

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

175-137 541	G.O. No.	418	Press
			~~Mis.~~
	Dated	13. 3	19 1867

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Not to be folded or roughly handled

418

Proceedings of the Madras Government, Judicial Department,

13th March 1867.

Read the following papers:—

No. 175. From the Acting Magistrate of Salem, to the Chief Secretary to Government, Fort Saint George; dated Salem, 9th February 1867, No. 8.

I have the honor to request that Government will be pleased to issue an authoritative ruling, as to whether the sales of unclaimed impounded animals (Act III of 1857) are to be conducted by the Police or the Sub-Magistracy.

2. By Section 8 of Act III of 1857, the duty of issuing a proclamation for unclaimed cattle, and of their sale by public auction, devolves on the "Darogah, or District Police Officer," and I do not exactly know who represents the "Darogah" under the present arrangement.

3. If by the term "Police Officer" in Section 8 is meant a Police Officer, as defined by Section 1, Act XXIV of 1859, I am of opinion the law should be amended, because the Police have already enough to attend to. I am further of opinion that the proceedings enjoined by Section 8 of the Pound Act form no part of the functions of a Police Officer.

4. It has been the practice in this District for Sub-Magistrates to conduct all such sales. The question having been raised as to the legality of such a proceeding, I shall feel obliged by an authoritative opinion.

Referred to the Advocate General for his opinion.

FORT SAINT GEORGE,
25th February 1867.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

No. 176. From the Acting Government Solicitor, Madras, to the Chief Secretary to Government, Fort Saint George; dated Madras, 4th March 1867, No. 103.

I have the honor to acknowledge the Order of Government noted in the margin, requesting the Advocate General's opinion as to the sale of unclaimed impounded animals under Act III of 1857.

2. I have submitted the matter for the consideration of the Acting Advocate General; and,

3. I now forward a copy of his opinion, and return the order above noted.

OPINION.

I think that, under Act III of 1857, Section 8, sales of impounded cattle cannot lawfully be conducted by the Sub-Magistrate. I do not know what Officer corresponds, under the present Police system, to the Darogah or District Police Officer named in that Act. Probably the Inspector of Police; but this can be easily ascertained by reference to the Inspector General. The intention clearly is to entrust the ministerial working of the law to the executive Police, giving the Magistracy a supervision over their acts.

(Signed) J. D. MAYNE,
2nd March 1867. Acting Advocate General.

(True Copy).
(Signed) H. G. PRICHARD,
For H. J. BROCKMAN,
Acting Government Solicitor.

*Proceedings of the Madras Government, Judicial Department,
13th March 1867.*

No. 177. ORDER THEREON, 13th March 1867, No. 418.

Ordered that a copy of the Acting Advocate General's opinion be furnished to the Acting Magistrate of Salem, with reference to his letter of the 9th ultimo, No. 8, and also to the several Magistrates of Districts for their information and guidance.

(True Extract).

Chief Secretary.

To the Magistrate of
" Acting Government Solicitor.

Exd. J. Talloch.

*Read the following
papers.*

From Magistrate of Salem / Dated 9 Feb'y 67 No. 8 /

From Mag. Govt. Solicitor / - 4 Mar - 1867 /

Order - 13 March 1867 No. 418

*Ordered that a copy
of the Mag. Advocate General's
opinion be furnished to the
Mag. Magistrate of Salem with
reference to his letter of the 9th
ultimo. No. 8, & also to the
several Magistrates of Districts
for their information & guidance*

*30 Magistrates of all Districts }
By for Collector 19/3*