

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 721	<u>Press</u> <u>Mis</u>
164-166	
Dated 17 — 5 — 19-1864	

33/34

Not to be folded or roughly handled

Ans

Proceedings of the Madras Government, Judicial Department,

17th May 1864.

Read the following papers:—

No. 164. From W. ROBINSON, Esq., Inspector General of Madras Police; to A. J. ARBUTHNOT, Esq., Chief Secretary to Government, Fort Saint George, dated Madras, 25th April 1864, No. 872.

General Department.

I have the honor, after a most careful study of the Act No. XXII of 1864, recently passed by the Supreme Legislature and of the existing laws for the administration of Police and Justice within Military Cantonments in the Madras Presidency, to recommend that the powers conferred by Section 41 of this Act (Act to make provision for the administration of Military Cantonments) be at once extended by order of the Governor in Council to all Military Bazaar stations within the Madras Presidency.

2. The Act is an admirable consolidation of all provisions of the existing law. Its administrative clauses give workable and sound powers, thoroughly in consonance with changes in the administration of Police which are now in operation.

3. The continuance of Regulation VII of 1832 and other Regulations relating to the Abkarry of Military Bazaar stations have, since the introduction of the Police, given rise to considerable confusion. The administrative provisions of these laws relate to conditions now no longer existing; and the consequence has been considerable misapprehension in regard to the position of the Cantonment Magistrate as well as of the Superintendent of Police. This Act is sound and explicit, and its operation will remove every difficulty.

4. If the Government are pleased to adopt the Act, I will at once prepare drafts of Rules and Regulations for giving effect to Section 19, so far as it concerns the Police administration.

5. I am now preparing a paper with reference to subject referred to in Clause 7 of that Section, which I hope to submit within a few days.

CHIEF OFFICE OF THE INSPECTOR GENERAL OF M. POLICE,
Madras, 29th April 1864.

MEMORANDUM.

No. 165.

I have for some time been anxious to bring before Government some considerations relative to the measures now in operation for the prevention of venereal disease in Garrison Towns, as affecting the working of the Police therein. As regards the health of our troops there is a frightful evil to be combated; but the real bearing of those, but very partially successful attempts to meet it by the so-called Lock Hospital system, claims the early attention of Government, and will no doubt shortly come under the consideration of the Sanitary Commission. The evil to our soldiery arises from promiscuous intercourse with *uncared-for* loose women, who are practically excluded from medical aid, unless discovered to have imparted disease to some soldier. There is no reason why this condition should subsist. These females can all easily be brought under control, and will learn to appreciate aid granted in a spirit of humanity. They generally are: 1st, European women, the off-scourings of the Barracks and Pensioners' lines; 2ndly, East Indian women likewise in general connected with Pensioners' families, or the widows and deserted women of European soldiers; 3rdly, the professional prostitutes of the country; and 4thly, the common native drabs, who infest the hedges and bye-ways after dark.

2. The evil really arises almost entirely from the utterly reckless nature of the promiscuous intercourse. A very small circumstance affecting the health of the women, tells at once on the health of our men. A fact was mentioned to me, while inquiring into this matter, some two or three years ago in one of our Cantonments, which I think singularly significant. I write from memory and under correction, for I did not see the Statistics, nor had I the means of making accurate inquiry. I heard that many of the women, attached as grass-cutters to the European Horse Battery, were available for the Troopers of the horses they attended to. If married, the husbands made no objection; and the Troopers in a great measure confined themselves to this class of women. The grass-cutters are hard working, healthy women, and probably not more common than as above described. The number of men in hospital belonging to the Battery,

was, if my memory serves me right, a very low per centage indeed to the strength. I think under five. The European Regiment cantoned close by them, whose soldiers had to frequent the bazaars, had an enormous per centage. I think above thirty. The difference was to be entirely attributed to the promiscuous and loose intercourse with women who were under no control and were uncared for. In fact the Horse Artillery had healthy women restricted to their own use: while the soldiery of the Infantry were thrown on the public bazaar with the usual results.

3. English Statistics of course afford no data of the effect of proper sanitary management in respect to prostitution, or the health of prostitutes. But I here place before Government a most significant table drawn from the French Statistics. It shows the health of women under a system of inspection and proper medical treatment, as compared with the sanitary state of those who are not so. It is drawn from Mr. Acton's able work on Prostitution, page 46. I beg an earnest study of the paper. It shows the difference between care and neglect.

Annual average of Syphilis among registered and unregistered Prostitutes in Paris and its Suburbs.

Year.	Registered Prostitutes attached to brothels within the walls.	Ditto in the Suburbs.	Registered Prostitutes living at large.	Unregistered women captured being Prostitutes.
1	2	3	4	5
1845...	Diseased. 1 in 142	Diseased. 1 in 59	Diseased. 1 in 261	Diseased. 1 in 6
1846...	1 in 151	1 in 53	1 in 182	1 in 6
1847...	1 in 154	1 in 51	1 in 350	1 in 6
1848...	1 in 125	1 in 37	1 in 181	1 in 5
1849...	1 in 128	1 in 44	1 in 200	1 in 5
1850...	1 in 148	1 in 47	1 in 142	1 in 5
1851...	1 in 198	1 in 60	1 in 180	1 in 5
1852...	1 in 184	1 in 75	1 in 349	1 in 5
1853...	1 in 183	1 in 122	1 in 402	1 in 5
1854...	1 in 176	1 in 103	1 in 376	1 in 4
Average of 10 years...	1 in 158	1 in 65	1 in 262	1 in 5.2
Average number of diseased amongst registered women...	1 in 162.			

4. Columns 2 and 4 show the state of health among the registered women of the better classes, living in brothels or their own lodgings. In both these classes the average of health is exceedingly fair. Amongst even brothel women one only in 158 contracts disease.

5. Column 3 shows the state of health amongst the common drabs outside the barriers, whom the soldiers frequent. Of these women, the French Medical Officers report that they are probably abused many times in the 24 hours, and are generally in such a state of intoxication and of themselves to pay the slightest attention as to the persons whom they receive, and are unable to prevent more than one in 65 on the average, of these miserable creatures, from contracting disease and consequently spreading contagion.

6. Column 5 shows the condition of health among the unregistered, uninspected, uncared for, women of the Town. One in every five is a walking pestilence. Here we have precisely the infected woman the causing of disease to from three to five men, we have the solution of the fearful revelations which our Military hospitals present.

7. Inspection, care and medical aid can therefore reduce the average of sickness amongst the miserable professionals of all classes from one in five to one in 162. In the name of huma-

nity then care is incumbent on the Government. But the measures must be thorough and complete.

8. We have made a certain progress in this respect. The Lock Hospital system as it is called, is designed to find out diseased women and compel them to enter the hospital; we don't profess to do this until one man, if not more, has been inoculated with the foul disease. This feeble measure has no doubt done good. The fact being that the *smallest* care *must* produce some good. It thus deserves the partial approval that has been accorded to it. But the whole case is perhaps not before the Government. Police Officers know its bad features, as they are called on to support it.

9. I venture to state it in its true light.

10. The Hospital Matron who is sent about on a mission to search for diseased women, is not what that noble word "Matron" implies. She is, as a rule, an old mercenary bawd; who after a life of debauchery, makes a livelihood by extortion and tyranny over the class; from which her age and decrepitude have removed her. Fallen women in the practice of their calling, have redeeming points; but the old bawd who ends her degraded life by becoming the spy of the Surgeon and Mouchard of the Police has—be her nationality or creed what it may—no redeeming feature. And the so-called Lock Hospital Matron of our Cantonments is no exception. The Government requires not to be told what the practical working of a creature of this kind is, when urged on by a Surgeon of an European Regiment, who is irritated and embittered by seeing his men succumb one after the other to foul disease, and backed by two or three Police Constables, who are obliged to accompany her to prevent the violence that her gross and offensive treatment, her threats to drag them to the hospital for inspection naturally provoke from her victims. Extortion on all hands may be inferred as the result. Were hers a mission of humanity—as these visits should be—this protection of Policemen would not be required. It is very demoralizing to be associated with such agents or such a mission. The woman's domiciliary visits are illegal trespasses, and her conduct is calculated to excite a breach of the peace. Such instances have occurred (recently in Waltair.)

11. As a plan devised to meet a persistent evil, it is fitful and uncertain. It would not, I venture to say, be tolerated in any civilised country. The results produced are partial: while the means resorted to are, I fear, utterly indefensible.

12. The Government will, I trust, sweep it away and adopt a matured system of regulation which shall be under their own control, have humanity for its object; and which will remove entirely the interference of every person who is not possessed of a high character, unimpeachable motives, and is not gifted with far more than average temper, delicacy and discretion. In devising a system for the regulation of prostitution, we must admit that women in Garrison Towns are free to prostitute their bodies if they will and find it answers. The object of Government cannot be deterrent. And the measure adopted can only extend to medical prevention—in which the prostitute herself is of all others the most interested—and to medical treatment of the female, when a disease is contracted. This can only be done by a system of Registration and Regulation and of personal inspection by competent Medical Officers.

13. The first step is to assign limits around every Cantonment, within which no prostitute whatever shall ply her trade, until her residence and all other matters connected with herself, and the house and female inmates she entertains, are registered and submitted to Regulation. Soliciting and plying this trade by unregistered females must render them liable to compulsory registration, or expulsion from the limits prescribed by Government for the operation of Sanitary Regulation in this respect.

14. The limits must include the Cantonment and its Parcherries, together with the Pettahs of the Garrison Town. It will not be necessary unduly to extend these limits. The woman who prostitutes herself to soldiery and would attract riotous men to her residence, would never be tolerated in the rural villages, even in those close to the Garrison Towns. Her house would soon be accidentally burnt down.

15. Within these limits every house, duly registered, should be regularly visited and inspected with a view to cleanliness of the premises. And the inmates should be required to

provide and use such preventive appliances as ordinary cleanliness or medical science prescribe. The visit must include a regular medical inspection of the person. As the visit would be made to the female's own lodging and conducted with propriety and decency, there should be no reasonable objection offered. It should be made at least twice a week.

16. In case of disease, the house, if the private lodging of the prostitute, must temporarily be closed. If the female is in a brothel, she must be removed for medical treatment to a hospital.

17. For the management of all matters connected with the registration and the regulating this branch of local Sanitary Police, I would venture to suggest that a Committee should be appointed in each Cantonment. It might consist of the Brigadier or Commanding Officer of the Cantonment, the Magistrate of the District, and the Senior Medical Officer in charge of European troops. In the latter, we secure personal interest in the work, and the means of discovery of clandestine prostitution which we could not otherwise command. The President of the Sanitary Commission, the Inspector General of Police, and the Deputy Inspector General of Hospitals for the Division, should be *ex-officio* members of every local Committee: thereby enabling constant supervision and co-operation in their respective Departments, and affording to the Government information and means of control in every relation. The Committee might meet at least once a week to hear complaints, direct action in cases of persons suspected of prostitution without registration, and issue instruction in regard to inspection and other matters. Powers should be given by the Bye-Laws to compel the attendance of suspected females and other persons whose examination is required. No criminal prosecution should ever be instituted save by their orders.

18. For the executive, I would propose to point one or two competent medical subordinates to be Inspectors of Sanitary Police. They should be pensioned Apothecaries of established character. It should be their duty to visit and inspect every registered house and prostitute twice a week. The treatment of patients, if allowed to remain in their own lodgings, should devolve upon them. They should be in daily communication with the Medical member of the Committee; and a weekly journal of their work should be laid before the Committee.

19. The Superintendent of Police is by law the executive of the Commanding Officer within the Cantonment; and is likewise under the control of the Magistrate of the District. He is thus in immediate communication with two members of the proposed Committee: and I would suggest that he should act entirely under instructions he may receive from them. He will likewise be in communication with the head of his own Department. No officer of the Police except under the immediate direction of the Superintendent should in any way whatever interfere with this branch of Police duty. All Police officers will of course know the registered houses and lodgings; and it will be their duty to observe, with a view to the detection of clandestine prostitution and prevent soliciting by any unregistered person. Their suspicions will be reported confidentially to the Superintendent of Police, he will bring the circumstance to the notice of the Committee and take their instructions; beyond this no Police officer of any grade should be permitted to interfere. Any complaint of challenging or interfering with any female or house on the ground of being suspected of unregistered prostitution, should entail immediate dismissal from the service. The instructions of the Committee ought to be carried out by the Sanitary Inspector or Police officers of the higher grades only.

20. Such penalties as are required to enforce the Bye-Laws might be enacted and would be carried out by prosecution before the Cantonment Magistrate, who should in no case be a member of the Committee. Provision must be made for penalties for obstruction of the Sanitary Police in the exercise of their functions.

