

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 1078

Dated 20 May 1895

[Despatch Abstract.]

ACT XI OF 1890.

Extending, with remarks, the application-of---- to the town
of Madura on the establishment of a proper infirmary there.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Proceedings of a Meeting of the members of the Madura S. P. C. A committee, held at 5-30 P. M. on the 5th day of October 1894 at Ramnad House.

PRESENT.

Mrs. J. W. F. DUMERGUE (*In the chair*).

„ FISCHER.

W. DUMERGUE Esquire.

A. URIE Esquire.

R. FISCHER Esquire.

M. R. Ry. *Rai Bahadur* C. GOPALAN NAIR AVERGAL,
(*Sub-Judge Madura East*)

„ P. NARAYANASAMI IYER AVERGAL,
(*Sub-Judge Madura West*)

„ M. S. NARAYANASAMI IYER AVERGAL.

„ V. BHASHYA CHARIAR AVERGAL.

Resolved that Mr. Fischer, the Honorable *Rai Bahadur* R. Ramasubbier, V. Bhashya Chariar, and M. S. Narayanasami Iyer be requested to form themselves into a Sub Committee for the purpose of addressing the Government on the following subjects.

- (i) Extension of Act XI of 1890 to the Town and District of Madura.
- (ii) Investiture of the Society's agents with Police powers.
- (iii) The assignment to the Society of all fines inflicted in cases of cruelty prosecuted before Magistrate by the Society's agents.

Gudhar

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CURRENT NO 587

MADURA S. P. C. A. OFFICE,
6th February 1895 MADURA.

FROM

R. Fisher Esq.,
Secretary, S. P. C. A.
MADURA.

TO

The Chief Secretary
to the Government of Madras,
FORT SAINT GEORGE.

SIR

I have the honour to enclose a copy of a resolution passed by the committee of the society for Prevention of Cruelty to Animals in Madura at a meeting held on the 5th October last, and to request that you will be so good as to place it before His Excellency the Governor in Council for His Excellency's early and favourable consideration. As his Excellency may think it necessary to have some information about the origin and present condition of the Madura S. P. C. A. before passing orders on the subject of this communication, I crave permission to submit the following facts.

A public meeting of the inhabitants of Madura was held on the 30th day of August 1893. It was then resolved that a society be formed at Madura for the purpose of preventing cruelty and promoting kindness to animals. Mrs. Dumergue was, elected President of the society.

Several public meetings were subsequently held, at every one of which the aims and objects of the society were fully explained to all present.

An account of the proceedings of the first meeting appeared in one of the Madras Newspapers. Rajah Sir Savalai Ramasami Mudaliar has with his usual generosity presented to this city, six cattle troughs and drinking fountains of the kind erected at Madras. Several other native gentlemen here have followed the excellent example of Rajah Sir Savalai

5-
J. J.
587

Ramasami Mudaliar's. At one of the public meetings it was resolved to establish an infirmary in the town for the use of ~~the~~ diseased and disabled animals of the town and the District, and a sum of Rs. 3500 has been already subscribed for by the townsmen of Madura to meet the cost of the construction of an infirmary. The society has at present 70 Members.

The monthly subscriptions amount to about Rs. 90 and we have now on hand about Rs. 2000 in cash. We have applied to the Madura Municipal Council for the grant of a free site for the construction of the proposed infirmary and we feel sure that our request will be complied with by the Councillors. We, therefore, hope that the establishment of the infirmary will be an accomplished fact ere long.

We have not been up to this time prosecuting cases of cruelty to animals through our own agents and we have not even appointed such agents.

The committee of the S. P. C. A. are now desirous of placing the society on a thoroughly permanent legal basis and with this object in view the enclosed resolution was passed. The committee of the Madura S. P. C. A. therefore, pray that the Government of Madras will be pleased to extend the operation of Act XI of 1890 (Prevention of Cruelty to Animals Act) to the town and District of Madura and, to direct that the agents who may be appointed by the Society may be invested with the powers of the Police and that all the fines inflicted by the Magistrates in cases prosecuted by the Society's agents shall be made over to the Society.

I have the honor to be,

Sir,

Your Most Obedient Servant,

R. S. S. S.
Honorary Secretary.

4 vide G.O. 21-1-95
No. 13892.



587

From

R. Fischer Esq.

Secretary

S. P. C. A.

Madras

So 1043 3 5 94

1620 28 6 94

Decd 6 2 95

Recd 8 2 95

Recd 9 2 95

Encl-1

Subject

Praying that the Govt of Madras will be pleased to extend the operation of Act XI of 1890 to the town of

St. of Madras

16/2/95

Enclosure in a letter from the Hon. Secy-Madras dated March 10/95 No 170

Application of (over) Secretary

in the book file
So 2573 8 12 93 mis. p. 1
So 37 8 1 91 on 10/10/91
So 138 21 1 95 mis. p. 1

Endorsement. of 16. 2. 95 No. 325

Referred to the District Magistrate of Madras for remarks.

