

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 2603	Press ~~Mis.~~
462 - 463	
Dated 24 th October	1865.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Revenue Department,
24th October 1865.*

No. 462. Read the following letter from the Acting Secretary to the Board of Revenue, to the Acting Secretary to Government, Revenue Department, dated Madras, 12th August 1865, No. 4,817:—

1. I am directed by the Board of Revenue to submit the Draft of an Act for the prevention of the spread of Murrain among Cattle, with reference to paragraph 3 of Government Order, dated 13th July 1864, No. 1,224.

2. The Government, will observe that advantage has been taken of the existing machinery provided by Act III. of 1857 for impounding stray cattle, and that except in cases where parties may provide food and medicines for their cattle, it is proposed to meet all expenses from the Cattle Pound Fund, to which all fees and fines levied under the proposed Act will be credited.

3. As desired by Government, the proposed law has been so framed as to reach the cattle used by bandy-men on a journey, and to provide for the complete isolation of diseased animals. If Government should deem it inexpedient to take charge of diseased cattle, the Bill may be so modified as to require persons in every case to take care of their own animals when placed in the hospital pound.

4. As desired by Government, the opinion of a few Collectors were called for by the Board, and several of the suggestions made by these Officers have been adopted in preparing the draft.

No. 463. ORDER THEREON, 24th October 1865, No. 2,603.

Miscellaneous.

Ordered that the Draft Bill received with the above letter, as modified by Government, be transferred to the Legislative Department, in view to the necessary steps being taken for its enactment.

(True Extract.)

(Signed) W. HUDLESTON,
Acting Secretary to Government.

To the Legislative Department.
,, the Board of Revenue.

Exd. S. T. Augustin.

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A BILL
FOR THE PREVENTION OF THE
SPREAD OF DISEASE AMONG
CATTLE IN THE MADRAS PRE-
SIDENCY.

Preamble.

WHEREAS it is necessary to prevent the spreading of contagious or infectious diseases among cattle, sheep, and other animals in the Presidency of Madras, and with that object to prescribe by law in what way animals so infected shall be dealt with, it is hereby enacted as follows :—

Act to be extended to such places and during such periods of time as the Governor in Council thinks proper.

II. This Act shall be put in force in such Districts, or parts of Districts, and during such periods of time, as the Governor in Council may from time to time direct by Notification in the "Fort Saint George Gazette."

Owner or person in charge of cattle to give notice when they are attacked by any contagious disease.

III. Whenever in any District or part of a District to which this Act has been extended as above provided any Camel, Buffalo, Horse, Pony, Bull, Bullock, Cow, Calf, Ass, Sheep, or Goat, is attacked by any contagious disease, it shall be the duty of the owner, or of the person in charge thereof, to give immediate notice to such person as may be appointed by the Magistrate of the District keeper of the Hospital Pound established in the village or township in which the owner or the person in charge of the said cattle resides.

Where Hospital Pounds shall be established.

IV. Hospital Pounds shall be established in such places as the District Magistrate, under the orders of the Government, shall determine. The village or villages by which every Hospital Pound is to be used shall be determined and notified by the Magistrate.

Pound-keeper to examine.

V. On receiving notice as aforesaid, the keeper of the Hospital Pound shall at once examine the animal, and shall decide whether it is necessary to place it in the Hospital Pound for treatment.

To direct removal to Hospital Pound if necessary.

VI. If the keeper of the Hospital Pound should be of opinion that the animal has any contagious or infectious disease, he shall thereupon require the owner of the animal, or the person in charge thereof, to place it in the Hospital Pound, and, if necessary, shall require the owner, or the person in charge, to take such measures as he may direct for disinfecting the cattle shed or other place in which the said animal may have been kept.

Expenses for food and treatment to be borne by Cattle Pound Fund, unless owner supplies fodder and medicines.

VII. From the time when any animal affected as aforesaid is taken charge of by the Cattle Pound-keeper, all expenses incurred on account of feeding and medical treatment for the said animal shall be borne by the Cattle Pound Fund, established under Act III. of 1857, unless the owner, or person in charge thereof, desires to supply the food and medicines himself, provided always that such food and medicine shall be such as the keeper of the hospital pound may direct.

Animals destroyed to be buried, and no compensation claimable by owner.