21. With reference to the cost of these arrangements to the State, I would observe that the two Inspectors of Sanitary Police must be fairly remunerated. It must be borne in mind that besides being a disagreeable duty, these officials must be placed above temptation. Forty Rupees a month, in addition to their pensions, would probably secure the services of efficient men. A Hospital establishment would perhaps add 25 Rupees to the cost, making a total of Rupees 1200 per annum in each Cantonment. This might of course wholly or in part be raised from

the prostitutes by a fee on registration and for medical aid given. But I think that it would be exceedingly undesirable to receive into the Public Treasury money so acquired, and it might have the effect of impeding that registration and submission to Regulation which it is our object to encourage. Registration as well as medical attendance should therefore be gratis. And 8000 or 9000 Rupees spent on so humane an object, on one so intimately connected with the efficiency of our troops, would be a legitimate item in the Police Budget.

(Signed) W. ROBINSON,
Inspector General of Madras Police.

No. 166.

ORDER THEREON, 17th May 1864, No. 721.

His Excellency the Governor in Council concurs with the Inspector General of Police as to the expediency of extending Act XXII of 1861 to the principal Military Cantonments in this Presidency; but before publishing the requisite Notification, he resolves to request that the Advocate General will furnish Government with his opinion as to whether the omission in the Act of any allusion to Act XXIV of 1859, under which the Police of this Presidency is constituted, while frequent reference is made to Act V of 1861, will cause any practical difficulty in applying the Military Cantonments Act to the Madras Presidency.

2. Meanwhile, the Governor in Council resolves to refer Mr. Robinson's Memorandum of the 29th ultimo, to the Sanitary Commission for their consideration, and to request that the President of that Commission and the Inspector General of Police will jointly prepare and lay before Government a draft set of Rules on several points on which the local Government are empowered to make Rules and Regulations under Sections 17 and 19 of the Military Cantonments Act.

(True Extract.)

Chief Secretary.

To the Government Solicitor.

" Inspector General of Police.

" President Sanitary Commission.

Exd. J. Talloch.

No. 1469.

To

The President Sanitary Commission, Madras.

SIR,

I am directed to communicate, for the guidance of your Commission, the following instructions corresponding generally with those issued by the Government of India to the Sanitary Commission in Bengal.

1st. The duties of the Commission will be partly consultative and partly administrative. They will (to quote the Report lately presented by the Royal Commission on the Sanitary state of the Army in India) have to "give advice and assistance in all matters relating to the public health, such as selection of new Stations and the Sanitary improvement of existing Stations and Bazzars; to examine new Plans for Barracks and Hospitals; to advise on the laying out of Stations and Bazzars, the Sanitary improvement of Native Towns, prevention and mitigation of epidemic diseases, and generally, to exercise a constant oversight on the Sanitary condition of the population, European and Native; to report on the prevalence, causes, and means of preventing sickness and disease."

2nd. So far as those local causes of disease are concerned which require for their removal the construction of works, the functions of the Commission will be mainly consultative.

3rd. If, for example, Barracks and Hospitals have to be built or improved, drainage works constructed, supplies of good water afforded, all that the Commission can do is to advise.

4th. But there are other local causes of disease which require for their removal, not the construction of works, but good administration and the proper carrying out of Sanitary Rules and Regulations. This second class of removable causes of disease is as important as the first, and with respect to it, the functions of the Commission will not be merely consultative, but administrative also.

5th. All orders of Government in respect to Sanitary measures in Madras will be issued in the usual manner to the Departments concerned; but through the Agency of the Commission, it will exercise a general supervision and control over the whole Sanitary service. Practically, although not in name, a Department of Public Health for the Madras Presidency will be constituted under Government, and the responsible administrative head of this Department will be the President of the Sanitary Commission.

6th. It will, therefore, be understood that the Government does not intend that the Commission should be a merely deliberative body, having a merely collective responsibility. It will look to the President, as the Officer responsible, for obtaining and affording the best information and advice upon all matters of Sanitary importance, and for exercising a proper supervision over the whole of the Sanitary administration.

7th. The Secretary to the Commission will hold a more responsible position than the other Members.

8th. The whole time of this Officer and of the President will be devoted to the duties of the Commission, while the other Members will act only as advisers upon those questions which may be brought before them.

9th. If there be a difference of opinion among the Members of the Commission regarding any matter that is referred to them, the decision will rest with the President, and will not depend upon the votes of a majority of Members.

10th. It will be the duty of the President, in making recommendations to the Government on subjects that have come under discussion, to represent fully all points in which Members may have dissented from his conclusions; and any Member who desires to do so, may record a Minute upon any question that comes before the Commission, and may desire that it be submitted to Government with the President's Report.

11th. Reports to Government will be made under the signature of the President alone, and to the Military Department of the Government, with which the most important of its present duties will be connected.

12th. Important questions of Sanitary interest will, however, frequently arise in the Civil Departments, and references will be made as may be necessary, to and from the several Departments of the Government.

13th. All Civil and Military Authorities will be requested to give to the Commission every assistance it may require.

14th. Returns and Reports will be furnished periodically to the Commission from all Military Stations, in such forms as may hereafter be prescribed.

15th. The Commander-in-Chief will be requested to issue such orders, as His Excellency may think necessary, for ensuring the regular submission of such Returns, and for enabling the Commission to obtain promptly from local Military Authorities all statistical and other information which may be required, on matters affecting the Sanitary condition of the Army.

16th. Abstracts of all the proceedings and correspondence of the Commission will be furnished monthly to Government in the Military Department.

17th. An Annual Report upon Public Health will be submitted to Government by the Commission as soon after the 1st May as possible, commencing with 1st May 1865, treating of all the subjects that properly fall within its cognizance, and showing what has been done and proposed during the year.

18th. The practical work of executive Sanitary administration must, as already stated, be carried out by the local Civil and Military Authorities. It will be the duty of the Commission, after careful consideration and communication with those Authorities, to submit to Government plans for carrying on and supervising the whole Sanitary administration in the Madras Presidency, and so far as may be practicable existing Establishments should be made use of, so that no needless expenditure be entailed.

19th. Careful attention should be given to all the recommendations made in the Report of the Royal Commission appointed to inquire into the Sanitary state of the Army in India, as well as to those made in the Report of the Cholera Commission, and it will be the duty of the Commission to submit to the Government well-matured propositions regarding all recommendations made in those Reports which properly fall within the province of the Department of Public Health.

20th. Many questions may arise on which it will be desirable that the Commission should obtain the advice and assistance of the War Office Commission at Home. The Sanitary experience that has been gained in England will often be of the highest value in India, and on many of the questions which will have to be determined, it will be important that the benefit of such experience should be obtained.

21st. In no way can this object be so well effected as by communicating with the Home Commission, which will speak on the subject with high authority; and when any information or advice is required from the War Office, a reference should be made to Government, who will communicate with the Secretary of State upon the subject.

2. The Government instruct me further to direct the attention of the Commission to the Sanitary condition of—

1st. The European Barracks in Fort Saint George, and the Lines of the Native Regiments belonging to that Garrison.

2nd. The Hospitals and Jails of the Presidency Town.

3rd. The Town and Suburbs of Madras.

3. Although many improvements have recently been made in the Sanitary condition of the European Barracks in Fort Saint George, it is very desirable that the Sanitary Commission should, by a careful and detailed personal inspection, acquaint themselves with the present condition of these Barracks with a view to suggesting such further alterations and improvements as may appear necessary. The inquiries of the Commission should not be limited to the condition of the Buildings only,—although great attention should be paid to the actual Buildings in which Troops are located, their suitability or otherwise for the purposes to which they are applied, their capacity, ventilation, drainage, and system of Conservancy,—the researches of the Commission should extend to every detail which directly or indirectly affects the health and comfort of the inmates of the Barracks. Such as their occupations when not on duty, habits, diet, cooking clothing, &c., &c. Particular attention should be paid to the condition of the atmosphere in the Barrack Buildings both during day and night.

4. The introduction of the system of dry-sewage, which has been tried with such remarkable success, in England and in some parts of India, should receive the immediate attention of the Commission, who will lose no time in putting themselves in communication with the Military Authorities, with a view to such preliminary experiments, as may be considered necessary, being forthwith made.

5. In giving early consideration to the sanitary condition of the Lines occupied by the Native Troops belonging to the Garrison, the proportion of disease and death among the occupants of these Lines as compared with the Native inhabitants of the immediate neighbourhood, and that of the Native inhabitants of other parts of the Town of Madras, should, as far as possible, be ascertained.

The nature and variation of disease in the Lines during the different seasons of the year should be carefully observed, and the action in respect to epidemic and other diseases—of the crowded neighbourhood on the Troops, and *vice-versa* of the Troops on the other classes of the neighbouring community should be examined.

The improvements deemed necessary in the hutting of the Native Troops should also be reported upon.

The Commission will obtain from the official Records of Government any former correspondence that they may require regarding the Lines of the Native Troops,—as it is important that previous to making any recommendation they should know whether the subject has not already been discussed by the Government,—and the reasons, Military or other which have influenced the decision of Government.

6. The foregoing remarks will apply generally to the Hospitals and Jails situated in the Presidency Town. These should be carefully inspected by the Commission, and a full Report furnished on their present condition, with such suggestions as may be considered necessary for their improvement in respect to their sanitary condition.

7. As regards the Sanitary condition of the Town of Madras, it will probably be found necessary to revise and amend the present system of Mortuary Returns and to take measures for obtaining more accurate statistical information respecting the Health of the population, European and Native.

8. Without some approximately accurate estimate of the population of the City of Madras, and without a regular system of registering Births and Deaths, there are no sufficient data available upon which to base a reliable opinion respecting the health of the inhabitants and their Sanitary requirements.

9. The attention of the Commission should therefore without delay be directed to this important subject, with a view to the submission to Government of a well-considered plan for the registration of Births and Deaths.

10. This scheme of registration should not be confined only to the town of Madras. Information is equally necessary on these subjects from all the principal towns in the Presidency and from the rural Districts.

11. The Commission will shortly be informed of the details of the projects now under the consideration of Government, for bringing pure water into and improving the drainage of the Town of Madras.

12. All suggestions of the Sanitary Commission for improving the Sanitary condition of Madras should be made with reference to the design of the works above referred to; but although many of the more important Sanitary measures must wait the completion of these projects, the Government are of opinion that much may be done in the meantime towards the prevention of nuisances, the removal of causes of disease and improving the details of the present system of Conservancy. To these practical objects the Sanitary Commission should direct their immediate attention.

FORT SAINT GEORGE,
2nd May 1864.

I have the honor to be

Sir,

Your most obedient servant,

(Signed) H. MARSHALL, Colonel,
Secretary to Government.

(True Copy.)

Secretary to Government.

Exd. W. Regel.

MILITARY DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following papers:—

From the Secretary to the Government of India, Military Department, Fort William, 28th January 1864, No. 806; to the Secretary to Government, Military Department, Fort Saint George.

With reference to letter No. 297, dated 15th August 1863, from the Right Honorable the Secretary of State for India, to the Government of India, a copy of which was forwarded direct for the information of the Government of Fort Saint George, I am directed to transmit, for the information of His Excellency the Governor in Council, two copies of the report of the Royal Commission on the Sanitary state of the Army in India, with precis of evidence attached, and also a copy of my letter, No. 801 of this date, to the Quarter Master General, communicating generally to His Excellency the Commander-in-Chief in India, the measures which the Right Honorable the Governor General in Council proposes to adopt in furtherance of the objects recommended in that despatch.

2. A further communication will be made to you as soon as the instructions for the guidance of the Commissions are drawn up; but, in the meantime, I am to request that His Excellency in Council, may be moved to cause a Sanitary Commission for the Madras Presidency, to be formed without delay in accordance with the principle on which the Bengal Commission is composed of Civil, Military, Medical and Engineer Officers combined.

3. The Governor General in Council desires to leave the formation of the Commission to the Government of Fort Saint George; but His Excellency in Council considers that, as a rule, it is desirable that the President should be a selected Officer of the Civil Service, and the Secretary a Medical Officer, both able to give their whole attention to the work; and that they and the other Members should receive the salaries marginally noted.

President—Rupees 3,000 a month, consolidated.	
Secretary, " 500 in addition to pay, &c., of rank.	
Other Members each 300.	

4. I am further to invite the early opinion of the Governor in Council as to the expediency of any change in the permanent distribution of the Troops in the Madras Presidency, with reference to the remarks in paragraphs 9 to 19 of the despatch; and to request that instructions may be issued to ensure the complete uniformity of the system of Army Medical Statistics in India, with that at present in use at Home Stations.

5. The subject of a systematic registration of the deaths throughout India has been referred for the consideration of the Home Department of this Government.

6. The Secretary of State will be requested by the outgoing Mail to cause 12 copies of the complete report, which has not, it will be seen, been yet received here, to be forwarded to the Madras Government by the Overland route with as little delay as possible.

From the Secretary to the Government of India, Military Department, Fort William, 28th January 1864, No. 801; to the Quarter Master General.

I am directed to transmit copy of a Despatch, No. 297, dated 15th August 1863, from the Right Honorable the Secretary of State, communicating the views of Her Majesty's Government, on the recommendations of the Royal Commission on the Sanitary state of the Army in India, and a copy of the smaller edition of the Report with precis of evidence, and to acquaint you, for the information of His Excellency the Commander-in-Chief, that, owing apparently to some mistake, no copies of the Report were received until the 12th instant, and that no copies of the complete Report (in two volumes) have yet come to hand. On their arrival, one or more copies will be furnished for His Excellency's information.

