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MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1763 Press ~~Mis.~~

Dated 8-11- ~~19~~ 1866

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Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
8th November 1866.

Read the following papers:—

No. 78. Extract from a letter from Lieutenant Colonel F. G. KEMPSTER, Commanding Vellore, to the Quarter Master General; dated 17th March 1866, No. 114.

II. * * Since the abolition of the old Cantonment Police, and the introduction of the new Force, the Officer Commanding has no Police at all at his disposal, either for preventing nuisances, or to carry out awards against breaches of Cantonment Regulations. To illustrate my meaning, I would instance a case in point: "A person convicted of an offence for a breach of Cantonment Rules "and Regulations, under the 84th Article of War (No. 1), is sentenced to pay "a fine, and in default thereof is awarded imprisonment; he must be arrested and "sent under a Military escort to the Officer in charge of a Jail," for the new Police are not permitted to grant assistance in such cases under instructions from their own Department. I cannot but think that this course of employing the Military for Civil offences is most objectionable, and I would, therefore, advocate a Joint Magistrate being appointed to the Cantonment, similar to Palaveram, which Station I commanded for some years. The Station Staff Officer there was a Justice of the Peace, and the Police in the Cantonment assisted him to deal with all minor cases of a Civil nature. The working was most satisfactory.

III. At present, in the Cantonment of Vellore, there are two authorities, the Officer Commanding and the Police—the latter in no way under his orders, and yet empowered under the Police Act, No. XXIV of 1859, to deal with all offences with which he, as Officer Commanding, deals, under Article 84 of the Native Articles of War and the Cantonment Rules and Regulations; this, of course, is most objectionable, and has been the cause in some instances of the two clashing in a very unsatisfactory manner. The case of Vellore has been, on this account, already referred by the Civil authorities to Government, and by it for the opinion of Mr. Norton, the Advocate General, who, in reply, points out the continual chance of the two authorities clashing, the very unsatisfactory working of such a system, and the clear necessity of steps being at once taken either to do away with the duty of the Officer Commanding to deal with any but Military persons, and for offences affecting discipline, or to place the Cantonment on a different footing, with a small Police for its especial use, and under an Officer in the Cantonment, with powers as a Magistrate, to deal with certain offences. I am led to believe that the Civil authorities of the District, feeling the necessity, have again brought this matter to the notice of Government, strongly recommending the latter plan; recommending further, I believe, that such Officer should have charge of the Subsidiary Jail, with the powers of a Magistrate, to obviate the inconvenience experienced in dealing with Jail offenders during the frequent and long absences in his District of the Sub-Collector and Joint Magistrate.

No. 3264.

MEMORANDUM.

Forwarded for the consideration and orders of Government.

(By Order).

QUARTER MASTER GENERAL'S OFFICE, FORT SAINT GEORGE, 23*rd March* 1866.

(Signed) F. H. SCOTT, Lieut. Col.,
Quarter Master General.

To the Secretary to Government, Military Department.

Referred to the Judicial Department.

FORT SAINT GEORGE, *5th April* 1866. (Signed) R. HAMILTON, Colonel, *Deputy Secy. to Govt., M. D.*

Referred to the Inspector General of Police, for his remarks.

FORT SAINT GEORGE, *17th April* 1866. (Signed) J. GROSE, *Under Secretary.*

No. 79. From W. ROBINSON, Esq., Inspector General of Police, to the Chief Secretary to Government, Fort Saint George; dated Madras, 27th April 1866, No. 679.

The Officer Commanding Vellore is under misapprehension as to his relation to the Police in the Cantonment. Act I of 1866 (Sections 12 and 16) sufficiently provides in this respect.

2. The Police are at the disposal of the Commanding Officer for carrying out the provision of the Cantonment Act; and, of course, they should execute his orders under the circumstances instanced by him. If this has not been the case hitherto, it has occurred through some local misapprehension, not hitherto brought to my notice, which will be rectified at once.

N. B.—There are no such Departmental instructions as those alleged to have been issued.

3. A difficulty exists in Vellore. The Cantonment limits were laid out when Vellore was a large Military Station. They are very extensive, and include portions of the town which should no longer be subjected to Cantonment Regulations and the jurisdiction of the Commanding Officer.

4. I should recommend that the Cantonment limits of Vellore be revised and much contracted. The towns, &c., being thus left to the Civil administration, the Cantonment, properly so called, might then be left entirely to the Commanding Officer, with respect to offences for which the 84th Article of War and Act I of 1866 provide. Offenders against sanctioned Cantonment rules would then be taken before the Commanding Officer, and his orders carried out by the Police.

5. I admit that I do not see the necessity for appointing a Cantonment Magistrate for a station like Vellore, where there is only a single Native Regiment and abundance of Civil Magistracy.

No. 80. From R. W. BARLOW, Esq., Joint Magistrate in charge of North Arcot, to the Chief Secretary to Government, Fort Saint George; dated Chittoor, 24th April 1866, No. 13.