VIII. Should it be found necessary to destroy any animal either before or after it has been impounded as aforesaid, or should any such animal die whilst in charge of the Cattle Pound-keeper, it shall be the duty of the Pound-keeper to have the carcase of the said animal buried at least six feet below the surface of the ground, and any cost incurred in so doing shall be met from the Cattle Pound Fund. When any animal is thus destroyed, the owner thereof shall not be entitled to any compensation for the loss he thereby sustains.

Fees to be charged, and animal to be sold to pay expenses if not paid.

IX. Should an animal impounded as aforesaid recover from the disease under which it may have been labouring, the person in charge thereof shall pay to the Pound-keeper, to be placed to the credit of the Cattle Pound Fund, the actual cost of the feeding and treatment of such animal, and should he fail to pay the expenses aforesaid, then the said

animal shall be sold by auction, and the sum realised by its sale, after deducting the amount of the expenses, shall be paid over to the aforesaid owner, or the person who was in charge, provided always that in such cases as the owner may elect to supply food and medicine he shall not be required to pay any charges whatever.

The cattle of villages may be placed in quarantine by the Magistrate.

X. In the event of any large number of cattle in any village being attacked by any contagious disease, it shall be lawful for the Magistrate of the District to declare the cattle belonging to that village to be in quarantine, for such period as he may deem necessary, and absolutely to prohibit any person from removing any of the cattle of the said village beyond certain limits which he shall determine.

Penalty for failing to give notice when animal is attacked by disease.

XI. If any person who may be in charge of any animal at the time of its being attacked by a contagious disorder, shall fail to give notice to the Hospital Pound-keeper of the village as required in Section II., the said person shall be liable, on conviction before a Magistrate, to a fine not exceeding Rupees 5 for every instance of such neglect, commutable, if not paid, to imprisonment for any period not exceeding ten days.

Penalty for refusing to obey direction of Cattle Pound-keeper.

XII. Any person who shall fail to comply with the directions of a Hospital Pound-keeper as to the impounding of any animal under Section V, or as to the disinfecting of any place where such animal may have been kept, shall be liable, on conviction before a Magistrate, to a fine of Rupees 20, commutable, if not paid, to imprisonment for any period not exceeding fifteen days.

Penalty for opposing the seizure and impounding of diseased cattle.

XIII. In any District in which this Act is in force, it shall be the duty of all Hospital Pound-keepers, of all Police Officers, and of all persons in charge of public roads, to seize and impound all cattle suffering from contagious disease, and any person who shall forcibly oppose

such seizure, or who shall forcibly rescue the same after such seizure, shall be liable, on conviction before a Magistrate, to imprisonment, with or without labour, for any period not exceeding six months, or to a fine not exceeding Rupees 500, or to both.

Penalty for breaking quarantine.

XIV. Any person who shall remove or attempt to remove any animal beyond the limits laid down by Proclamation when a village has been declared under Section X of this Act to be in quarantine, shall be liable, on conviction before a Magistrate, to imprisonment for any period not exceeding one month, or to a fine not exceeding Rupees 50, or to both.

Owner may prefer complaint to Magistrate within ten days of the seizure of his cattle.

XV. Any person whose cattle shall have been seized as being diseased, may prefer a complaint against the seizure at any time within ten days from the date thereof, to any Magistrate. The complaint may be either verbal, in which case the substance of it shall be taken down in writing by the Magistrate or written upon plain paper, and shall be preferred by the complainant in person, or by an agent personally acquainted with the circumstances. The Magistrate if, on examination of the complainant or his agent, he shall see reason to believe the complaint to be well founded, shall summon the party complained against, and shall proceed to make a summary inquiry into the case. If the seizure be adjudged illegal, the Magistrate shall award to the complainant such damages not exceeding in any case the sum of fifty Rupees as he may deem to be a reasonable compensation for any loss or injury sustained from the unlawful seizure, together with all expenses incurred by the complainant in procuring the release of the cattle, or if the cattle have not been released, the Magistrate in addition to the award of damages, shall make an order for their release, and shall direct that the expenses leviable under this Act

shall be paid by the party who made the seizure. Moonsiffs and other Judicial Officers having original jurisdiction, and not invested with Criminal powers, shall have the power of receiving and trying complaints under this Section, and in the exercise of such powers shall be subject to the same rules as Assistants and other officers subordinate to the Magistrate.