2. My telegram of the 25th instant to the Adjutant General, will have already informed Sir H. Rose, that a Sanitary Commission for Bengal, is about to be formed in Calcutta. The Right Honorable the Governor General in Council has decided that it shall be composed of a Civil Officer as President, two Medical Officers, one of whom will be the Secretary, and two

*1000 Repts
Inc. 1000*

Military Officers (one an Engineer Officer) as Members. The President and Secretary will devote their whole time to the duties of the Commission, and will receive, the former a consolidated salary of Rupees (3,500) three thousand and five hundred a month, and the latter a Staff salary of Rupees (600) six hundred a month in addition to the pay and allowances of his rank. The other Members, who will be selected from, amongst Officers serving at the Presidency, will serve on the Commission in addition to their other duties, receiving as a remuneration Rupees (300) three hundred each per mensem.

3. The Governments of Fort Saint George and Bombay, will be requested to cause similar Sanitary Commissions to be formed in those Presidencies, to consider, in communication with the Departments concerned, how the objects desired by Her Majesty's Government can best be carried out, and to superintend the working of the Sanitary system which may be adopted.

4. His Excellency will, doubtless, observe that the Royal Commission are under erroneous impressions with respect to the actual Sanitary condition, and the amount of sickness and mortality of British Troops in India, as well as with respect to the endeavours successfully made of late years to improve their condition in every way, and the still greater improvements which have been for some time in contemplation. He is aware that, as intimated by Sir C. Wood, several of the questions touched upon by the Commission, have been for some time past under the consideration of the Government of India; although the determination of the best measures to be taken has unfortunately been delayed owing to circumstances which could not have been foreseen, and that the Sanitary condition of the Army generally has engaged its anxious attention in connection with the Report of the Cholera Commission.

5. Thus the subject of rations and dieting of the Troops will be dealt with in connection with the Report of the Commissariat Commission; the best modes of checking Venereal disease, respecting which, His Excellency has repeatedly addressed the Government, has recently formed the subject of a reference to the Home Department, in order that it may be determined how far the repressive measures which have been proposed, can be supported and rendered effectual by legislative action; and the question of the provision of means of instruction and recreation to the British Soldier has also engaged attention, and will soon, it may be hoped, be decided.

6. The recommendation of the Royal Commission, that no spirits be issued to Troops on Boardship except at the recommendation of the Medical Officer, appears, moreover, to be identical with the existing practice; the shipment on Vessels taking Troops to England by the Cape

* *Government letter to Deputy Quarter Master General, No. 961, dated 26th November 1859.*

route of about a month's supply of Rum, to be issued at the discretion of the Medical Officer, having been sanctioned in 1859,* on the special recommendation of the Heads of the Medical

Departments of both the British and Indian Services. But I am to solicit the early opinion of the Commander-in-Chief on the expediency of discontinuing the sale of ardent spirits in Canteens, and prohibiting by legal enactment their sale in Military Bazaars, as suggested in paragraph 22 of Sir C. Wood's Despatch.

7. With reference also to paragraphs 9 to 19 of the Despatch, I am to request that His Excellency's opinion as to the expediency of any further change in the distribution of the Army in this Presidency, as proposed in 1862-63, on which orders were about to be issued when the Despatch was received, and the grounds on which he would recommend any change, may be submitted for the consideration of Government.

8. The construction of Barracks on approved principles, referred to in paragraph 20 of the Despatch, had been already taken up by the Public Works Department, and it will naturally come under the consideration of the Sanitary Commission; whilst the selection of new sites for Barracks must of course await the final decision as to the distribution of the Army.

ORDER, No. 929, 17th March 1864.

In accordance with the instructions of the Government of India, the Governor in Council directs that a Sanitary Commission, composed of the undermentioned Officers, be formed in this

From Secretary of State for India, to Government of India, 15th August 1863, No. 115.

Presidency, to consider, in communication with the Departments concerned, how the objects desired by Her Majesty's Government, as ex-

pressed in the Despatch noted in the margin, containing their views on the recommendation of the Royal Commission on the Sanitary state of the Army in India, can best be carried out, and to superintend the working of the Sanitary system which may be adopted.

PRESIDENT.

The Honorable R. S. ELLIS, C. B.

MEMBERS.

Surgeon Major D. MACFARLANE, M. D.

Major J. H. M. S. STEWART, Royal Engineers.

Captain A. F. PLACE, 34th Lt. Infy., whilst doing duty with the 2nd Regt. N. I.

Assistant Surgeon H. B. MONTGOMERY, M. D.

SECRETARY.

Dr. H. B. MONTGOMERY.

2. The President and Secretary will devote their whole time to the duties of the Commission, and will receive, the former a consolidated salary of Rupees 3,000 a month, and the latter a Staff salary of Rupees 500 a month, in addition to the pay and allowances of his rank. The other Members will serve on the Commission, in addition to their other duties, receiving as a remuneration Rupees, 300 each per mensem.

3. The foregoing papers will be communicated to the Commander-in-Chief, with reference to Proceedings 1st October 1863, No. 3152, and His Excellency's opinion requested as to the expediency of any change in the permanent distribution of the Troops in this Presidency.

4. The Principal Inspector General Medical Department will suggest such measures as are necessary for ensuring the complete uniformity of the system of Army Medical Statistics in India with that at present in use at Home Stations. Meanwhile, the instructions of the Right Honorable the Secretary of State for the Medical Returns of the Troops in India, being prepared in the forms prescribed for the British Army, will be strictly observed.

Para. 39 of recommendations of Commissioners appointed to inquire into the Sanitary state of the Army of India, page 171 of Report.
Paragraph 26 of Despatch from Secretary of State to Government of India, 15th August 1863, No. 297.
Pro. of Govt., No. 1997, 11th June 1861, and No. 3312, 16th October 1863.

To the Secy. to the Govt. of India, Mily. Dept. | Here enter 17th March 1864, No. 930.

(True Extract.)

Secretary to Government:

To the Adjutant General.

" Quarter Master General.

" Prinl. Insp. Genl. Medl. Dept.

" Public Works Department.

" Barrack Master.

" Brigade Major, Fort Saint George.

" Commissary General.

" Master Attendant, for Supt. of Marine.

" Inspector General of Ordnance.

" Controller of Military Finance.

" Examiner Pay Department.

" Military Accountant.

" Examiner of Medical Accounts.

Exd. W. Regel.

Jul. Pro M. 68.69
 6.6.64
 do - 179-180
 27.864
 Lec. do - 9
 12.1.65
 2020
 15.11.64

MILITARY DEPARTMENT.

No. 2900.

To.

The Officiating Secretary to the Government of India, Military Department.

SIR,

In paragraph 2 of my letter, dated 4th November 1862, No. 3798, the question of the salaries of Establishments of Cantonment Joint Magistrates was submitted for the consideration and orders of the Government of India. It was intimated that this Government considered that they should be placed on the same footing as Officers similarly employed in Bengal, and the Governor in Council strongly recommended that this might be sanctioned, and full information respecting the Bengal system was requested.

I am now instructed to solicit an early decision on the above subject, the funds at present available here only admitting of a very inadequate remuneration for the responsible duties devolving on Cantonment Joint Magistrates, and which have formed the subject of frequent representations.

FORT SAINT GEORGE,
 10th September 1863.

I have the honor to be,

Sir,

Your most obedient servant,

Secretary to Government.

Ed. R. Stephenson.

11500 Sept
 No. 1030

No. 3798.

To
The Secretary to the Government of India, Military Department.

SIR,

I am directed to acknowledge the receipt of your letter of the 23rd July 1861, No. 907, and in reply to transmit for the information of His Excellency the Governor General of India, copy of the Proceedings of this Government No. 3797, dated 4th November 1862, regarding the appointment of separate Officers to relieve Commissariat Officers in this Presidency, exercising Judicial and Police functions, of such extraneous duties, and to request that the Government of India may be moved to appoint an Officer at Secunderabad to relieve the Local Commissariat Officer of his Police functions. The allowances of this Officer appear to be paid by His Highness the Nizam's Government.

2. I am also to submit for the consideration and orders of the Right Honorable the Governor General of India in Council, the question of the salary and Establishments to be allowed to the Officers who may be appointed in this Presidency. The Governor in Council considers that they should be placed on the same footing in this respect as Officers similarly employed in Bengal, and I am to convey his strong recommendation that this may be sanctioned, and that full information respecting the Bengal system may be communicated to this Government.

Staff Officers and Military Joint Magistrates.

	Salary.	Office allowance.	
Bellary.....	70	94	} <i>Now drawn by the Commissariat Officers.</i>
Cannanore.....	70	94	
Wellington.....	70	74	
Staff Officer.			
Trichinopoly.....	70	67	
<i>Payable from the Abkarry Revenue.</i>			

3. Pending the result of this reference, the Governor in Council has sanctioned the allowances as per margin, being passed to the Officers in question.

4. The only other Stations (not mentioned in the accompanying Proceedings) occupied by Madras Troops, at which there are Military Magistrates, are Saint Thomas' Mount, Bangalore and Kamptee.

5. At the Mount, the Station Staff Officer is in charge under Regulation VII of 1832, receives in addition to his Military Staff Pay a Civil salary of Rupees 70 per mensem, and is allowed an Establishment costing monthly Rupees 94. At Bangalore, a Member of the Mysore Commission exercises jurisdiction within the Cantonment as Superintendent of Police, and at Kamptee, Captain E. M. Playfair, of the Madras Royal Artillery, is Cantonment Joint Magistrate under the Bengal system and is paid, it is understood, by the Commissioner of the Central Provinces.

FORT SAINT GEORGE,
4th November 1862.

I have the honor to be,

Sir,

Your most obedient servant,

Secretary to Government.

From the Secretary to the Government, of India, Military Department, Fort William,
23rd July 1861, No. 907; to the Secretary to Government, Military Department, Fort
Saint George.

I am directed to transmit to you the annexed copy of a letter from the Military Finance Department, No. 400, of the 9th instant, recommending that Executive Commissariat Officers at Madras be relieved from all extraneous duties, and to request that you will move the Government of Madras to cause His Excellency the Governor General in Council to be informed what is the practice pursued at that Presidency, as regards the control of Military

Bazars and Police, and whether the introduction of the Bengal system, by which the charge of Sudder Bazars, Police, &c., is separated from the Commissariat, would not be an advantage by confining Commissariat Officers to their legitimate duties.

From the Chief of the Military Finance Department, Calcutta, 9th July 1861, No. 400; to the Secretary to the Government of India, Military Department.

The Military Finance Department having had under consideration the advantage and propriety of confining Officers to the performance of work proper to their Departments, and the fact of some of the Commissariat Officers of the Madras Presidency being employed in Civil and Police duties (a practice calculated to impair the efficiency of the Commissariat Department) having fallen under their observation, they in their letter marginally* noted, called upon the Commissary General Madras, to furnish them with all particulars connected with such extraneous employment, and his opinion as to how appointments so held might be transferred to the Departments to which they virtually pertained.

* No. 36861, dated 17th April 1861.

2. As the Commissariat Department in the Bengal Presidency, had long since been relieved of the charge of Bazars by Cantonment Joint Magistrates, the Military Finance Department recommended a similar arrangement being made in Madras.

3. In reply to this, noted in the margin,† the Commissary General, Madras, stated that this question formed the subject of frequent discussion with the authorities there; but that no change had been made since the Establishment of Military Bazars in 1819, and the placing of the immediate charge of the Police and Bazars in the hands of the Commissariat Officer at each Military Bazar Station, under the orders of the Commanding Officer.

4. That at the Stations noted in the margin,‡ although the Mofussil Police had taken the place of Military Police in Cantonments, the Commissariat Officers still retained Magisterial authority by being appointed Joint Magistrates; and at Secunderabad and Jaulnah, Commissariat Officers are Superintendents of Police and in charge of Bazars.

† Cannanore, Bellary, Wellington and Trichinopoly.

5. He was of opinion that, when Troops assembled for Field Service, the Bazars which accompanied the Camp should be under the control of the Commissariat Officer, as intimately connected with the responsible duties he undertakes of providing Supplies for the Combatants, as well as the numerous Followers who are always attached to a Camp in India; and to control the latter, many of whom are employed by the Commissariat Department, he should be vested with Magisterial and Police authority, and that to prepare him for these duties and accustom the Bazar people to look to him as their superior at such a time, he is very properly placed in charge of Military Bazars in Cantonments during peace; that the Local Government concurred in this opinion; for no change had been ordered or made.

6. This correspondence was submitted to the Commissary General, Calcutta, on the 19th April 1861, (No. 4890) for his opinion and observations, who in this reply marginally noted, stated that Commissariat Officers should not be placed in charge of Bazar; nor did he see the necessity for investing them at any time with Magisterial powers, as their whole time and attention should be given to their own departmental duties, which were generally more than an Executive Officer could undertake.