The Superintendent of Police consulted me yesterday, as Joint Magistrate in charge, regarding the future of the Cantonment of Vellore, with reference to an Endorsement issued by Government in the Judicial Department to the Inspector General of Police on a letter written by Colonel Kempster.

2. Previous to Colonel Kempster's letter, I had laid the whole matter before Mr. Robinson with what I proposed as Sub-Collector; this letter was detained by Mr. Robinson, on account of heavy press of work, and I had intended to let it lie over until his return, as remarks from him would be desirable. As, however, I now find the matter is before Government, to avoid delay, I enclose an extract from the same letter.

3. Paragraphs 10, 11, 12, and 13 (omitted) refer to personal details of recent occurrences, with which it is unnecessary to trouble Government, when deciding a general question, and may be left for the Civil and Military authorities to arrange hereafter.

From R. W. BARLOW, Esq., Sub-Collector of North Arcot, to J. D. ROBINSON, Esq., Collector of North Arcot; dated Arcot, 15th March 1866, No. 120.

With reference to the Proceedings of the Madras Government, Judicial Department, dated 14th December 1864, and in connection with the recent disturbances in the bazaars, the pending extension of the Municipal Act to Vellore and its suburbs, and the Cantonment Act* I of 1866, which has *not* been extended to Vellore, I think it is time that the case of the Vellore Cantonment, and the double authority at present therein existing, should now be finally considered and disposed of, to avoid future complications and misunderstandings. Government, in their Proceedings above quoted, postponed the subject until after the passing of the Cantonment Act, which has now become law.

* Repealing Act IV of 1865.

2. The three chief points to be considered are I think—

1*st*.—The revision of the Military Limits.

2*nd*.—Within those revised limits and with a Civil Police, how are the Cantonment Rules to be enforced? and, if by the Commanding Officers, what is to be the Procedure of the Police with reference to him and the Magistracy, and does the authority of the Commanding Officer, under the Cantonment Rules, bar action under the ordinary Criminal Law on the part of the Magistracy?

3*rd*.—Whether the Fort now occupied almost entirely by Civil Public Officers of Government, is to remain in Military limits? and, if so, what Rules should be made to protect the Civil Departments and the public from the annoyance they now suffer from the strict enforcement of Military Rules, unsuited to the times and the present occupation of the Fort?

3. As to my first head, "the revision of Military Limits:"—The present extensive limits (vide Map) may have been necessary when there was a large Brigade, as formerly, at Vellore, and with a Military Police†. At present, with a portion of one Native Regiment only (detachment of two Companies being at the Mount), and with a Civil Police and Town Sub-Magistrate, such limits are absurdly large, and it seems ridiculous that a large portion of the bazaars in an important Mercantile Town like Vellore should be subjected to the strict Rules of Military discipline. These bazaars are not now (whatever they may have been originally) small ones, dependent on the Regiment, but are some of the most important in Vellore, doing a large general trade of all kinds. The Sepoy Lines, as you are aware, lie quite away from the Town, on the west side of the European residences. I think if Military limits were considered to embrace the Lines, the Officers' quarters (vide Map) occupied by the European community, and the parade ground, including barrack guard, every purpose would be answered. A glance at the map enclosed will show that these limits, colored green, form a compact and easily defined area. The old boundary stones are the black dots on the red line, numbered 1 to 70. The only Military buildings not included in this area are the Commissariat Office (abolished) and the Regimental Hospital. I shall notice the Fort separately, with my reasons for cutting it out of Military limits.

† Abolished in 1859.

4. If my proposed limits are approved of, my 2nd head* will not require much consideration. The lines are, as they should be, entirely under the control of the Officer Commanding the Regiment, and the Police never enter unless sent for, while the few cases that occur in the Officers' lines might be disposed of (if infringements of the Cantonment Rules) either by the Officer Commanding or the Magistracy, as Government see fit; and if by the former, special instructions might be issued to the Police. Should, however,

* Procedure of Police and Magistracy, with reference to Commanding Officers, &c.

the large bazaars and streets, shaded with cross pencil lines, continue in Military limits, matters will be very different, and complications will arise, particularly in enforcing the Municipal Act. I do not suppose Government will wish the bazaars to remain in their peculiar status, but I will mention one or two of the difficulties that have arisen, or may arise if they so continue.

(a). A man was building an addition to his house ; the Town Sub-Magistrate considered it an encroachment on public thoroughfare, and ordered the party, under Section 62 of the Procedure, to desist until he got my instructions. The then Commanding Officer reported the Sub-Magistrate to me, for interfering when he knew that the offender had permission from the Military authorities ; the Sub-Magistrate denied knowing this. However, I saw no particular objection to the erection, and the matter dropped ; but the real point at issue, which still remains to be decided, was, "had I considered the erection an encroachment on a public thoroughfare, had I a right, under Section 308 Procedure, to hinder the erection, in spite of the Commanding Officer's permission."

(b). All sanitary regulations, according to Cantonment Rules, rest with the Commanding Officer exclusively for all these bazaars ; this will interfere with the Municipal Commissioners' free action.