Fees and fines to be credited to Cattle Pound Fund.

XVI. All fines levied under this Act shall be credited to the Cattle Pound Fund established under the provisions of Act III. of 1857, which Fund shall be available for payment of all expenses incurred under the provisions of this Act, provided that it shall be lawful for the officer inflicting a fine under this Act to direct any portion thereof, not exceeding one-half, to be paid to the informer.

Governor in Council may lay down additional rules with penalty for breach.

XVII. It shall be lawful for the Governor in Council, by notice published in the "Fort Saint George Gazette," to lay down such additional rules, provided they be not repugnant to the provisions of this Act, as may from time to time seem necessary for the more effectually preventing the spreading of infectious or contagious diseases among cattle, and a breach of any such rule shall render the party liable, on conviction before a Magistrate, to a fine not exceeding Rupees 10, commutable to imprisonment for fifteen days.

A. as may be specially appointed for that purpose by the Magistrate of the District.
The Magistrate may at his discretion appoint the ordinary Pound-keeper or who is in Madras and the (1857 S IV) of office the Hdy. Village, or others.

Owner or person in charge of cattle to give notice when attacked by any contagious disorder.
Magistrate to examine.
Pound-keeper to examine.
To construct when necessary then hospital pound which is distinct from the village pound.
To direct removal to Hospital Pound if necessary.

Expenses for food and treatment to be borne by Cattle Pound Fund unless owner supplies fodder and medicines.
Animals destroyed to be buried, and no compensation claimable by owner.

*Animals will not be with the district...
 The village is too small to have a vested interest in this kind of cattle - but if they have they may get compensation.*

**A BILL
 FOR THE PREVENTION OF THE SPREAD
 OF DISEASES AMONG CATTLE IN THE
 MADRAS PRESIDENCY.**

WHEREAS it is necessary to prevent the spreading of contagious or infectious disorders among cattle, sheep, and other animals in the Presidency of Madras, and with that object to prescribe by law in what way animals so infected shall be dealt with, it is hereby enacted as follows:—

I. Whenever any Camel, Buffalo, Horse, Pony, Bull, Bullock, Cow, Calf, Ass, Sheep, or Goat, is attacked by any contagious disorder it shall be the duty of the owner, or of the person in charge thereof, to give immediate notice to such person as may, under the provisions of Act III. of 1857, have been appointed keeper of the cattle pound of the village within the limits of which the said animal may happen to be at the time it is so attacked.

II. On receiving notice as aforesaid the Pound-keeper of the said village shall at once examine the animal, and shall decide whether it is necessary to place it in the hospital pound for treatment.

III. If the Pound-keeper should be of opinion that the animal has any contagious or infectious disorder, he shall thereupon require the owner of the animal, or the person in charge thereof, to place it in the hospital pound, and, if necessary, shall require the owner, or the person in charge, to take such measures as may be necessary for disinfecting the cattle shed or other place in which the said animal may have been kept.

IV. From the time when any animal affected as aforesaid is taken charge of by the Cattle Pound-keeper, all expenses incurred on account of feeding and medical treatment for the said animal shall be borne by the Cattle Pound Fund, unless the owner or person in charge thereof desires to supply the food and medicines himself.

V. Should it be found necessary to destroy any animal impounded as aforesaid, or should any such animal die whilst in charge of the Cattle Pound-keeper, it shall be the duty of the Pound-keeper to have the carcass of the said animal buried at least six feet below the surface of the ground, and any cost incurred

the food medicine must be supplied as the person in charge of the hospital may direct.
the pound should be taken to destroy any diseased animal. In the case of poisoning him as well as after he has been poisoned.

Penalty for opposing the seizure and impounding of diseased cattle.

X. It shall be the duty of all Cattle Pound-keepers, of all Police Officers, and of all persons in charge of public roads, to seize and impound all diseased cattle, and any person who shall forcibly oppose such seizure, or who shall forcibly rescue the same after such seizure, shall be liable to imprisonment with or without labour for any period not exceeding six months, or to a fine not exceeding Rupees 500, or to both.

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Penalty for breaking quarantine.