(By order)

Donald Davidson
16/2

for Under Secretary.

Forstgange 3
Feb. 95 3

To The District Magistrate of Madras.

MR 16/2/95

Current No. 371 of 1895

Date 16-2-95



Dis No 170 Madras District Magistrate's Office
5 March 1895

From

J. Twigg Esquire,
Acting District Magistrate
Madras

To

The Chief Secretary to Government
Judicial Department
Madras.

Sir,

* herewith returned

In reply to your endorsement No 325 dated 16th February 95 referring for remarks, a resolution of the Madras Committee of the Society for the prevention of Cruelty to Animals, asking for the extension of Act XI of 1890 to the Town and District of Madras, I have the honor to recommend that the Act may be extended to the Town of Madras as soon as the infirmary referred to in para 4 is established. The project is taking shape and I am today forwarding two Communications from the Chairman of the Municipal Council on the Subject.

2 I consider that it would be premature to extend the Act at present to the whole of the District.

I have the honor to be,
Sir,
Yours obedient Servant

J. Twigg

Acting District Magistrate

Received in the
Hon. Secy.

place for the purpose on the southern side of the river and I am informed that a portion of the Park was once used, though on a small scale, for such a purpose by the Farmers' Club; and the assignment of 2 acres out of 70 acres of waste land constituting the Park cannot materially diminish its extent or utility.

Enclosure.

Extract from the Proceedings of the Madras Municipal Council passed at its meeting held on the 5th February 1895.

Present.

49. Read letter from the Joint Secretary of the Madras "Society for the prevention of cruelty to animals" requesting the Council to sanction the grant of a free site for the construction of an Infirmary and also a liberal contribution towards the construction thereof.

Resolved that a site be given in the Park not exceeding 2 acres to be selected by a Sub committee consisting of Messrs. Preston, Muthusami Pillai, N. Sundaram Aiyar and Syed Ghulam Ali Sahib and the Chairman.

Resolved

Resolved nem con that a contribution of Rs. 2,000 be sanctioned towards the construction of the Infirmary.

Endorsement of the Collector of Madras, d/ 8th March 1895.
R. C. No. $\frac{860}{9th}$.

Forwarded. The proposal is an excellent one, and deserves the assistance offered by the Municipality. It is necessary that funds be raised at the outset sufficient to make the maintenance of the Infirmary independent of voluntary subscriptions in the future. Subject to this condition, and approval by the Collector of the particular spot selected I see no objection to the free grant of a site in the People's Park.

From the Chairman, Municipal Council, Madras, d/ 23rd February 1895, No. 10.

In continuation of my letter No. 7 d/ the 11th February 1895, I have the honor to state that the cost of Rs. 10,000 therein noted of the proposed Infirmary had, I now find, been overestimated in the absence of the necessary data and that according to information since furnished it will cost only about Rs. 5,000. The subscriptions raised by the Society (Madras S. P. C. A.) come

to

to nearly Rs. 3,000 and it is hoped that, with this and -
with the amount sanctioned by the Council, the Society
will be able to complete the building.

Order of 25 April 1895. No. 696 M. M.

The Government does not consider that a
contribution from Municipal funds or the grant of Mu-
nicipal land for the purpose proposed is legally permis-
sible under section 113 of Act IV of 1884.

18, 2. The proposal of the Council therefore can-
not be approved.

/True extract/

C. Todhanks

Sg. Assistant Secretary
for Chief Secretary.
26-IV.

The Chairman, Municipal Council, Madras,
thru. the Collector.

Judicial Department.

17/5/95

Judicial Depto.

CURRENT NO. 2132
Govt. of { 1895 } Madras.

Local and Municipal Department.

To

The Judicial Deptt.

Recd 30/4/95
Enc. "

Proceedings, dated 25 April 1895,
No. 896 M.

Subject.

Land

Stating with remarks that
the proposal of the Madras Muni-
cipal Council to grant a site in the
Park for the veterinary hospital and
to contribute Rs. 2,000 cannot be approved.

us 2/s

Concides

ON N^o 635 of 22.3.95
LC- N^o 1195/95 + paper

[G.
25.]
600-8-3-95.

Judicial DEPARTMENT.

587 of 6 Feby 95, from the Secy. S.P.C.A.
C. No. 1195 of 8 March 95 from the Secy. Madras.
+ 2132 of 25 ap. 95 from L.M.

FOR ORDERS.

