, and bridges, and other works of a like nature"

Chief recommends it, the Govt. authorise the surplus being placed at the disposal of the Commanding officers. The Board of Commissioners should be necessary communication to the Collectors of Districts containing Military Cantonments

JP

The Magistrate of Madadaar. 5
" Mily. Dept. 11
" Acct. Genl. 3
" Board of Revenue. 21
} 3 Desp 3 Oct 11 1860

Proc. 3rd March

Judicial 1862. Department

No. 352

PROCEEDINGS of the MADRAS GOVERNMENT.

Dated 3rd March 1862.

Communicating to the Departments concerned the opinion of the Govt Pleader that Act XI of 1857 applies equally to Military Bazaar Stations as to any other locality. Authorizing the surplus of the fines and sale proceeds derived from stray cattle within Cantonments being placed at the disposal of Commanding Officers.

5329] Madras—Printed at the Government Press.

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