(c). Hitherto, all persons arrested by the Police have been taken before the Magistracy, but, within the last month, a revised (I do not know under what authority) list of Cantonment Rules has been given to the Officer in charge of the Police Station, Vellore, by the Station Staff Officer, with verbal orders that persons arrested by the Police for infringement of them should be taken before the Military authorities. These revised Rules (which I had not seen) were not sent to the Police through the Assistant Superintendent, as they should have been, or the matter would have been brought to my notice. I only became aware of what had passed through the Arrest Returns, and called for explanation, when these Rules, and the fact of the new orders to the Police, were reported to me. I at once drew the attention of the Assistant Superintendent to the Proceedings of Government, 14th December 1864, No. 1802, in which Government, though letting the matter of double powers stand over, yet distinctly laid down that the Commanding Officer's powers could not be enforced through the Police. My letter to the Assistant Superintendent, marked A, and his reply, B, are herewith enclosed.

(d). The Commanding Officer, by the Cantonment Rules, has exclusive authority to grant permission for processions through all these bazaars and Cantonment thoroughfares, including part of the grand trunk to Bangalore and the trunk road from Vellore to Arnee, without reference either to Magistrate or Police, and yet these last are responsible if there is any disturbance, and further have to keep order. The trunk road to Arnee (colored blue) and the trunk road from Arcot to Bangalore are excluded from my proposed Military limits. I enclose the list of these Cantonment rules, marked C. A perusal of these will suggest many other difficulties, but I have cited sufficient. One of two courses are inevitable if these bazaars remain as they are : the Police must either be put under the Commanding Officer, or the Sepoys must be made amateur Police ;—otherwise the Cantonment Rules must be a farce. I think the Sepoys thought that the Police were officious when they were really only doing their duty in these bazaars, and that this was one of the causes of the late disturbance.

5. Next, as to the Fort and its proposed exclusion from Military limits :—It lies away from the Lines and the Cantonment, and was formerly an important Military post, strongly garrisoned and filled with Military Stores, &c., of all kinds, requiring the strict enforcement of Military discipline ; but all this has changed gradually, and now, beyond a few Europeans in the Serjeants' quarters, there are no Troops, European or Native, in the Fort, and nearly all the buildings are occupied by Civil Public Offices. The recent removal of the Arsenal stores, and the Details of Native Artillery quartered there, takes away the last objection to the abolition of the Gate Guards' strict rules, and powers of interference with the public in their ingress and egress to the Fort.

6. The occupied Military and Civil Offices and Establishment in the Fort are noted in the margin. There is also the Pension Pay Office of a semi-Military character, with a cash chest ; but over it, and over the Station Staff Office, the Commissariat godowns, and the Magazine, there are separate Military guards, which are amply sufficient for their security, such buildings being in most stations without the protection of a Fort. The Garrison School and the Serjeants' quarters require no notice ; while on the Garrison Hospital there is a Police guard, one wing being occupied by the sick convicts from the Jail. Such being the state of things, and with all the Courts, &c., in the Fort, I think it highly desirable that there should be free access for the public to the Fort.

Military.
Station Staff Office.
Commissariat Godown.
Magazine.
Garrison Hospital.
Garrison School.
Serjeants' Quarters.
Civil.
All the Mahals, containing State detinues and Jail (180) Convicts.
Subsidiary Jail.
Sub-Collector's Cutcherry and Residence.
Stipend Pay Office.
Taluq Cutcherry.
,, Treasury.
,, Post Office.
Small Cause Court.

7. The old Gate Guard Rules (just revised) drawn out years ago, in time of war, were necessarily very strict, but of late years they were not rigidly enforced ; but how far they should be enforced has been a frequent subject of correspondence between me and the various Officers Commanding at Vellore. I enclose one letter marked D, written in 1865, showing the sort of annoyances I had to write about. All my communications have been most courteously treated, and though the rules remained unrepealed, temporary instructions, in accordance with my wishes, were given to the guard, and so matters went on, until a new Commanding Officer or Regiment came. Things, however, are different now : Colonel Kompster, the present Officer Commanding at Vellore, has issued a revised set of rules to the gate guards, much less strict and more suited to the times than the old ones, but which are being strictly enforced. This is right so far that, if there are rules, they should be so enforced ; but, unfortunately, one of two of the old rules, most fertile of annoyance, remain. I did not see the new rules before they were communicated to the guards, or I should have expressed my objections to the Commanding Officer. I enclose a copy of these rules, marked E. Among the most objectionable are those relating to bludgeons, opening bundles, and suspicious persons, as being likely to be abused by the guard, who have an unlimited discretionary authority ; most respectable Natives coming to the Courts have complained to me that their walking sticks have been taken from them, while I have seen the most disreputable looking ruffians carrying theirs without interference. Further, the opening bundles seems an unnecessary annoyance. Again, it must be difficult for the sentries (not being detective Police) to know who *are* suspicious characters ; they may hinder an honest man from coming to make his complaint at the public Courts. Were these rules *necessary*, all these objections of mine, and possible annoyance to individuals, would go for little ; but what I urge is that these restrictions themselves are unnecessary and out of date, and, therefore, the annoyance caused is without any corresponding advantage. The Treasury Jails, &c., and other civil buildings of importance have their special Police guards, which are quite sufficient for their security. Further, by day, these precautions are a farce, for there is a sally-port, open from daylight to dark without any guard, on the other side of the Fort, and through which any number of bludgeons, bundles, &c., can be brought without question.

