

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1920	Press
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Dated	26.11.1867	

Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
26th November 1867.*

No. 316. Read the following letter from C. W. READE, Esq., Magistrate of South Arcot, to the Chief Secretary to Government, Fort Saint George; dated Cuddalore, 8th November 1867, No. 57.

I desire the opinion of Government as to whether fines, under the Pound Act III. of 1857, are to be considered as Revenue. It appears to me that they cannot be so considered. The Act is wholly a Magisterial one, and the powers conferred are on Magistrates alone, and proceedings under the Act are declared to be Magisterial, and no Revenue servants as such have aught to do with the Act. But my Head Assistant, Mr. Lister, contends for the opposite opinion, and accordingly in all charges of malversation or misdoing by the Village Magistracy in dealing with fines under the Act he is in the habit of proceeding against the accused under the provisions of Regulation IX. of 1822. My own belief is that this course is entirely wrong, and that cases of the kind are alone-adjudicable criminally under the Penal Code.

2. A decision on this question would seem to depend on whether the fines levied under Act III. of 1857 can be treated as Revenue, or are strictly Magisterial, and although I entertain no doubt myself on the point, I would solicit some authoritative opinion, so that the practice in dealing with offences charged against Village Magistrates, for tampering with money or accounts connected with Pounds under their charge and control, may be uniform.

3. Under the recent legal opinion of the Advocate General, the Police are invariably employed as the sellers of impounded and unclaimed cattle, and the sums realized are always remitted to the Sub-Magistrate's office, and appear in the Magisterial accounts.

No. 317. ORDER THEREON, 26th November 1867, No. 1920.

Before passing orders on the question raised in the foregoing letter, the Governor in Council requests that Mr. Reade will submit to Government the correspondence which has passed between himself and the Acting Head Assistant on the subject under reference.

(True Extract).

R. S. ELLIS,
Chief Secretary.

To the Magistrate of South Arcot.

Exd. J. Tulloch.