7. In support of his opinion, he annexed extracts from a Report from Major Ramsay, Deputy Commissary General, dated 30th May 1849, to the Governor General, and referred this Department to the Report of the Commissariat Commission of 1851, paragraphs 90 to 92, as setting forth the grounds on which the Commissariat Department in Bengal was relieved of the charge of Sudder Bazar, &c.

8. In his Report to the Governor General, Major Ramsay deprecated very strongly the practice which then prevailed of hampering the Commissariat Department with duties altogether foreign to its nature and proper sphere of business, viz., "the management of Sudder Bazars," "superintendence of Abkarry Department," "charge of Cantonment Police," and "exercising of Magisterial powers," &c. &c.; that they were in no respect connected with the Commissariat Department, nor in any way necessary or useful to each other—on the contrary that they frequently clashed and interfered; for it not unfrequently happened that in the absence of the Junior Officer (who was generally kept in the performance of these extraneous duties until required to fill a vacant Commissariat Office) the performance of these duties devolved on the Divisional Executive, a system which greatly tended to strike at the root of efficiency and defied the best efforts of an Officer who thus became charged with more than he could perform.

9. In confirmation of his views, Major Ramsay annexed extract from Proceedings of a Special Court of Inquiry assembled at Head Quarters Camp in January 1849, which ran thus:—

"The Court are further of opinion that arrangements for all Sudder Bazars should be entirely free from the influence or control of any employé of the Commissariat Department, as it is not their interest that low prices should prevail; and the system now in force in the Sudder Bazar at Head Quarters seems to leave the supply of grain, and the arrangement of prices entirely in the hands of Natives attached or intimately connected with the Commissariat Department, without adequate supervision, and therefore injurious to the interests of Government as well as the individuals supplied from it."

10. This opinion was entirely concurred in by the Joint Deputy Commissary General, vide paragraph 21 of his letter, No. 4307, dated 16th March, extracted by Major Ramsay, and forming an annexure to his Report.

11. After viewing this case in all its bearings, and weighing maturely the circumstances connected with it, and the opinions of experienced Officers adduced therein, it appears highly essential, not only for the protection of the interests of Government, but also for the efficient performance of the duties of the Commissariat Department, that immediate measures be instituted for repealing the practice which now prevails at Madras, by relieving the Officers of that Department of all extraneous functions, and confining them, as in Bengal, strictly and entirely to the performance of departmental duties.

Referred for the consideration and observations of the Provincial Commander-in-Chief and to the Commissary General for report.

26th August 1861.

From the Commissary General, Madras, 5th September 1861, No. 184; to the Secretary to Government, Military Department, Fort Saint George.

With reference to Proceedings* of Government, referring to me for report, a letter† from the Secretary to the Government of India, with one‡ from the Military Finance Department, I have the honor to observe that my views with regard to the advantages of the Commissariat having charge of the Bazars and Police, have already been given in the above letter from the Military Finance Department.

* 26th August 1861.

† 23rd July 1861, No. 907.

‡ 9th July 1861, No. 400.

2. The opinion I came to has been most fully borne out by the recorded testimony of all my predecessors, and I might with advantage give copious Extracts from their various Reports, but shall confine myself to quoting a few Extracts from a letter of the late Sir William Morrison, K. C. B., and of Report to Government from Colonel, now Lieutenant General W. Cullen, and incorporating the opinions of Sir Thomas Munro, Sir John Malcolm, Sir William Morrison, and the Commissariat Officers then in charge of Bazars and Police. General Morrison remarks as follows:—

Paragraph 5. "It is highly essential to the success of the Service that the Bazar supplies should be under the superintendence of the Commissariat, without which there will be a constant collision between the public, in the provision of the supplies for the several Departments in Camp and the Bazar dealers, which must occasion high prices and even difficulties that might prove extremely embarrassing on active Field service, while by having these supplies under the management of any other Department, the connection between the Bazarries and the Commissariat would be interrupted and in a manner cut off. But it is equally essential in another point of view that the Bazar should be under the Commissariat, as the separation of them must diminish equally the information and influence which the head of the Department of supplies ought to possess in carrying on the duties of the Commissariat with a body of Troops in the Field."

6. "There is one point however involved in this arrangement which places in the hands of the Officer in charge of the Bazar, duties which at first sight may appear incompatible with his situation as an Officer of the Commissariat: I allude to the details of the Police of the Bazar which must of course, according to the Articles of War, be carried on under the orders of the Officer Commanding, but which cannot be taken out of the hands of the Commissariat Officer in charge of the Bazar with any safety to the success of the supplies of the Bazar, for it is of great importance that the dealers should look up to the Superintendent for the immediate adjustment of all disputes, under the orders of the Officer Commanding, without the necessary intervention of other Officers, and to the total exclusion of all native influence in the persons of servants of Officers Commanding, &c., a class of people in general, but too liable to endeavour to establish an improper influence in the Bazar. In short, it is absolutely necessary to the success of the Bazar supplies, that the Officer in charge of that branch should also be charged with the details of the Police, and no person can have so strong an interest in seeing justice done to the villagers in all their dealings in the Bazar."

Letter to Government, 13th July 1840, No. 147.

General Cullen observes as follows:—

Para. 9. "It appears to be against the exercise of Police authority in Cantonments only, that objection is urged; but it may be observed, that the position of the Commissariat Officer is in Garrison, precisely the same as in the Field, and I consider the efficiency of the Department would be materially affected, by depriving its Officers of that just influence and control in Garrison which in their hands in the Field, has been always found to be so beneficial to the public interests. Their connection with the Merchants and Bazarmen that are eventually to accompany them to the Field, should not be severed, for it is to them they are accustomed to look for support and redress in their difficulties, and for the settlement of their disputes. It is the possession of this influence that has enabled the Officers of the Department to exert it with so much success in the prompt equipment of Troops for the Field, deprive them of it, and it will cripple their energies and destroy the independence and just influence of the Executive Officers, and leave the Bazar people without an appellate tribunal."

10. "It is not meant to be asserted that this circumscribed power with which they are vested, has been ever turned to a bad purpose. Exercising it as they do, in the most public manner and under the very eye of the Commanding Officer, it is impossible that they could abuse it if so inclined. But their character and the far more important trust as Officers of supply which is reposed in them by Government, is, I would hope, a sufficient guarantee against such an imputation."

13. "In illustration of what I have above stated, I would beg leave here to quote the sentiments of that distinguished Statesman and Soldier, the late Sir J. Malcolm, who, in writing on this question in a Despatch to the Bombay Government, thus expresses himself:—

"There can be no question if the Bazar of a Camp is to be regulated on the principles described of a free market, it will be quite essential to have it either under the Commissariat or a Bazar Master who gives the subject constant and minute attention. Upon the principles that supply was formerly conducted, I always thought it essential that the Superintendent of Bazar should be separate from that of the person who had charge of public grain, but since

"the establishment of a regular Commissariat, there has been a degree of order, efficiency and integrity introduced into the Supply Department which render those who belong to it, when not overloaded with work, the best persons to manage the Bazar and where the magnitude of the Force and increased duties render one Commissariat Officer unable to give that attention to the Bazar, which they require another should act under him (as has always been the case in the Hyderabad Force) as Superintendent of Bazar. The Commissariat Officer who is thus placed at the head of every branch of Supply has, as far as my experience goes, from his increased means, information and influence, greater facility in managing Bazar than any Officer not in that Department can have, and though it is essential he should keep the different branches of Supply under his conduct and control quite distinct, he can on almost every occasion make the one aid the other; besides these considerations it is much more likely an Officer in this line should be qualified for the duties I have described, than one who is selected when a Detachment or Army is formed to be a Superintendent of Supplies. The reason I have often heard stated for making these Stations separate, is that they form a check upon each other and prevent too much power centring in one person. With regard to power, the Officer of Supply is under the Commanding Officer of the Force, and his duty like that of all other subordinate Officers is to obey orders, and where we suppose efficiency in the head (all Departments will be liable to go wrong if you have not that) the more powerful the instruments that he has to use the better. With regard to his native servants whose power when it touches a free market is a subject of just alarm, it is to be recollected that, according to the Madras system, and it is to that I now allude, his servants in his capacity of Commissariat, and those who manage the Bazar are quite distinct, and cannot be blended without a departure from orders as well as usage, and with regard to an overload of business, I have already stated that though one Officer may conduct both duties in a small Force when a Corps is large, another is usually nominated, who has the charge under the superior Commissariat Officer of the Bazar and Police."

"With regard to the check constituted by a separate Officer from one of the Commissariat having charge of the Bazar, I confess myself hostile to the principles upon which it rests. If the integrity of the Commissariat in which all my experience gives me full reliance wanted to be confirmed, it would be by increased confidence, not suspicion, through which this must be effected, but I contend that in most situations, and above all, in the Field, such checks are oftener baneful than beneficial. They extend beyond the principles and throw collision and counter-action into Offices whose union and perfect understanding are essential for the public service. I have seen all systems and have no hesitation for reasons stated in this letter, in giving my opinion that it is better to place the superintendence of Bazar under the Commissariat Officer than of keeping them (as is now the case in the Bombay Establishment under an Officer styled Bazar Master,) distinct from that Department."

14. "It cannot, I imagine, be supposed that the system which has now been assailed was hastily or without due deliberation adopted—that it was the offspring of blind chance instead of the deep meditation of able men. Previously to its introduction, the imperfections and defects of all former systems had been attentively considered, and the sentiments of those most competent to suggest improvements consulted, but the existing system derives its highest recommendation from having been established with the concurrent sanction and approval of Sir Thomas Munro, Sir J. Malcolm and Colonel Morrison—all these men had the benefit of practical experience; possessing an intimate knowledge of the service and of the habits and feelings of the people frequenting Camps and Military Bazar—they had served in all the great Campaigns of their time with our Armies in the Field, and even those of the other Presidencies, and had enjoyed opportunities of witnessing in all situations the practical working of all systems. None therefore could be better qualified to form a correct judgment of their advantages and disadvantages. It is not to be supposed, that these experienced and enlightened Officers would have given their sanction to a faulty system, or one which in its operation, was likely to prove injurious to the best interests of the Government, and as the result of their conjoint experience, they recommended that which is now impugned, as the most perfect that could be devised. It was founded upon that which had succeeded in Bengal, and which has been

"since followed in Bombay. I trust therefore that an arrangement which has been established with the concurrent approbation of such eminent and able men, that has been found to work so well for so many years, and to answer all the success expected of it, will not now be allowed by Government to be disturbed for the introduction of any innovations which by divesting Commissariat Officers of the exercise of Police authority would only tend to impair the efficiency of that Department without gaining for the public any adequate advantage."

3. I would also beg to add an extract from a letter* to my address from Colonel J. Hill, Deputy Commissary General, who proceeded to Kamptee to equip the Saugor Field Division, stating the disadvantages which he had an opportunity of witnessing of the separation of the charge of Bazar and Police from the Commissariat Officer at Kamptee.

Para. 16. "The trial has been made under the most favorable circumstances, as Captain Dale, the Cantonment Magistrate, has zealously exerted himself to meet our wants, yet the disadvantages of the arrangement have been experienced by this Department to great extent—many of the Bazarmen and others have accompanied the Force with reluctance, having no hope of support from the Department on their return, which formerly they looked forward to."

17. "There was considerable difficulty in procuring Bandies, Coolies and other attendants, as the Cutwall and Peons had no interest in meeting with the wishes of the Executive Commissariat Officer, and made no distinction between the attendants employed by him or his Contractors and unemployed labourers; of the former many were seized by the Peons to meet requisitions from the Camp, and before they could be released, much valuable time was lost. Supplies were in like manner much more difficult to be obtained than they would have been if this Department had as formerly control over the Bazars."

18. "The Executive Officer also states that in conducting the ordinary duties of his Department and obtaining the necessary supplies for his own Department, Arsenal, and others dependent upon it, he frequently experiences delay and vexation from the Bazarmen being entirely independent of him, and his having no control over the Bazars, and which delay would be only further added to, were he in every matter to solicit the assistance of the Cantonment Magistrate. The change as far as I have been able to ascertain from Brigadier Prior and the respectable Natives with whom I have been brought in contact, has been far from acceptable to the Inhabitants generally, while Brigadier Miller, Majors Laire and Barrow and many other experienced and practical Officers, who in their situations as Commissaries of Ordnance and other appointments, have had much to do with the Commissariat and before strongly advocated its separation from the Police candidly confessed to me that they had entirely changed their opinions on the subject since they had an opportunity of seeing how much our resources were crippled by it in an emergency like the present. This change has been effected at a cost of Rupees 500 a month or 6,000 Rupees a year to Government, and although it certainly in one respect lessens the Commissariat duties, yet, for the above reasons, it has not been to such an extent as might have been expected."

From the Adjutant General of the Army, Head Quarters, Ootacamund, 19th September 1861, No. 639; to the Secretary to Government, Military Department, Fort Saint George.