8. In conclusion, should it be held that the Fort is to remain within Military limits, and under Military rules, some measures should be taken, 1st, to protect the Civil Courts from unnecessary annoyance when military changes are being carried out—at present there seems some disposition to ignore them—and, 2nd, to except the Sub-Collector and his subordinates from these gate rules, and thereby protect them from annoyance, on the part of the sentries, in times of high prices or of excitement (like the recent assault on the Police by the Sepoys), when the Troops fancy they have been aggrieved by the Civil authorities.

9. I approach these last subjects with some reluctance, as my doing so lays me open to the imputation of being swayed by personal feeling in the matter ; but I should not be doing my duty

to future office holders, if I let this part of my subject pass unnoticed. I must, therefore, do so, pointing to the fact of my having held my present post as Joint Magistrate, off and on, for five years, without one reference to higher authorities, and on the most friendly terms with the Military, to clear me from such an imputation. I may also observe that I proposed the abolition of these gate restrictions in my letter marked D, dated as far back as May last year, to the Officer then Commanding.

1st. As to "Military changes."—The Joint Magistrate's present residence was made over to him, his presence in the Fort being considered desirable, owing to the Jail and Tippoo's and other Mahals, &c., being there, the lower story of the said residence being used as an office; a few weeks since, the gate guard, located for many years at the outer gate, has been moved to the innermost or fourth gateway, immediately under my windows, and within a few yards of the bedrooms at the north corner of my house. You, who know the spot, can imagine the annoyance this is to me: the gateway is arched and echoes: by day my dining room and the part of the office on that side of the house are almost uninhabitable, owing to the passers in and out wrangling with the guard about the enforcement of the gate rules; and at night, every word uttered by the guard and the changing guards continually is most unpleasantly audible. My letter to the Commanding Officer, marked F, and his reply, marked G, are herewith enclosed. In declining to move the guard, the Commanding Officer pleaded the Order of the General Commanding the Division. I do not think the General could have been aware of the inconvenience his order would cause, and I certainly think, when altering arrangements subsisting for years, he should not do what seriously annoys Government Officers in other Departments.

10, 11, 12, and 13. * * * * * [Omitted].

14. As to Vellore, should Arunachelliah, the Acting Sub-Magistrate of Arnee, pass the Special Test, I shall transfer him there, and ask you to get him 1st Class powers. Being an able man, the work of the town and suburbs would not more than keep him fully employed, and he would be useful as an official member of the Municipal Commission.

A.

From the Joint Magistrate of North Arcot, to the Assistant Superintendent of Police, North Arcot; dated Ranneput, 3rd March 1866, No. 49.

In forwarding the enclosed two arrest forms, and the explanation of the Head Constable in charge of the Police Station, Vellore, I have the honor, in connection with the Proceedings of the Madras Government, Judicial Department, dated 14th December 1864, No. 1802, published at page 403 of the Police Weekly Circular, December 1864, to bring to your notice the mistakes made by the Police.

2. If the parties arrested were to be handed over at all, they should have been sent to the Commanding Officer, and not to the Station Staff Officer, and, 2ndly, although for the present the Commanding Officer and the Joint Magistrate have both authority to punish certain offences, and although Government then declined to re-consider that point, yet clearly the first duty of the Police is to the Magistracy, and not the Commanding Officer; and to the Joint* Magistrate, it is proper that all prisoners be sent, when the Police may have lawful authority to arrest, under either the Police Act or the Penal or Procedure Codes. All these Acts point to the Magistracy, and the Police have no other authority, beyond what is derived from these and similar Acts.

* Or to the Sub-Magistrates under him.

3. Further, Government, though then declining to consider the inconvenience of having two authorities, both able to punish for the same offence, acquiesced in, and ordered the publication of, Mr. Norton's opinion, in which it is clearly laid down that the Commanding Officer cannot employ the Police in carrying out his orders.

4. I should be glad to know when the Station Staff Officer sent these Rules to the Police, and whether they went through you, as they should have gone. I knew nothing about it, and I ought to have been informed. This is the first case of the kind that has been brought to my notice, so I suppose it cannot have been long ago.

5. Nothing in this letter is, of course, intended to take exception to the practice prevailed regarding Sepoys and other Camp followers giving the Commanding Officer the option of trying them by Military Courts, if the offence be one cognizable by such Courts, although arrested by the Police in the first instance.

B.

From the Assistant Superintendent of Police, North Arcot, to the Joint Magistrate, Vellore; dated Vellore, 8th March 1866, No. 16.