XI. Any person who shall remove or attempt to remove any animal beyond the limits laid down by Proclamation when a village has been declared under Section 7 of this Act to be in quarantine, shall be liable to imprisonment for any period not exceeding one month, or to a fine of not exceeding Rupees 50, or to both.

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Owner may prefer complaint to Magistrate within ten days of the seizure of his cattle.

XII. Any person whose cattle shall have been seized as being diseased, may prefer a complaint against the seizure at any time within ten days from the date thereof, to the Magistrate, or to any Joint, Deputy, or Assistant Magistrate or other officer having Criminal jurisdiction authorized to receive and try charges without reference by the Magistrate. The complaint may be either verbal, in which case the substance of it shall be taken down in writing by the Magistrate or other officer as aforesaid, or written upon plain paper, and shall be preferred by the complainant in person, or by an agent personally acquainted with the circumstances. The Magistrate or other officer as aforesaid, if, on examination of the complainant or his agent, he shall see reason to believe the complaint to be well founded, shall summon the party complained against, and shall proceed to make a summary inquiry into the case. If the seizure be adjudged illegal, the Magistrate or other officer as aforesaid, shall award to the complainant such damages not exceeding in any case the sum of fifty Rupees as he may deem to be a reasonable compensation for any loss or injury sustained from the unlawful seizure, together with all expenses incurred by the complainant in procuring the release of the cattle, or if the cattle have not been released, the Magistrate or other officer as aforesaid, in addition to the award of damages, shall make an order for their release, and shall direct that the fees and expenses

in so doing shall be met from the Cattle Pound Fund. When any animal is thus destroyed, the owner thereof shall not be entitled to any compensation for the loss he thereby sustains.

VI. Should an animal impounded as aforesaid recover from the disease under which it may have been labouring, the person in charge thereof, shall pay to the Pound-keeper, to be placed to the credit of the Cattle Pound Fund, such fee as the Governor in Council may from time to time determine for each day during which the said animal was impounded, together with the actual cost of the feeding and treatment of such animal, and should he fail to pay the fee and expenses aforesaid, then the said animal shall be sold by auction, and the sum realised by its sale, after deducting the amount of the fees and expenses, shall be paid over to the aforesaid owner, or the person who was in charge, provided always that in such cases as the owner may elect to supply food and medicine he shall only be required to pay the fees.

VII. In the event of any large number of cattle in any village being attacked by any contagious disorder, it shall be lawful for the Magistrate of the District to declare all, or any of the cattle belonging to that village to be in quarantine, for such period as he may deem necessary, and absolutely to prohibit any person from removing any of the cattle of the said village beyond certain limits which he shall determine.

VIII. If any person who may be in charge of any animal at the time of its being attacked by a contagious disorder, should fail to give notice to the Pound-keeper of the village as required in Section I, the said person shall be liable to a fine not exceeding Rupees 5 for each offence, commutable, if not paid, to imprisonment for any period not exceeding ten days.

IX. Any person who shall fail to comply with the directions of a Cattle Pound-keeper as to the impounding of any animal under Section III, or as to the disinfecting of any place where such animal may have been kept, shall be liable, on conviction before a Magistrate, to a fine of Rupees 20, commutable, if not paid, to imprisonment for any period not exceeding fifteen days.

Fees to be charged and animal to be sold to pay expenses if not paid.

Handwritten notes:
* If the animal is not recovered, the fee is to be paid to the Pound-keeper.
The CP Fund must suffer

Handwritten notes:
The cattle of villages may be placed in quarantine by the Magistrate.

Handwritten notes:
ought to be all right - yes

Penalty for failing to give notice when animal is attacked by disease.

Handwritten notes:
This is to be specified - any one having the power of a Magistrate
Penalty for refusing to obey direction of Cattle Pound-keeper.

Handwritten notes:
The Magistrate should be satisfied.
This may be done on the instructions issued on 11. All being put in force

Handwritten notes:
B. The medicines to be given should be determined by the Magistrate under competent advice and consulting an expert. It seems from Mr. Thacker's report that they may find them of no use. The owner of the cattle if he can get them to be killed, but this is not to be done.