In acknowledging the receipt of letter, No. 907 of 23rd July 1861, from the Secretary to the Government of India in the Military Department, with its enclosure, referred to the Provincial Commander-in-Chief for observation on the 26th ultimo, I have the honor, by order to state for the information of His Excellency the Governor in Council, that Major General Budd deems it very desirable that the Bengal system, under which the charge of Sudder Bazars, Police, &c., is separated from the Commissariat, should be introduced into this Presidency.

*3rd That the Police be entirely separate from every other Department and amenable only to the orders of the Officer Commanding the Cantonment or Station, His Excellency the Commander-in-Chief would urge this measure most strongly upon the Government as one of paramount importance to the interest of the State, as well as to those of every individual living within a Military Jurisdiction.

2. I am to observe that a similar recommendation as per margin,* was submitted to Government in the 3rd proposition of letter

No. 993, dated 2nd December 1848, from this Department.

From the Controller of Military Finance, Fort Saint George, 19th August 1862, A; to the Secretary to Government, Military Department, Fort Saint George.

Government had recently under consideration the question of Salaries and Establishments for Officers of the Commissariat Department, when performing the duty of Joint Magistrate under the provisions of Act IV¹/₂ of 1847, or Police Master under Regulation VII of 1832.

2. In connection with the subject, I trust I may be permitted to bring under consideration the general question of Executive Officers of the Commissariat Department, being entrusted with

Bangalore.
Kamptee.
Rangoon.

Magisterial in addition to their departmental duties: the union of the two Offices has of late years been considered objectionable in principle and has, it is understood, been discontinued at some of the larger Stations while practically, it is submitted, both duties cannot be performed by one and the same Officer with advantage to the public service.

3. I state this advisedly, for during the many years I was a Judicial Officer at Secunderabad, I had opportunities of witnessing the system in operation—and its effects.

4. The junction of the two Offices was doubtless the result of a state of things which no longer exists. Originally the present Military Cantonments were little else than mere standing Camps, and the Executive Commissariat Officers were naturally the Bazar Masters, and exercised Police jurisdiction over the Camp Followers, and other residents within Military limits; but these Camps have now become large towns, and the exercise of Police jurisdiction by Executive Commissariat Officers is no longer applicable: the circumstances are entirely changed; and the Magisterial or Police authority now requires the undivided time and attention of an Officer who has no other duties to perform.

5. But in addition to this consideration, it is also to be observed, that the departmental duties and responsibilities of Executive Officers under the new system of finance have been greatly increased, and if they are now correctly performed—it is simply impossible for Executive Officers to do justice to other extraneous duties, of an equally important nature.

6. But inasmuch as the latter consideration comes more within the personal knowledge of the Commissary General and the Examiner of Commissariat Accounts, I felt it my duty to address them before submitting my own views to Government on the subject, and beg leave to annex their replies, from which it will be observed that they coincide in the opinions which I have now expressed on the subject.

7. Thus fortified by their opinions, I now venture to submit for the consideration of Government, that all Commissariat Executive Officers now holding the Office of Joint Magistrate or Police Master be relieved from the performance of such extraneous duties, and would at the same time suggest that their places be taken by unemployed Officers of the Staff Corps, of whom there are many available in the different Divisions of the Army—Officers of rank, and experience, with all the necessary qualifications for the duty.

8. I would further submit that the salary and Establishment sanctioned in the Order of Government above quoted, in addition to the Staff Corps Pay would be ample remuneration for the duty to be performed. If Officers of the superior grades were nominated, the aggregate would equal if not exceed that drawn by Executive Commissariat Officers for both duties—prior to the organization of the Staff Corps.

9. The Committee appointed to revise the Commissariat Establishments were unanimously of opinion that the joint Office was undesirable and inexpedient in theory, as well as in practice, and have in their Report recommended the disunion of the duties.

From the Controller of Military Finance, Fort Saint George, 29th July 1862, No. 507; to the Commissary General, Madras.

I have the honor to forward herewith, Proceedings of Government in the Judicial Department, regarding the Establishments of Officers performing the duty of Joint Magistrates at certain Military Stations.

2. In connection therewith, I consider the present a fitting occasion for taking into consideration the general question of the Officers of your Department being employed on such duties, in addition to those which appertain to their more immediate departmental duties, but before moving in the matter, I am desirous of having your opinion and views on the subject.

3. The combined functions of Revenue and Judicial in one and the same Officer have long been discontinued in the Civil Department, and partially so in your own Department at such Stations, for instance as Kamptee, Bangalore, &c., where Judicial authority is now vested in Officers unconnected with the Department: it is unnecessary now to consider whether this separation is for the public good or otherwise: for another and perhaps a more important question arises, whether under the new system of Audit and Account, and the more strict supervision which Executive Officers are required to exercise over expenditure, it is consistent with the correct performance of these duties that Executive Officers should be entrusted with others equally onerous and altogether unconnected with the duties specially required of them.

4. My own opinion is that if a Commissariat Executive Officer does his duty in the manner and to the extent required of him in the present day, he will have no leisure for the performance of others, while it is undesirable that his mind should be distracted by additional responsibilities.

5. The question is one which appears to me materially to affect the efficiency of your Department, and is therefore deserving of serious consideration.

6. As much of the work of the Executive Officers comes immediately under the cognizance of the Examiner, I would suggest for your consideration whether it would not be of advantage to obtain Major Gillilan's views on the subject also, and should you concur therein, I shall feel obliged by your forwarding this communication to him with the Proceedings in question for that purpose.

7. Although, beside the question, I would remark that there are unemployed Staff Corps Officers at the Head Quarters of every Division, who could be advantageously employed in the performance of the Magisterial duties, which it is now intended should be entrusted to some of your Executive Officers.

8. I shall feel obliged by an early reply.

From the Commissary General, Madras, 1st August 1862, No. 917; to the Controller of Military Finance, Fort Saint George.

I have the honor to acknowledge the receipt of your letter, No. 507, 29th July 1862, with its enclosures, regarding the employment of Executive Officers of this Department on Magisterial duties.

2. This subject you will no doubt remember came under the cognizance of the Committee for the revision of Commissariat Establishments, when the whole of the Members, including myself, were of opinion that Commissariat Officers should be relieved from such extraneous duties and except in times of war, when they should exercise the functions of Magistrate or Police Officers and Superintendent of Bazaars within the limits of their respective Camps.

3. I quite concur with the remarks in paragraphs 3 and 4 of your letter under reply.

4. I have forwarded your letter with its enclosures to Major Gillilan, with a request that he may forward his opinion to you.

From the Commissary General, Madras, 11th August 1862, No. 1275; to the Controller of Military Finance, Fort Saint George.

I have the honor to acknowledge the receipt of your letter,* and as requested in the 6th paragraph thereof, I forwarded it to the Examiner of Commissariat Accounts, a copy of whose opinion as to the advisability of Executive Commissariat Officers being exempted from duties not strictly appertaining to those of their Department, is enclosed for your information, and

*Enclosure returned.

No. 1389, dated 4th August 1862.

I beg to add that I entirely concur with that Officer's views.

From the Examiner of Commissariat Accounts, Madras, 4th August 1862, No. 1389; to the Commissary General, Madras.

In returning letter No. 507 of 29th ultimo, from the Controller Military Finance, to your address, with Proceedings of Government thereto attached, received with your's as per margin, I have the honor to observe, that I concur in the advisability of Executive Commissariat Officers being exempted from duties not strictly appertaining to those of their Department.

The question under reference formed the subject of frequent discussion by the Committee for the revision of Commissariat Establishments, resulting, I believe, in the adoption of a resolution to recommend that Government should relieve the Officers of your Department of Police and Magisterial duties.

Memorandum from the Controller of Military Finance, Fort Saint George, 3rd October 1862, C; to the Secretary to Government, Military Department.

The Controller of Military Finance in reply to the Military Secretary's Memorandum of the 16th September 1862, has the honor to forward
1. *Commissary General's Memorandum, No. 2981, of the 24th September 1862, with Statement.*
2. *Civil Paymaster's Statement, No. 1364, of the 26th September 1862.*

herewith, two Statements shewing the Officers of the Commissariat Department who are employed as Joint Magistrates in Military Cantonnments: it will be seen that there are only three at Stations within the territories of the British Government, viz., Bellary, Cannanore and Wellington: and that they each draw a personal allowance of Rupees 70 per mensem, with an Office allowance, the two first of Rupees 97, and the last of Rupees 74, they are paid in the Civil Department: no provision has been made for this charge in the Military Department.

2. The Superintendent of Police at Secunderabad, who is the Senior Executive Commissariat Officer there, has a personal allowance of Rupees 350 per mensem from the Nizam's Government, and although this is not a charge against the British Government, it would seem nevertheless desirable, that an Officer independent of the Commissariat Department, should be specially nominated to it: as the performance of his duties as a Police Master must greatly interfere with his proper departmental duties.

Memorandum from the Deputy Commissary General, Madras, 24th September 1862, No. 2981; to the Controller of Military Finance, Fort Saint George.

The Commissary General has the honor to acknowledge the receipt of Memorandum from the Controller of Military Finance, and to forward a List of Officers shewing their Departmental rank and the Stations where they are employed as Joint Magistrates and Superintendents of Police.

2. The enclosure received with the above Memorandum, is herewith returned.

List of Officers with their Departmental rank and the Stations where they are employed as Joint Magistrates and Superintendents of Police.

Stations.	Departmental rank of Officers.	How employed.	Remarks.
Secunderabad.....	Assistant Commissary General.	Superintendent of Police.	of Draws allowance from the Nizam's Government.
Bellary.....	Sub-Assistant Commissary General.	Joint Magistrate.	Draws no allowance from the Commissariat.
Trichinopoly.....	Deputy Assistant Commissary General.	Superintendent of Police.	of Draws no allowance from the Commissariat.
Cannanore.....	Sub-Assistant Commissary General.	Joint Magistrate.	Draws no allowance from the Commissariat.
Wellington.....	Sub-Assistant Commissary General.	Joint Magistrate.	Draws no allowance from the Commissariat.

(Signed) E. E. MILLER, Major,
Dy. Commissary General.

No. 1364.

Statement shewing the allowance and Office Establishment passed in the Civil Department, to the Joint Magistrates, &c., of the following Districts, viz:—

Names.	Office.	District.	Allowance.	Office Establishment.
			RS. A. P.	RS. A. P.
Lieut. J. D. W. Sewell.....	Cantonment Joint Magistrate.	Bellary.....	70 0 0	97 0 0
Major A. J. P. Ewart.....	Joint Magistrate.	Cannanore.....	70 0 0	97 0 0
Captain H. P. Hawkes.....	Do.	Wellington.....	70 0 0	74 0 0
A. B. Marsack.....	Supt. of Police.	Trichinopoly.....	700 0 0	0 0 0
*Consolidated salary				

PORT SAINT GEORGE, CIVIL PAYMASTER'S
OFFICE, 26th September 1862.

(Signed) W. J. RAYNOR,
Civ. Paymaster.

ORDER, No. 3797, 4th November 1862.

On full consideration of the subject, the Governor in Council is of opinion that, to ensure the continued efficient performance of their proper departmental duties, Executive Commissariat Officers exercising also Judicial and Police functions, should be relieved of both—the latter, which, under existing circumstances, it is neither necessary nor expedient they should be required to perform.

2. The Stations immediately concerned are Bellary, Cannanore, Secunderabad, Trichinopoly and Wellington. At Bellary, Cannanore and Wellington, the Commissariat Officers are also Joint Magistrates, and exercise jurisdiction under Act IV of 1847. While at Secunderabad and Trichinopoly, the powers of the Commissariat Officer in charge, are apparently restricted to those conferred by Regulation VII of 1832.

3. Officers selected, if possible, from the unemployed Members of the Staff Corps, will be appointed as early as practicable to the above Stations (Secunderabad excepted) for these special duties, in relief of the Commissariat Officers, and will be designated, if empowered under Regulation VII of 1832, Cantonment Joint Magistrates, and, if under Act IV of 1847, Military Joint Magistrates.

4. Officers appointed Military Joint Magistrates will receive, for the present, the allowance

<i>Bellary and Cannanore.</i>	
3 Writers at Rupees 35, 20 & 15.....	Rs. 70
1 Dusterbund.....	7
1 Massaljee and Sweeper.....	5
2 Peons at Rupees 6.....	12

Rupees..... 94

<i>Wellington.</i>	
2 Writers at Rupees 35 and 20.....	Rs. 55
1 Massaljee and Sweeper.....	5
2 Peons at Rs. 7.....	14

Rupees..... 74

<i>Trichinopoly.</i>	
1 Clerk.....	35
1 do.	15
2 Peons.....	12

Total... 62 per mensem.

(Rupees 70 per mensem) and be granted the Establishment sanctioned in the Proceedings of Government in the Judicial Department, No. 1136, dated 18th July 1862. A similar allowance will also be passed, until further orders to the Cantonment Joint Magistrate at Trichinopoly, for whom an Establishment as per margin, being that recommended by Mr. Pelly in paragraph 27 of his letter, recorded in the above Judicial Proceedings, is sanctioned in lieu of the two Writers on Rupees 25 and Rupees 10-8 respectively now employed. These charges, amounting to Rupees 132 per mensem, will be paid out of the Trichinopoly Abkarry Revenue.