I have the honor to acknowledge the receipt of your letter, No. 49, of the 6th instant, and, in reply, to state that, on inquiry from the Head Constable of the Vellore Station, I find that the Station Staff Officer, on passing the Station-house, personally told the Head Constable to arrest men beating tom toms within the limits of the Cantonment, at which the Head Constable remonstrated, saying that the Police could not interfere. The Station Staff Officer sent a copy of the Cantonment Rules, and told the Head Constable, if he did not arrest men beating tom toms, and send them to him, he would report him to the Superintendent. The Station Staff Officer was passing the Station-house, when some men were infringing one of the Cantonment rules in the above manner, and he then directed the Head Constable to take the men into custody, which appears to have been done by the Head Constable under the above threat.

2. I have given strict orders that this is not to be done again. I have also communicated the subject of your letter to the Inspector, and directed him always to act in strict conformity with the rules quoted by you.

3. The Station Staff Officer did not send his rules through me, but the Head Constable reported in his station report of that day, which the Office Inspector failed to show me, or I should certainly have laid the case before you.

C.

Proposed Rules for the Cantonment of Vellore.*

I. Native Festivals.

1. The permission of the Officer Commanding, through the Station Staff Officer, will be obtained previous to the movement of any procession in or through the lines or roads of the Cantonment.

II. Beating of Tom Toms, &c.

1. All application for permission to be allowed to beat tom tom after the prescribed hours will be made, through the Station Staff Officer, to the Officer Commanding.

2. The discharge of fire arms or fire works, without previous permission, is also strictly prohibited; the requisite permission can be granted through the Station Staff Officer. Blasting within Military limits, without permission, is strictly prohibited.

III. Encroachments on Military Boundary.

1. Any land or house-holder, or other person found encroaching within the Military limits of the Cantonment, without the written permission of the Officer Commanding, will be liable to punishment.

2. Any building or enclosure so encroaching will be liable to be removed at the risk and expenses of the offending party.

3. Any person removing or displacing the Boundary stones of the Cantonment will be liable to punishment.

IV. Injury to Trees, &c.

1. All persons detected in doing injury to trees or shrubs, or digging up grass upon the glacis of the Fort or any Parade ground of exercise, or on any road within Military limit, will be liable to punishment.

2. No cattle of any description to graze on the glacis without special permission; all so found grazing will be impounded.

3. Fishing in Fort Ditch is strictly prohibited.

* Note.—*Now* in force. (Signed) R. W. B.

V. Nuisances.

1. All roads and by-paths of the Cantonment are to be kept clean, and no refuse matter is to be thrown upon them or into the side drains.

2. Owners and occupants of houses, repairing walls and trimming hedges, will take measures for the speedy removal of all litter so occasioned.

3. Persons indecently exposing their persons or committing nuisances of any kind on road, street, Parade ground, or other open spot within Military limits, will be handed over to the Police, to be dealt with according to law, or be proceeded against under Ml. 84 N. Articles of War, according as the Officer Commanding Vellore may direct, and the prosecution.

VI.———

1. Racing on galloping horses, or furious driving, along the roads of the Cantonment, is forbidden.

2. Horses, Tattoos, are not to be picketed on the sides of the public roads, or on any public grounds of the Cantonment; all so found will be impounded.

3. Officers and others are prohibited from riding or driving through the gates of the Fort at a pace quicker than a walk or slow trot. By gates is understood the space between the exterior slope of the glacis and the tureplain of the Fort.

VII. Stray Cattle.

1. Horses, Tattoos, Bullocks, or any other cattle found straying on any public ground or roads of the Cantonment will be sent to the Pound, and their owners fined, in accordance with the Pound Rules.

VIII. Planting trees.

1. As a sanitary precaution, no additional trees are to be grafted or planted in the Cantonment, without the special permission of the Officer Commanding being first obtained for so doing.

2. Any one acting contrary to this rule, will be liable to punishment for a breach of Orders.

IX. Public Buildings.

The following circular from the Quarter Master General's Office, regarding public buildings, and fixtures is published.

* * *

Bad characters.

Persons of bad character are prohibited from living within the limits of the Cantonment.

I. Non-Military persons wishing to reside in the Cantonment will make application so to do to the Officer Commanding the station, and the rules laid down in G. O. G., No. 227, of the 6th June 1862, will be strictly carried out in this particular.

II. All owners of houses are strictly forbidden from cultivating grain in their compounds, as it tends to produce diseases.

III. Land lords, occupants, and owners of houses within Military Limits must see that water courses leading into their compounds are kept in thorough repair, and their yards or compounds kept clean.

I. The attention of Land lords of houses is called to G. O. G., dated Fort Saint George, 17th April 1849, No. 71, paragraph 6. All persons holding land within Military Cantonments are required to keep all drains and water channels in and about their premises free from obstructions, to remove all causes of malaria, to keep their hedges cut to four feet in height from the level of the roads; branches of trees in and about their premises to be lopped off to the height of 6 feet; to discontinue the use of the Prickly-pear and Aloe as a hedge; to destroy them by burning whenever existing.