Have no objection to extend
the Act when there is an in-
firmity or to all the
fines when the Society has
appd. agents & has them
under proper supervision,
but I don't think it will
be possible to grant Police
powers to the agents.

W
16/5/95

Order of 20th May 1895 No. 1078

The Govt. will raise no objection to
the extension of Act XI of 1890 to the
Town of Madras when a proper infirmity
is established, as to the assignment of
to the local S.P.C.A. of fines inflicted in
cases of cruelty prosecuted by its agents
provided that such agents are under strict
& constant supervision. - The investiture
of these men with police powers is however
a measure which sanctions is not
likely to be originated.

The S.P.C.A. Secy. 27 MAR 95
The S.P.C.A. Secy. 16/5/95

In its Proceedings of a meeting held
on the 5th Oct. 1894, the Committee of the
S.P.C.A., Madras, resolved to form
a sub-committee for the purpose of advising
the Govt. on (i) the extension of Act XI
of 1890 (An act for the Prevention of Cruel-
ty to Animals) to the Town & Dist. of Madras,
(ii) the investiture of the Society's Agents
with Police powers & (iii) the assignment to the
Society of all fines levied in cases of
cruelty prosecuted by the Society's Agents.
In the first of the papers read above Mr. Fis-
cher, the Secy. of the Society, forwards a copy
of the resolution & prays that the Govt. may
extend the act to the town & dist. of Madras,
investing the agents with Police powers & assign-
ing the fines to the Society. The origin of the
Society is stated to have been in Aug. 1893
when at a public meeting of the inhabitants of
Madras it was resolved that an association
institution of the town

Kind should be proposed at Madras.
Rajah Sir Savalai Ramaswami Mudali is
said to have presented six cattle troughs & drink-
ing fountains of the kind similar to those erected
at Madras; & ~~that~~ a sum of Rs 3500 has
already been subscribed for by the townsmen to
meet the cost of the construction of an infirmary.
The Society has at present 70 members, with
the monthly subscriptions of about Rs 90 & an
advance on hand of about Rs 2000 in cash.

Not no agents have yet been appointed
& no cases of cruelty have yet been prose-
cuted.

On referring the matter to the D.M. Madras
for remarks, he recommended in the second
paper read above that the Act ^{also} ~~may~~ be extended
to the town of Madras as soon as the infirmary
is established & ^{that his opinion} that it would be premature
to extend the act to the whole of the district at present.

He also said that two communications from the
Municipality were then being made to govt.
on account of site & ^{pecuniary} contribution for the infirmary.
These papers ^{have been} ~~were~~ detained pending the disposal
of the applications to the L & C Dept. which
ended in G.O. of 25 ap. 95 & G.O. 696 M. 100.

See that G.O., the govt. said that a contribu-
tion from municipal funds or the grant of Mun.
law for the proposed purpose was not legally
permissible under sec. 113 of Act IV of 1884
that the proposal to grant a site & to contribute

FOR ORDERS.

Rs 2000 cannot be approved.
From the Chairman's letter in the
L & C, order it appears that the
building will cost Rs 5000/- ex-
clusive of the site. Only Rs 3500/-
has as yet been subscribed. The
establishment of an infirmary is
thus still "in the clouds". I gather
from the "L & C" note for orders that
the whole movement depends very
much on the personality of Mr. V.
Mrs. Damerque & will very likely
fall to the ground when they leave
the district.

However this may be, it appears obvious
that the proposal to extend Act XI of
1890 cannot be entertained until
arrangements have been completed
for the establishment & working
of an infirmary with a reasonable
prospect of permanent existence.
The second proposal is that the
Society's agents should have
police powers. Hitherto these
powers have only been granted in
Madras, where the Commissioner
of Police has been given control over
them. There is in Madras Town no
stationary officer of Police of posi-
tion similar to that of the Commissioner.

Cp. P.O. 720.1.95
No. 148

MR 9.5.95

without some such control & supervision,
 has submitted that police powers
 should not be given to the Society's
 agents, especially as in a mofussal
 town or district there is far less
 guarantee against the misuse of
 such powers than in Madras.

The third proposal is that all
 fines inflicted in cases of cruelty
 prosecuted by the Society's agents
 should be handed over to the Society.

Hitherto no agents have been
 appointed in cases prosecuted
 if the agents have no police powers
 they will only be able to assist in
 the prosecution of cases under S 5 of
 Act III of 1889. In ~~Madras~~ Madras

is the Nilgiris such fines are credited
 to the local S.P.C.A. - but in the case
 of a newly created society, it would
 perhaps be as well to wait until
 a "satisfactory proof is forthcoming that
 the society's agent are under strict
 & constant supervision" (not E.O. 2573
 S. 1293)

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 14/5/85.

(For order)

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