5. As regards Secunderabad, the Government of India will be requested to appoint an Officer to relieve the Local Commissariat Officer of his Police functions. The allowances appear to be paid by His Highness the Nizam's Government.

(True Copies.)

Secretary to Government

Erd. T. Stubbs.

15
Abstract of the Proceedings of the Council of the Governor-General of India assembled for the purpose of making Laws and Regulations under the provisions of the Act of Parliament 24 and 25 Vic., C. 67.

The Council met at Government House on Wednesday, the 24th February 1864.

PRESENT:

His Excellency the Viceroy and Governor-General of India, *presiding*.

His Honor the Lieutenant Governor of Bengal.

Major General the Hon'ble Sir R. Napier, K. C. B.

The Hon'ble H. B. Harington.

The Hon'ble H. Sumner Maine.

The Hon'ble W. Grey.

The Hon'ble R. S. Ellis, C. B.

The Hon'ble A. A. Roberts, C. B.

The Hon'ble H. L. Anderson.

The Hon'ble J. N. Bullen.

The Hon'ble Maharaja Vezaram Guzzepetty Raj Bahadoor of Vizianagram.

The Hon'ble Rajah Sahib Dyal Bahadoor.

BURMAH CUSTOMS BILL.

The Hon'ble Mr. MAINE introduced the Bill to give further effect to the provisions of Act IV of 1863, (to give effect to certain provisions of a treaty between His Excellency the Earl of Elgin and Kincardine, Viceroy and Governor General of India, and His Majesty the King of Burmah,) and moved that it be referred to a Select Committee, with instructions to report in two weeks.

The Motion was put and agreed to.

OFFICIAL TRUSTEE BILL.

The Hon'ble Mr. MAINE also introduced the Bill to constitute an office of Official Trustee, and moved that it be referred to a Select Committee, with instructions to report in three weeks. He said the Bill was one of those which had been published under the 19th of the Council Rules, by order of the late Lord Elgin. It was a measure introduced principally for the relief of a large class who suffered much from the existing state of the law, although they had not much opportunity of complaining of it—viz., women and minors. The inconveniences to which he alluded were felt much in England, but they made themselves

still more felt in India, owing to the condition of Indian society. Trusts of private property might be said to have two objects—the first was to ensure the safety of the Trust Funds; the second was to ensure the regular payment of the annual income derived from those funds. It was impossible to over-estimate the hardships which were suffered even in England in consequence of breaks occurring in the Trustecship—breaks arising from the death of Trustees, their leaving England, their becoming lunatics, or generally from the Trustees becoming incapable or unwilling to act in the trusts for the management of which they had been appointed. All the ingenuity of the framers of English trust-deeds had been used to make provision against these contingencies and several Acts of Parliament had also been passed to remove the difficulties of most usual occurrence. The expedient had sometimes suggested itself to people in England, of appointing a Trustee with perpetual succession—a public functionary with an office under him, the trusts descending from one officer to his successor in the office. Such a functionary, however, had never been appointed; partly on account of the dislike of the English nation to the multiplication of public offices, and partly on account of the existence of the Court of Chancery, which was supposed to have the general care of the interests of persons interested in Trust Funds. Joint Stock Companies too had been launched more than once, whose business it should be to undertake Trusts, but such schemes had always broken down through the operation of the principle of English law, which would in no case allow a Trustee to receive for his services any remuneration beyond his costs out of pocket. The theory of the English law seemed to be that a man is remunerated for becoming a Trustee, not by a payment in money, but by the claim he creates on his friends and fellow citizens to undertake trusts for his benefit in return. But here in India European Society was so unstable and changing, that there was but little probability of deriving reciprocal advantages from serving as Trustee, while stability and regularity, the primary objects of a trust, were constantly sacrificed by the departures of Trustees to Europe. On the whole he thought that a sufficient case was made out both for having a public office of Trustee in India, and also for departing from the principle of non-remuneration. An Official Trustee had in fact been already appointed, and the principle of the Bill now introduced had been already recognized in Act XVII of 1843, which enabled the Supreme Court to vest Trust Funds in one of its own Officers, who was to be remunerated by a percentage. That Act however was very brief. It did not create an office of Official Trustee, and it applied only to the case of a trust once established, and likely to fail from the Trustee having departed from the jurisdiction of the Court. It moreover did not provide sufficiently for the security of the Trust Funds; and in Madras a sad case of defalcation of an Official Trustee had recently occurred. In framing the present Bill, he (Mr. Maine) had followed somewhat the Administrator General's Act. Since the Bill was published, the opinions of several of the local Governments and of the High Courts had been taken: those opinions were very generally favorable, but there was a

difference of opinion as to the rate of remuneration proper for the Official Trustee. When preparing the Bill, he had consulted various mercantile men, solicitors, and other persons likely to be best informed on the subject; and from what he learnt from them, he had thought that the remuneration provided for in the Bill would be sufficient. That was a fit subject for discussion in Committee, and he doubted not that if those Members of the Council who were best acquainted with commercial matters would allow themselves to be put upon the Select Committee, a satisfactory solution of the question would be arrived at.

The Motion was put and agreed to.

ACT XXI OF 1856 EXTENSION BILL.

The Hon'ble MR. HARRINGTON moved for leave to introduce a Bill to extend Act XXI of 1856 (to consolidate and amend the law relating to the Abkaree Revenue in the Presidency of Fort William in Bengal). He said that the necessity for the Bill arose out of the state of the law in the Central Provinces, or rather from the want of law in those Provinces to regulate the proceedings of the local Officers in respect of the matters to which the Bill related. Since the Central Provinces came under British rule, the spirit of the Abkaree Laws in force in the Presidency of Bengal had, he believed, been generally observed in them, though, as regarded some parts of the Provinces, it was doubtful whether what had been done in this respect rested on any legal foundation. It was not proposed to confine the operation of the Bill to the Central Provinces. It was possible that there were other parts of the country under the immediate administration of the Governor-General of India in Council, in which there might be the same absence of any specific law in respect to the Abkaree Department as had been found to be the case in the Central Provinces. In order therefore to obviate the necessity of future legislation in respect to any such place, the Bill gave the Governor-General of India in Council a general power to extend the provisions of Act XXI of 1856 to any Province or place under the immediate administration of the Government of India in which the Act was not now in force: a Section was added which provided that, when so extended, the Governor-General should declare the authorities by whom the Act should be administered in such Province or place. This Section was rendered necessary by the different character of the Executive or Government agency employed in the Central Provinces and other Non-Regulation Territories, and the Presidency of Bengal for which Act XXI of 1856 was framed.

The Motion was put and agreed to.

MILITARY CANTONMENTS BILL.

The Hon'ble MR. MAINE introduced the Bill to regulate the administration of Civil and Criminal Justice, and the superintendence of Police and conservancy

within the limits of Military Cantonments, and in moving that it be referred to a Select Committee with instructions to report in three weeks, said that this Bill originated in a legal difficulty. A Cantonment Joint Magistrate was a Joint Magistrate whose jurisdiction was localized in a Cantonment, but he was ordinarily a Commissioned Officer, and hence it was argued that the office was illegally constituted, as being one of those which could only be filled by a Member of the Civil Service. He would not enter into that question, which the Bill would conclusively settle, but would only say that the early history of the office of Joint Magistrate was exceedingly obscure, and that though an office might be irregularly filled, it by no means followed as a necessary legal consequence that it was illegally constituted. Under the present Bill, the Cantonment Joint Magistrate would become a Cantonment Magistrate, a functionary of a new kind, whose office would fall within the proviso in the Civil Service Act, which declared that no new office created in India was necessarily to be filled by a Civilian. Advantage had been taken of the opportunity to consolidate and elucidate the law relating to Civil and Criminal Justice, as administered in Cantonments. But little however of the Bill was substantially new law, the provisions of two Sections excepted. One of these was Section X, which enabled the local Governments to make rules for a variety of purposes; he would read the clauses of it:

1st.—For regulating in cases in which the land within the limits of the Cantonment is the property of Government, and the occupation and use of which by private persons is only permissive, the conditions under which such occupation or use shall be allowed, and under which the Government may resume possession of such land, and under which compensation shall be given to persons occupying or using the land so resumed.

2nd.—For maintaining proper registers of property within the limits of the Cantonment and for providing for the registration of transfers of such property.

3rd.—For regulating the manner in which houses within the limits of the Cantonment shall be claimable for purchase or hire, when necessary, for the accommodation of Military Officers

4th.—For regulating the management and expenditure of any funds made available by law or by the Government for the purpose of public improvements within the limits of the Cantonment, or for carrying out any Rules and Regulations passed under this Section and the appointment of the necessary servants and establishments.

5th.—For the definition and prohibition of public nuisances.

6th.—For the maintenance generally of the Cantonment in a proper sanitary condition; for the prevention and cure of disease; for the management and regulation of the public roads, of conservancy and drainage; for the regulation and inspection of public and private necessities, urinals, cess-pools, drains, and all places in which filth or rubbish is deposited; of slaughter-houses, public markets, houses of ill-fame, burial and burning grounds, and of all offensive or dangerous trades and occupations.

7th.—For the supervision and regulation of public wells, tanks, springs or other sources from which water is or may be made available for public use.

8th.—For the execution and promotion of works of public utility and convenience.

9th.—For the registration of deaths, and for making and recording observations and facts important for the public health and interests.

10th.—For the imposition of penalties on persons convicted of the breach of any Rule or Regulation passed under this Section, and for prescribing the manner in which offences under such Rules and Regulations shall be inquired into or be cognizable by any public servant. Provided that no such penalty shall exceed a fine of fifty Rupees, or imprisonment exceeding eight days.

The earlier clauses of the Section embraced matters which were notoriously sources of heart-burning and discontent in Cantonments. The later clauses covered the great causes of those glaring sanitary defects in Cantonments which had recently attracted so much attention. It was much better that the local Government should make rules on these subjects than that they should be regulated by any general enactment, for the circumstances of one Cantonment differed widely from those of another. He thought the list of subjects might properly be lengthened in Select Committee. His Excellency in Executive Council had recently appointed a Commission to collect and disseminate information as to the application of sanitary art to India, and if the Commission were placed in contact with the local Governments, they might usefully be left to exercise a wide discretion in framing rules, and might thus be able to combat sources of disease yet more prolific than any now specified in the Section. The other Section which exhibited a novelty in law was Section VI, and with regard to that a perfect stream of communications had flowed in upon him. That Section was as follows:—

“The Cantonment Magistrate shall, within the limits of the Cantonment to which he is appointed, exercise in subordination to the Inspector-General of Police appointed under Act V of 1861 (*for the Regulation of Police*) all the powers which are vested by the said Act in a District Superintendent of Police, and shall in all Police proceedings be subject to the general control and direction of the Commanding Officer of such Cantonment, in like manner as the District Superintendent is, under Section IV of the said Act, subject to the general control and direction of the Magistrate of the District.

He spoke with much hesitation on the point, for he (Mr. Maine) had but little acquaintance with the conditions of Indian society in the Mofussil, but he thought that the opinions which had reached him might be classed as follows. First, there were two extreme views, which he might call the ultra-Military view, and the ultra-Civil view. The ultra-Military view, which, he should say, was rather hinted at than expressed, was that all persons of whatsoever description within a Military Cantonment should be subject to Military Law exclusively. The ultra-Civil view was much more plausible, and had much more to recommend it; it was, that every Cantonment should be part of the Civil district, and that the Magistrate of the district should have the same power within the Cantonment as he had without it. This view might possibly be tenable in Bengal Proper; but as concerned Upper India, it was vain to

deny that it was a country militarily held, and it would be mischievous to impair in any way the prestige and authority of Commanding Officers. An even greater evil of the arrangement proposed was that it might tempt the Commanding Officer to use his soldiers for the suppression of civil crime, and, if any one thing was settled by experience, it was that soldiers made the worst of Policemen. Other opinions which prevailed amounted to a compromise between these extremes, and one of these compromises was reflected in the Section as drawn. It was however open to the objection that it set aside the principle of the new Police Act, which deprived the Magistrate of direct power over the Police, and on the whole, if the Select Committee to whom the Bill would be referred should consent, he would prefer an arrangement, also in the nature of a compromise, which had been suggested to him by Colonel Barrow, the Commissioner of Lucknow, who had had much experience as a Cantonment Joint Magistrate. The new Section, to which he was prepared to assent in Committee, would run as follows:

The District Superintendent of Police shall within the limits of the Cantonment, in subordination to the Inspector General of Police under Act V of 1861 (for the regulation of Police), exercise the powers of a Police Officer, and shall in the administration of the Police be subject to the general control and direction of the Commanding Officer of such Cantonment, in like manner as under Section IV of the said Act he is subject to the Magistrate of the District.

The residue of the Bill seemed to be generally approved of, although some valuable suggestions had reached him applying to points of detail.

The Motion was put and agreed to.

FRENCH BANK BILL.