The foregoing Order to be translated and proclaimed by beat of tom tom throughout the station.

In the event of the above order not being carried out within one week from this date, the penalty authorized under Article 84 of Act No. XXIV of 1861, viz., a fine not exceeding Rupees fifty, or in default one month's imprisonment, will be enforced.

II. Any person or persons creating a disturbance in the Cantonment are liable to be fined Rupees fifty, or to be imprisoned for one month.

The same punishment, as notified in Regulation I, can be inflicted upon the owners of Vehicles passing through the Cantonment without lights after dark.

III. Any person digging gravel or mould in the Cantonment, without leave, is liable to a fine of Rupees 50, or one month's imprisonment, for each offence.

IV. All persons residing in the bazaar at this station are required to keep up the Drains in front of their houses in good repair, and free from any obstruction or dirt, and to build them where none exist.

V. Any one neglecting to obey this order will be liable to a fine of fifty Rupees, or to one month's imprisonment.

The above to be proclaimed by beat of tom tom throughout the station.

VI. All wheeled conveyances are directed to keep on the roads, and are forbidden to pass on the Parade grounds, or any portion of the open space and grass surrounding the Fort.

This is to be considered a Regulation of the Cantonment, and will be published by beat of tom tom.

The above does not apply to wheeled conveyances attending the Band.

VII. Any Butcher convicted of selling unwholesome food in the Cantonment will be liable to the penalties authorized for a breach of Cantonment Rules and Regulations.

VIII. Any Baker convicted of selling unwholesome Bread in the Cantonment will be liable to the penalties authorized for a breach of Cantonment, Rules and Regulation.

(By Order.)

(Signed) A. G. MURRAY, Captain,
Staff Officer.

VELLORE,
17*th February* 1866.

(True Copy.)

(Signed) R. W. BARLOW,
Sub-Collector, in charge of North Arcot.

D.

From the Acting Joint Magistrate of North Arcot, to the Officer Commanding Vellore; dated Palmanair, 15th May 1865, No. 95.

In reply to your letter, No. 265, dated the 10th instant, I have the honor to observe that I was unaware that such an Order was in existence. I thought that, until 11 P. M., free ingress and egress was permitted, and that even after that hour the "parole" would pass anybody, whether black or white; however, as such an order is in existence, it ought to be strictly obeyed until modified or cancelled. It seems to me that the last course is advisable, and as it is only a Garrison Order, I presume that the Officer Commanding at Vellore could cancel it, without any further reference being made to any higher authorities, Military or Civil. I would advocate the restrictions as to ingress and egress being altogether removed for reasons specified below, and should feel obliged by your favoring me with your views on the subject.

When this order was first issued, years ago, it was doubtless absolutely necessary and desirable as a precautionary measure for security, but matters are altogether altered now: the few buildings of importance still occupied by the Military have separate Military guards, viz., the Station Staff and Pension Offices, the Magazine, and the Commissariat godowns; the others, such as School, Serjeants' quarters, &c, are not such as would require these severe precautionary measures.

Nearly all the buildings in the Fort are now Civil, and the responsibility rests with me, viz., Treasury, two Jails, Stipend Pay Office, Taluq and Hoozoor Cutcherries, all the Mahals, &c. The Post Offices and Small Cause Court are also Civil; and, both on grounds of safety and convenience, I would strongly urge the change.

If the 8 P. M. rule were strictly enforced (which it has not been), the office people who stayed late would not be able to return to their homes in the town, to say nothing of the parties in

suits and private servants. Office records, too, often arrive at 12 and 1 o'clock at night from circuit, and have had, on several occasions, to wait outside till morning; and on another occasion, I was unable to start my Office bandies at 3 A. M., as I wished, and my work was delayed a day in consequence.

Next, as a point of security, even supposing the rule is relaxed to the extent proposed in your letter, still, in the event of my forgetting the word, or the word not having been sent to me, I am left cut off from all means of communication with those outside, in case of sickness, emergent business, or a disturbance.

Again, when suddenly arriving from duty on circuit in the middle of the night, I cannot possibly know the word, and it is at the option of the guard to allow me to pass, or I have to remain outside until day break; and though I don't mean to say they would prevent me, they might. My servants and Office Servants they might, and have, stopped before this. These are a few of the many reasons that make me bring this subject to notice.

Power, of course, should be reserved to the gate guard to question those going in and out at night, as well as the right to stop those whom there was really good ground for suspecting. Soliciting an early reply, I have, &c.

E.

Orders for the Guard on the Inner gate of the Vellore Fort.

I. The Guard furnishes two sentries, one on the inner gate, the other over the outer gate.

The Orders for the sentry on the inner gate are as follows:—

1. He will not permit any procession to pass out of the Fort, without express orders.

2. He will not allow any person to pass through the gates into the Fort carrying fire-arms, or bludgeons. All such weapons must be deposited in the charge of the guard before the owner can be permitted to enter.