*The 1st of the month of August 1857
to only on the special emergency when the exigencies
of the law require by the Attorney General to be
carefully guarded against abuse*

*I do not think
our future
should be a subject of
speculation but the
Government should be
able to take the cattle
and put them in a pound
and sell them.*

*But even if we
should have the
cattle in the pound
it would be a
great expense to
the Government.*

*has its expenses for
the cattle in the pound
might fairly be in our
or at least special
times*

*Act to be extended to such places as Governor in Council
thinks proper.*

*And during such period of
time*

*Provision should be made for
applying the Act as a means of
deterring the cattle from
in a similar way. When that method has failed
the dangerousness of the cattle in the hands of the village
authorities, but in the district, the cattle should be
used as a means of punishing the village
authorities.*

Exd. J. Wright.

leviable under this Act shall be paid by the party who made the seizure. Munsiffs and other Judicial Officers having original jurisdiction, and not invested with Criminal powers shall have the power of receiving and trying complaints under this Section, and in the exercise of such powers shall be subject to the same rules as Assistants and other officers subordinate to the Magistrate.

XIII. All fees and fines levied under this Act shall be credited to the Cattle Pound Fund established under the provisions of Act III. of 1857, and which Fund shall be available for payment of all expenses incurred under the provisions of this Act, provided it shall be lawful for the officer inflicting a fine under this Act to direct any portion thereof not exceeding one-half to be paid to the informer.

XIV. It shall be lawful for the Governor in Council, by notice published in the "Fort Saint George Gazette," to lay down such additional rules provided they be not repugnant to the provisions of this Act as may from time to time seem necessary for the more effectually preventing the spreading of infectious or contagious diseases among cattle, and a breach of any such rule shall render the party liable on conviction to a fine of not exceeding Rupees 10, commutable to imprisonment for fifteen days.

XV. This Act shall be put in force in such Districts or parts of Districts as the Governor in Council may from time to time think proper to extend it, by Notification in the "Fort Saint George Gazette."

[Signature]
Acting Secretary.

[Signature]

The owner of diseased cattle under separate
 license to allow to physician at his own
 risk. This must be done according to the
 persons who have been a long while
 compliance instructions.

The appearance of diseased cattle in
 England is at present exciting some
 alarm. It may be well to be on the
 No. 4817.

From R. A. DALYELL, Esq., Acting Secretary to the Board of Revenue,
 To W. HUDLESTON, Esq., Acting Secretary to Government, R. D.

Sir,
 I am directed by the Board of Revenue to submit the Draft of an Act for the prevention
 of the spread of Murrain among Cattle with reference to paragraph 3 of Government Order, dated
 13th July 1864, No. 1,224.

2. The Government will observe that advantage has been taken of the existing machinery
 provided by Act III. of 1857 for impounding stray cattle, and that except in cases where par-
 ties may provide food and medicines for their cattle, it is proposed to meet all expenses from the
 Cattle Pound Fund, to which all fees and fines levied under the proposed Act will be credited.

3. As desired by Government the proposed law has been so framed as to reach the cattle
 used by bandy-men on a journey, and to provide for the complete isolation of diseased animals.
 If Government should deem it inexpedient to take charge of diseased cattle, the Bill may be so
 modified as to require persons in every case to take care of their own animals when placed in the
 hospital pound.

4. As desired by Government the opinion of a few Collectors were called for by the Board,
 and several of the suggestions made by these Officers have been adopted in preparing the draft.

I have the honor to be,

Sir,

Your most obedient servant,

W. A. Dalzell
 Acting Secretary.

REVENUE BOARD OFFICE,
 Madras,
 12th August 1865.

To the Acting Secretary to Government, R. D., with a Draft Bill.

Exd. J. Wright.

state of the law then - or what further force
 - in my judgment - in regard to this
 is possible -

10/11/65
10/11/65
10/11/65
 A draft Bill for the
 prevention of the spread
 of Diseases among Cattle
 in the Madras Presidency.

Enclosure in letter from
the off Secretary to the Govt
of Madras, 15th August 1865
to Government (Madras) 10/11/65
and 12th August 1865,
C No 4817.
Rev: 2235/65.

The bill has been prepared by the House under
the order of the day who have stated that "a measure
of the kind is necessary" and have
introduced the bill to which it should pass.
The bill must then be considered in
the legislative department. The bill, in its
form, one on which legislation is called for,
but the draft will require a good deal of
revision. It would then do to compare with
the bill in the same manner as the bill in
a similar manner as the bill in