The Hon'ble Mr. MAINE also presented the Report of the Select Committee on the Bill to enable the "Comptoir D'Escompte of Paris" to sue and be sued in the name of the Chief Manager of the Indian Agencies of the said Company.

ALIMENTARY SALT (CENTRAL PROVINCES) BILL.

The Hon'ble Mr. HARRINGTON moved that the Report of the Select Committee on the Bill for regulating the importation and manufacture of Alimentary Salt in the territories administered by the Chief Commissioner of the Central Provinces be taken into consideration.

The Motion was put and agreed to.

The Hon'ble Mr. HARRINGTON also moved that the Bill be passed.

The Motion was put and agreed to.

The following Select Committees were named:—

On the Bill to give further effect to the provisions of Act IV of 1863 (to give effect to certain provisions of a treaty between His Excellency the Earl of Elgin and Kincardine, Viceroy and Governor-General of India, and His Majesty the King of Burmah)—The Hon'ble Messrs. Harrington, Maine, Ellis and Bullen.

On the Bill to constitute an Office of Official Trustee—the Hon'ble Messrs. Harrington, Maine, Ellis, Roberts, Anderson, Brown, and Bullen.

On the Bill to regulate the administration of Civil and Criminal Justice, and the superintendence of Police and conservancy within the limits of Military Cantonments—the Hon'ble the Lieutenant-Governor of Bengal, the Hon'ble Sir R. Napier, and the Hon'ble Messrs. Harrington, Maine, Grey, Ellis, Roberts and Anderson.

The Council adjourned.

CALCUTTA,

The 21st February 1864.

A. G. MACPHERSON,

Offg. Depy. Secy. to the Govt. of India,
Home Dept.

STATEMENT OF OBJECTS AND REASONS.

THE late Lieutenant-Governor of the North-Western Provinces, in a communication dated 10th of January 1862, brought to the notice of the Supreme Government the unsatisfactory condition of the Law respecting the office of Cantonment Joint Magistrate, and with a view to its amendment, made several proposals, the chief of which follow;—

1st. That the appointment of Cantonment Joint Magistrate should be constituted by express authority of law.

2nd. That the Cantonment Police should be under the Cantonment Joint Magistrate, but that, in respect of Police matters, that Officer should stand in the same relation to the Commanding Officer of the Cantonment in which the District Superintendent of Police is declared by Section 4 Act V of 1861 to stand to the Magistrate of the District:—explained by His Honor to mean, that the Cantonment Joint Magistrate should be subject in all his Police proceedings to the direction and control of the Commanding Officer of the Cantonment, but that he should be departmentally subordinate to the Inspector-General of Police, in the same manner in which the District Superintendent is subordinate to that Officer.

3rd. That the Cantonment Joint Magistrate should, subject to the supervision of the Commanding Officer of the Cantonment, have jurisdiction in petty cases, for the trial of which Regulation XX of 1810 provides through the instrumentality of Courts Martial.

4th. That the Cantonment Joint Magistrate should, in subordination to the Magistrate of the District, hold the preliminary investigation in heinous cases arising within the limits of the Cantonment in which he holds his office, and either commit the accused persons to the Sessions, or, when the alleged offences are within the competency of the Magistrate of the District to try, dispose of the case himself.

The late Mr. Ritchie having been of opinion that some legislation was called for, and that several of the recommendations of the late Lieutenant-Governor might be advantageously adopted, a draft Bill was subsequently prepared by the Honorable Mr. Harington, embodying these suggestions, and was submitted to His Excellency the Commander-in-Chief, and to the Government of India in the Military Department. That Bill has since been re-considered with a view to making it applicable to a variety of matters requiring regulation within Military Cantonments, and the present Bill, though embodying many of the provisions of the former one, may be regarded as substantially new.

As now drawn, the Bill substitutes the designation "Cantonment Magistrate" for "Cantonment Joint Magistrate," and by this alteration, certain legal difficulties connected with the manner in which the office has heretofore been constituted and occupied will, it is thought, be got rid of. In its earlier Sections, the Bill defines the jurisdiction of the Cantonment Magistrate.

Section I describes the Judicial powers of a Cantonment Magistrate; and Section II gives an appeal from his sentences and orders to the Court of Session of the District or place in which the Cantonment is situated.

Section III is framed to meet the case of Cantonments situated in Non-Regulation Provinces, or places in which there are no persons exercising the powers of a Court of Session; and Section IV provides that sentences and orders passed by a Court of Session, or a Court acting under the last preceding Section, shall be open to appeal or revision.

Section V constitutes Cantonment Magistrates Registers of Deeds; and Section VI provides for their exercising the powers vested in the District Superintendent of Police, under the general direction and control of the Commanding Officer of the Cantonment, in the same manner in which a District Superintendent is ordinarily controlled by the Magistrate of the District. The Commanding Officer is empowered by Section VII to have process served and executed in certain cases through the agency of the Cantonment Magistrate; and Section VIII enables the local Governments to extend to Military Cantonments the provisions of Act XX of 1856.

Sections X to XVII permit the local Government to make Rules on certain subjects which urgently require regulation within Military Cantonments, and they provide the means, and prescribe the manner, of carrying these rules into operation. Considerations of sanitary reform led originally to the preparation of these Sections, but the opportunity has been taken to give the local Government power to regulate other matters on which rules are much needed,—e. g.—the resumption of Government land occupied by individuals, the acquisition of houses for Officers' quarters, and the transfer of property generally.

Section XVIII is intended to save all strictly Military Authority, and to prevent any conflict of jurisdiction between the Commanding Officer and the Cantonment Magistrate; and Section XX prevents the Commissioner of the Division from interfering with the Cantonment Magistrate when exercising his powers under this Act. Section XIX permits the appointment of subordinate Cantonment Magistrates.

In consequence of the supposed legal difficulties mentioned above, it has been thought desirable to give validity in Section XXI to all past acts of Cantonment Joint Magistrates.

The measure applies primarily to the Presidency of Fort William in Bengal, but may be extended to other Territories by their Governments.

March 26th, 1863.

HENRY S. MAINE.

Government of India.

HOME DEPARTMENT.

LEGISLATIVE.

ANNEXURE

TO

Bill to regulate the administration of Civil and Criminal Justice and the superintendence of Police and Conservancy within the limits of Military Cantonments.

Statement of Objects and Reasons.

Price 2 Annas.

Printed at the Bengal Printing Company's Press.

21
No. 12 of 1863.

A
BILL

TO

Regulate the administration of Civil and Criminal Justice, and the superintendence of Police and Conservancy within the limits of Military Cantonments.

WHEREAS it is expedient to make provision for regulating the administration of Civil

Preamble. and Criminal Justice and the superintendence of Police and Conservancy within the limits of Military Cantonments in the Presidency of Fort William in Bengal, and for laying down local Rules and Regulations to be enforced within such limits;

It is enacted as follows:—

I. When any person shall be invested with the powers of a Magistrate within the limits of any Military Cantonment, who is not the Magistrate of the District in which such Cantonment is situate, such person shall be styled the Cantonment Magistrate, and within the limits of such Cantonment shall, subject to the control of the Magistrate of the District in which such Cantonment is situate, exercise the powers of a Magistrate under the Code of Criminal Procedure as defined in the said Code, for the purpose of disposing of all cases arising within such Cantonment which the Magistrate of a District may dispose of, and for the commitment for trial before the Court of Session of the District or place in which such Cantonment is situate, of any person charged with any

offence which a Magistrate is not competent to try, or for which the person charged shall appear to deserve a more severe sentence than a Magistrate is competent under the said Code of Criminal Procedure to award. 25

II. The sentences and orders passed by a Cantonment Magistrate under the preceding Section shall be open to appeal to the Court of Session of the District or place in which such Cantonment is situate, under the Rules contained in the said Code of Criminal Procedure in respect of appeals from sentences and orders passed by the Magistrate of a District. 10

III. In the Territories not subject to the general Regulations of the Bengal Code the commitments and appeals in Non-Regulation Provinces. such Cantonment Magistrate shall be made to such Court as shall in such Territories exercise the powers of a Court of Session as defined in the said Code of Criminal Procedure, and appeals from the sentences or orders of Cantonment Magistrates in such Territories shall lie to such Court. Provided that, if any person be invested with the powers of a Cantonment Magistrate within the limits of any Cantonment situated in any district or place in which there is no person exercising the powers of a Court of Session, the Governor-General in Council may direct that the commitments made, and the appeals from the sentences and orders passed, by such Cantonment Magistrate shall be heard and determined by the Court of Session nearest to such Cantonment, and such commitments and appeals shall be heard and determined by such 25

Court in the same manner as if the commitments had been made, or the sentences or orders appealed from had been passed, by a Magistrate within the jurisdiction of such Court of Session. 30

IV. The sentences and orders passed by a Court of Session, or by a Court exercising the powers of a Court of Session under the last preceding Section shall be open to appeal or reference to, or shall be subject to revision by, the highest Court of Criminal Appeal in the Territory or place in which the said Court of Session or Court exercising the powers of a Court of Session is situated under the rules contained in the Code of Criminal Procedure, in the same manner as other sentences and orders passed by such Court are open to appeal or reference to, or are subject to revision by the said highest Court of Criminal Appeal. 15

V. Act III of 1859 (for conferring Civil jurisdiction in certain cases upon Cantonment Joint Magistrates, and for constituting those officers Registers of Deeds) shall apply to Cantonment Magistrates appointed under this Act, in the same manner as if Cantonment Magistrates had been expressly named in all places in the said Act III of 1859, in connection with "Cantonment Joint Magistrates," "Joint Magistrates of any Military Bazar or Station" and "Joint Magistrates." 10

VI. The Cantonment Magistrate shall, within the limits of the Cantonment to which he is appointed, exercise in subordination to the Inspector-General of Police appointed under Act V of 1861 (for 5

the Regulation of Police) all the powers which are vested by the said Act in a District Superintendent of Police, and shall in all Police proceedings be subject to the general control and direction of the Commanding Officer of such Cantonment, in like manner as the District Superintendent is, under Section IV of the said Act, subject to the general control and direction of the Magistrate of the District.

VII. The Commanding Officer of a Cantonment may send any process requiring service or execution by any means not immediately at his disposal, to the Cantonment Magistrate, for service or execution through the Cantonment Police, and it shall be the duty of the Cantonment Magistrate to serve or execute such process in the same manner as if it had been issued by himself and subject to the same rules.

VIII. It shall be lawful for the local Governments to extend the provisions of Act XX of 1856 (to make better provision for the appointment and maintenance of Police Chowkeydars in Cities, Towns, Stations, Suburbs, and Bazzars in the Presidency of Fort William in Bengal, to any Military Cantonment subject to such Governments respectively, and when the provisions of the said Act have been so extended to any Military Cantonment, and a Cantonment Magistrate has been appointed in such Cantonment, all the powers vested in a Magistrate by that Act shall be exercised by the Cantonment Magistrate, subject only to the control of the Magistrate of the District and the local Government. If there be no Cantonment Magistrate, the Magistrate of the District shall

carry out the provisions of the said Act in the same manner as if such Cantonment formed a part of his ordinary jurisdiction. Provided that it shall be lawful for the local

Government to order that the said Military Cantonment be divided into any number of Cantonment divisions, and to determine the nature of the tax to be levied in each such division according to Section X of the said Act. Provided also that the local Government

may lay down rules for the guidance of the Cantonment Magistrate or the Magistrate as aforesaid with regard to the expenditure of the surplus funds described in Section XXXVI of the said Act, and that such funds may be expended for the purpose of carrying out any measures under any of the Rules and Regulations passed under Section X of this Act in addition to the purposes described in the said Section XXXVI of Act XX of 1856.

IX. From the time when a Cantonment Magistrate shall begin to exercise jurisdiction under this Act, Sections II and III Regulation III 1809 of the Bengal Code (for the support of the Police in the Cantonments and Military Bazzars; for defining the powers of the Civil and Military Officers in the performance of that duty; and for fixing the local limits of the said Cantonments and Bazzars), so much of Section XII Regulation XX 1810 of the said Code (for subjecting persons attached to the Military Establishments to Martial law in certain cases, and for the better Government of the retainers and dependants of the Army receiving public pay on fixed establishments, and of persons seeking a livelihood by supplying the Troops in Gar-

20 rison, Cantonment, and Station Military
Bazars, or attached to Bazars of Corps),
as declares that the persons therein men-
tioned shall be liable to be tried by a Native
Court Martial for the offence stated; and
25 Sections XIII, XIV, XV, XVI, XVII,
XVIII, and XXI of the said Regulation
shall cease to have any effect in such
Cantonment.