3. All suspicious looking bundles or parcels must be examined before being passed in, or out of, the gates.

4. It is the duty of the sentry to prevent persons riding or driving through the Fort gates at other than a walk or slow trot.

5. The drivers of country carts must dismount from their carts passing through the gates and passages leading into the Fort.

6. All orders that it may be necessary to issue to the gate guard will be conveyed to it either by the Station Staff Officer or by the Garrison Orderly Officer of the day.

The Orders for the sentry on the outer gate are as follows:—

1. He will not permit any procession to enter the Fort, without express orders.

2. No drunken or disorderly person is to be permitted to enter the Forts.

3. It is the duty of the sentry to prevent persons riding or driving through the Fort gates at other than a walk or slow trot.

4. The drivers of country carts must dismount from their carts while passing through the gates and passages leading into the Fort.

5. No beggars are to be allowed into the Fort.

6. All suspicious looking persons must be examined before permission to enter is granted.

Orders for the Commissariat Store Guard.

1. This guard consists of one Naigue and three Privates. Its duty is the protection of the Commissariat Store Rooms and Government Stores. The sentry must on no account permit any thing to be removed from the stores without the sanction of the Store-keeper, and no unauthorized person must be permitted to enter the stores.

2. This guard is increased to the strength of six Privates when a prisoner is confined in one of the Solitary Cells, over which on such occasion it furnishes a sentry.

Orders for the Magazine Guard.

1. The duty of the guard is the protection of the Magazine.

2. The sentry will be careful that no fire or combustible matter is brought or permitted near the buildings.

Orders for the Pension Office Guard.

1. The duty of this guard, which consists of one Naigue and three Privates, is the protection of the Pension Office and Cash Chest. It posts a sentry over the Chest. This sentry must not leave the room in which the Chest over which he is posted is lodged.

2. The guard will not permit any part of the office furniture, Records, paper, &c., to be removed from the office, without the orders of the Officer in charge of Pensioners or of the Staff Officer.

3. The guard is prohibited from going into the front verandah, or from leaving the upper story of the building, except during the saluting hours, when it will pile its arms on the road in front of the office.

4. The guard will give every assistance to the Officer in charge of Pensioners, in keeping order during the mustering or paying of pensioners.

(By order).

(Signed) A. G. MURRAY, Captain,
Station Staff Officer.

(True Copy).

(Signed) R. W. BARLOW,
Joint Magistrate in Charge.

F.

From the Sub-Collector of North Arcot, to the Officier Commanding Vellore; dated Dannirapakam, 22nd February 1866.

I have the honor to request that you will inform me whether the removal of the outer gate guard to the fourth or last entrance is to be a permanent arrangement. Once, on a former occasion, when the outer gate was being repaired, I complained verbally of the annoyance of having guards changing all night, &c., a few yards from the bed room windows of the Sub-Collector's house. I was then told that the arrangement was only temporary, and the guard was soon again located in the outer gate.

* * * *

From the Officer Commanding Vellore and 6th Regiment N. I., to the Sub-Collector of North Arcot; dated Vellore, 26th February 1866, No. 82.

I have the honor to acknowledge the receipt, yesterday only, of your two letters of the 22nd and 24th instant.

2. In reply to paragraph 1 of the first letter, I have the honor to state that the removal of the guard to the inner gate is a permanent arrangement, and was ordered by the Officer Commanding the Division. I cannot, however, perceive how the relief of sentries at night can annoy you, since the sentry is posted outside the wall of the inner gate, and consequently at some distance from your house.

* * * *

No. 81. From Major General W. C. McLEOD, Commanding Ceded Districts, to the Quarter Master General; dated Bellary, 21st August 1866, No. 86.

The Officer Commanding Kurnool having notified to me that the Military Cantonment of Kurnool has been brought under the operation of the Towns' Improvement Act X of 1865, by Notification in the *Fort Saint George Gazette*, of the 6th ultimo, I have the honor to request you will do me the favor to submit the matter to the Commander-in-Chief, in view to Government being addressed on the subject.

2. It does not appear that the Military Authorities here, or at Kurnool, were in any way consulted when the question was originally mooted to make the Act applicable to Kurnool, though the Collector (Mr. Minchin) must have been aware

that it was a Military Station with Military limits, although the limits were not finally settled. From this, I conclude it was not then contemplated to include that portion of Kurnool, for, if such was intended, it was imperative, under Section 2 of Act No. XXXVI of 1850, first to ascertain from the inhabitants of the entire portion of the town or suburbs proposed to be brought under the Act whether they were desirous of its being put in force.

3. As regards the Military Cantonment of Kurnool, I submit the Collector should have placed himself in communication with the Officer Commanding the Station, whose views should have been submitted to Government, with the application for putting the Act in force. If this mode had been adopted, I should, when forwarding any communication I might have received from that Officer, have objected most strongly to the measure; for, by it, that authority which ought to be invested in the Officer Commanding is entirely ignored; and it was, moreover, I respectfully advance, required, under the provisions of Sections 10 and 28 of the Cantonment Act, that, in any charge contemplated in the mode of carrying out Rules and Regulations detailed under Section 18, particularly Clauses 6, 7 and 9, special legislation should be made for the Military Cantonment, when defining the boundaries within which Act X of 1865 was to be in force.