X. The local Government shall have
Rules and Regula- power to make Rules and
tions to provide for Regulations not incon-
sistent with the provi-
sions of this Act, or of any other law in force, 5
to provide within the limits of any Military
Cantonment for the matters hereinafter
mentioned, and from time to time to repeal,
alter, or amend such Rules and Regulations.
10 No such Rule or Regulation or any altera-
tion thereof shall have effect until the same
shall have been confirmed by the Govern-
ment of India, and such Rules and Regu-
lations when so confirmed shall be published
15 in the Official Gazette, and a copy thereof
in English and in the Vernacular language
chiefly in use shall be hung up in some
conspicuous part of the Office of the Can-
tonment Magistrate, or in such other place
20 as the local Government or the Command-
ing Officer may direct. The Rules and
Regulations passed under this Section may
provide

1st.—For regulating, in cases in which
the land within the limits of the Canton- 25
ment is the property of Government, and
the occupation and use of which by pri-
vate persons is only permissive, the condi-
tions under which such occupation or use
shall be allowed, and under which the Go- 30
vernment may resume possession of such
land, and under which compensation shall

be given to persons occupying or using
the land so resumed.

2nd.—For maintaining proper registers 35
of property within the limits of the Canton-
ment, and for providing for the registra-
tion of transfers of such property.

3rd.—For regulating the manner in
which houses within the limits of the 40
Cantonment shall be claimable for purchase
or hire, when necessary, for the accommoda-
tion of Military Officers:

4th.—For regulating the management
and expenditure of any funds made avail- 45
able by law or by the Government for the
purpose of public improvements within
the limits of the Cantonment, or for carry-
ing out any Rules and Regulations passed
under this Section and the appointment of 50
the necessary servants and establishments.

5th.—For the definition and prohibition
of public nuisances.

6th.—For the maintenance generally of
the Cantonment in a proper sanitary condi- 55
tion; for the prevention and cure of dis-
ease; for the management and regulation
of the public roads, of conservancy and
drainage; for the regulation and inspection
of public and private necessities, urinals, 60
cess-pools, drains, and all places in which
filth or rubbish is deposited; of slaughter-
houses, public markets, houses of ill-fame,
burial and burning grounds, and of all
offensive or dangerous trades and occupa- 65
tions.

7th.—For the supervision and regula-
tion of public wells, tanks, springs or other
sources from which water is or may be
made available for public use. 70

8th.—For the execution and promotion of works of public utility and convenience.

9th.—For the registration of deaths, and for making and recording observations and facts important for the public health and interests. 75

10th.—For the imposition of penalties on persons convicted of the breach of any Rule or Regulation passed under this Section, and for prescribing the manner in which offences under such Rules and Regulations shall be inquired into or be cognizable by any public servant. Provided that no such penalty shall exceed a fine of fifty Rupees, or imprisonment exceeding eight days. 80 85

XI. Offences under any Rule or Regulation passed under Section X of this Act shall be triable by the Cantonment Magistrate, but it shall be competent to the local Government to vest any other Officer with the powers of a Magistrate for the special purpose of disposing of cases that may arise under any such Rule or Regulation, and may authorize such person to exercise such powers independently of the Cantonment Magistrate. The Magistrate of the district shall have no control over the Cantonment Magistrate, or over any other Officer invested with the powers of a Magistrate in respect to any cases arising under any Rule or Regulation passed under Section X. of this Act. 5 10 15

XII. In every case in which an offender is sentenced to a fine for any offence against any such Rule or Regulation, the amount may, in case of non- 5

payment, be levied by distress and sale of any moveable property of the offender which may be found within the limits of the Cantonment.

XIII. If no such property sufficient for the payment of the fine can be found, the offender, provided he is not a European British subject, shall be liable to be imprisoned for any term not exceeding one month. 5

XIV. If the offender be a European British subject, the amount of the fine and the costs, if any, shall be levied in the manner provided for the execution of Decrees of the Civil Court. 5

XV. Nothing in this Act, nor in any Rule or Regulation passed under Section X of this Act, shall prevent any person from being prosecuted under any other Regulation or Act for any offence punishable under this Act, or from being liable under any other Regulation or Act to any other or higher penalty or punishment than is provided for such offence by this Act. Provided that no person shall be punished twice for the same offence. 5 10

XVI. All Courts and Magistrates shall take judicial notice of all Rules and Regulations passed under Section X of this Act, when the same shall have been confirmed and published as aforesaid. 5

XVII. Whenever, in any Military Cantonment, Rules and Regulations have been laid down under Section X of this Act, so much of Regulation XX of 1810, and of any other Regulation or Act as may be held to empower the Commanding Officer to make local Regulations regarding matters other than Military, shall cease to have any effect in such Cantonment, and all local Regulations for any Military Cantonment which may have been made before the promulgation of the Rules and Regulations passed under Section X of this Act, shall cease to have any effect. Provided that nothing in this Section shall be held to interfere with any Military authority vested in the said Commanding Officer.

XVIII. Nothing in this Act shall interfere with the jurisdiction of Courts Martial, or of Commanding Officers of Cantonments or of Regiments, Corps, or Detachments under Act XXIX of 1861, (to consolidate and amend the Articles of War for the Government of the Native Officers and Soldiers in Her Majesty's Indian Army) or under Act V of 1863, (to amend the said Act XXIX of 1861,) or with the provisions of any Statute for punishing mutiny and desertion of Officers and Soldiers in the service of Her Majesty in the East Indies and the Cantonment Magistrate shall exercise no Jurisdiction in respect of such offences. Provided that when a Cantonment Magistrate or other Officer not being the Commanding Officer shall have been vested by the local Government

Effect of Rules &c., passed under Section X of this Act in respect of Regulations &c., previously in force.

Proviso.

Act not to interfere with jurisdiction of Courts Martial, &c.

Proviso.

with power within the limits of any Military Cantonment to dispose of cases under any Rule or Regulation passed under Section X of this Act, it shall not be competent to the Commanding Officer to exercise the powers described in Article 84 of the said Act XXIX of 1861 in respect of any case arising under such Rule or Regulation, when such Rules and Regulations have been passed for such Cantonment under Section X of this Act, and penalties shall have been laid down for their infringement; the said Rules and Regulations shall be held to be the Rules and Regulations mentioned in the said Article 84 of the said Act XXIX of 1861, and so much of the said Article as declares the penalties which may be inflicted for breach of Cantonment Regulations, shall cease from that time to have any effect in such Cantonment.

XIX. The local Government may appoint any person to be a subordinate Cantonment Magistrate, and may authorize him to exercise within the limits of any Military Cantonment the powers of a subordinate Magistrate of the 1st or 2nd Class, as defined in the Code of Criminal Procedure, and may invest him with power to try any offences against any Rule or Regulation passed under Section X of this Act. Such subordinate Cantonment Magistrate shall be subject to the Rules laid down for subordinate Magistrates in the Code of Criminal Procedure. Provided that when a Cantonment Magistrate has been appointed in any such Cantonment, the Cantonment Magistrate shall exercise with respect to such subordinate Cantonment Magistrate, all the powers which, under the Code of Criminal Procedure, are exercised

Appointment and powers of subordinate Cantonment Magistrates.

Proviso.

great

by the Magistrate of a District with respect to a subordinate Magistrate, and sentences and orders passed by such subordinate Cantonment Magistrate shall be open to appeal to the Cantonment Magistrate in the same manner in which, under the said Code, appeals may be made to the Magistrate of a District. If there shall be no Cantonment Magistrate, such subordinate Cantonment Magistrate shall be subject to the control of the Magistrate of the District in the same manner as a subordinate Magistrate under the Code of Criminal Procedure. Provided that such subordinate Cantonment Magistrate shall not be subject to the control of the Magistrate of the District in respect to any cases arising under any Rule or Regulation passed under Section X of this Act.

XX. The Commissioner of the Division, in which any Military Cantonment may be situated, when such Officer exists, shall have no power to interfere with the exercise in the said Cantonment of any powers exercised by any Officer under the provisions of this Act. Provided that nothing in this Section shall affect the authority exercised by a Commissioner under Act XXI of 1856 (to consolidate and amend the law relating to the Abkaree Revenue in the Presidency of Fort William in Bengal), or under any other law in force for the control and direction of Officers having charge of the Abkaree Revenue.

XXI. All Acts done previously to the passing of this Act by Cantonment Joint Magistrates, or by persons acting under their au-

Commissioners not competent to interfere with exercise of powers under this Act.

Proviso.

Acts done by Cantonment Magistrates before passing of this Act legalized.

thority or otherwise, in any Military Cantonment, in pursuance of an order of Government, or which shall have been or shall be ratified by the Executive Government, are hereby confirmed and made valid; and all such Officers and persons as aforesaid are hereby indemnified and discharged from liability in respect of such Acts.

XXII. This Act shall extend only to the Presidency of Fort William in Bengal, but the provisions of the Act may be extended by order of the Governor-General in Council to any place administered by a Chief Commissioner, or Agent to the Governor-General, under the orders of the Supreme Government, or by order of the Lieutenant-Governor of the North-Western Provinces, or of the Lieutenant-Governor of the Punjab, to any part of the Territories under their Governments, respectively, not within the said Presidency, or by order of the Governor-General in Council to any place in India not within any of the Presidencies of Fort William in Bengal, Fort St. George, or Bombay, or not under the local Governments of those Presidencies respectively, or of the Lieutenant-Governor of Bengal, the North-Western Provinces, or the Punjab, in which British Troops are cantoned. Every order issued under this Section shall be published in the Official Gazette.

Government of India.

HOME DEPARTMENT.

LEGISLATIVE.

A
BILL

TO

Regulate the administration of Civil and Criminal Justice, and the superintendence of Police and Conservancy within the limits of Military Cantonments.

(Mr. Maine.)

Price 7 Annas.

Printed at the Bengal Printing Co.'s Press.

RE March 1864

Memorandum
for orders. 28

Circulate a report of the proceedings of the Governor General's Council for making Laws and Regulations, and beg leave to draw the attention of the Government to that part of the Honorable Mr. Maine's speech on the Military Cantonments Bill which relates to the question of what officer shall be entrusted with the superintendence of Police in Cantonments.

2. It appears to me of great

portance in the
native section to which
Maine states that he
is prepared to assent (see
page 44), and which was
suggested to him by
Colonel Barrow, the
Commissioner of Lucknow,
should be adopted in pre-
ference to the section given
on page 43. As a general
rule, the District Superin-
tendents will be more efficient
Police Officers than the Can-
tonment Magistrates; and
it seems very desirable that
the superintendence of the
Police in Cantonments and
in other towns in the same
District should be under
the same Officer. This is
the practice at present in
force in this Presidency,
and

and in Accordance
the principle of the
Police Acts, viz that the
Police shall be a distinct
body at the disposal of the
Magistracy; but, in all
matters of internal economy,
discipline, &c., under the
orders of the Inspector
General of Police ^{and his Assistant}. This
principle will be, in a
great measure, lost sight of,
if the Police in Cantonments
is placed under the Officer
who exercises the functions
of Cantonment Magistrate.

3. I would suggest that
the following telegram be
despatched to the Govern-
ment of India:-

I think it desirable
that this Telegram should
be sent J.P. M.D.

M

"The Madras Government
are strongly in favor of
the

alternative seen in printed
page 44 of the proceedings
of the Council of the Governor
General for making Laws
and Regulations, being
substituted for the Section
in the Military Cantonments
Bill, which is printed on
page 43. The District
Superintendents being trained
Police Officers, are far more
likely to manage the
Police efficiently than the
Cantonment Magistrates.
As the Bill will apply
to Madras, the Act XXIV
of 1859, under which the
Madras Police is constituted,
should be quoted, as well
as Act V of 1861.

W. H.

Military Cantonments
Bill -

Discusses in the General
Council

Memo. for Orders

31
Judicial Department

Proceedings of the Madras Government.

Read the following letter ^{& Memo} from the Inspector
General of Police.

(Rev. dated 25 April 1864. No 872
" " 29 " 1864.)

Order thereon 17th May 1864. No 421.

His Excellency the Governor
in Council concurs with
the Inspector General of
Police as to the expediency
of extending Act XXII of
1864 to the principal
Military Cantonments
in this Presidency; but
before publishing the
 requisite Notification,
he resolves to request that
the Advocate General will
furnish Government with
his opinion as to whether
the omission in the Act
of any allusion to Act
XXIV of 1859, under which

W.D.

W.D.

W.D.

The Police of this Presidency is constituted, while frequent reference is made to Act V of 1861, will cause any practical difficulty in applying the Military Cantonments Act to the Madras Presidency.

2. Meanwhile, the Governor in Council resolves to refer Mr. Robinson's Memorandum of the 29th ultimo to the Sanitary Commission for their consideration, and to request that the President of that Commission and the Inspector General of Police will jointly prepare and lay before Government a draft set of rules on the several points on which the local Government are

empowered to make rules and regulations under sections XVII & XIX of the Military Cantonments

The Govt. Solicitor
The Insp. Genl. of Police, for despatch 29/5
President Sanitary Commission
Military Department despatch 29/5

Military (Volunteers) 408

Judicial 1864 Report

1872

Proceedings of Govt

Vol 17 May 1884

M. 1050-1050-1124-1776.

25th Nov 1884

Respecting the expediency
of enclosing the ~~XXIX~~ ~~XXIX~~ ~~XXIX~~
to the Principal editing
Committee in the
Madras Presidency.

104. 188