4. Handing over the Cantonment to the Commissioners for Municipal purposes has the effect of taking out of the hands of the Local Military authority all control whatever over the sanitary arrangement of the Station, and necessitates his being subservient to the Commissioners, a position I consider he should not be placed in. It will be apparent to His Excellency that no Military Officer has been appointed a Commissioner, and thus the whole control is under the Civil element. I am strengthened in my conviction that it was not the intention of Government to apply this Act to Military Cantonments, from the fact of the Officer Commanding not having been nominated, under Clause 7 of the said Act an Ex-officio Member, in conjunction with the Magistrate of the District and Officer of Public Works.

5. As long as there are Military Cantonments, I venture to assert, it would be inexpedient to divest the Officers in Command of any part of their authority. There may, too, be several reasons why the Municipal Commissioners would not be able to undertake work considered necessary by the Military Authority, either from want of funds, or, in their opinion, other more pressing calls; but while the Sanitary and other arrangements for the improvement and welfare of the Cantonment rest with the Officer in Command, he, through Government, will as heretofore, have no difficulty in carrying them out. At any rate he would be able to arrange better and more effectually than the Commissioners are likely to do.

6. Whilst advocating the exclusion of the Military Cantonment of Kurnool from the operation of the Towns' Improvement Act, I do not advise or desire that the Military and others residing within its limits should be exempt from taxation, and, with the exception of Officers' authorized chargers, Puckallies and Dhobies' bullocks, together with other animals and carts required to be kept for the use of the Troops, I am of opinion that all should contribute, by paying at Toll Bars, &c., erected beyond the Cantonment limits, when passing through them.

7. I would more particularly urge that His Excellency may be solicited to move Government to reconsider the decision promulgated in Notification published

in the *Fort Saint George Gazette*, specifying the boundaries within which the provisions of Act X of 1865 are to be in force at Kurnool; for, if the Military Cantonment is included, the Municipal Commissioners will have it in their power, not only to tax Officers and others residing therein, but even the huts of the Sepoys may be taxed, and the men subjected to other taxes, which their present rate of pay would not suffice to meet.

No. $\frac{533}{7359}$.

MEMORANDUM.

Forwarded to Government, for such orders as Government may deem fit, keeping in view the absolute distinction required to be observed between the functions of a Civil body like the Municipal Commission of a town, and the authority of the Conservancy Committee, under the Rules sent for sanction to the Government of India.

(By order)

OOTACAMUND, QUARTER MASTER GENERAL'S OFFICE, 28*th August* 1866.

F. H. SCOTT, Lieut. Colonel,
Quarter Master General.

To the Deputy Secretary to Government, Military Department.

Referred to the Public Department.

FORT SAINT GEORGE, *5th September* 1866.

(Signed) R. HAMILTON, Colonel,
Deputy Secretary to Government, M. D.

No. 296.

No. 82. MEMORANDUM.

The Under Secretary to Government, Public, &c., Departments, is directed to request, in connection with the letter from the Officer Commanding Ceded Districts, 28th August 1866, referred to this Department on the 5th instant, that the Judicial Department may be informed of the date on which Regulation VII of 1832 has been extended to the Cantonment of Kurnool.

FORT SAINT GEORGE, *15th September* 1866.

(Signed) J. GROSE,
Under Secretary.

To the Secretary to Government, Military Department.

No. 83. MEMORANDUM.

In reply to Mr. Under Secretary Grose's Memorandum, No. 296, dated 15th instant, the undersigned has the honor to state that Regulation VII of 1832 does not appear to have ever been extended to the Cantonment of Kurnool, which is not a "Military Bazaar Station."

FORT SAINT GEORGE, *20th September* 1866.

(Signed) H. MARSHALL, Major General,
Secretary to Government, M. D.

To the Judicial Department.

No. 312.

No. 84. MEMORANDUM.

The Secretary to Government begs to be informed whether advantage has been taken of Section 38 of Regulation VII of 1832, in respect to Kurnool.

FORT SAINT GEORGE, *25th September* 1866.

(Signed) J. D. SIM,
Secretary to Government.

To the Secretary to Government, Military Department.

No. 8399.

No. 85. MEMORANDUM.

The Deputy Quarter Master General has the honor to state, in reply to Memorandum, No. 312, in the Public Department, that advantage does not appear to have been taken of Section 38 of Regulation VII of 1832 at Kurnool.

Qr. Mr. General's Office, (Signed) A. DRURY, Major,
Fort Saint George, *Dy. Qr. Mr. General.*
19*th October* 1866.

To the Secretary to Government, Military Department.

Transferred to the Public Department.

Fort Saint George, (Signed) R. HAMILTON, Colonel,
22*nd October* 1866. *Dy. Secretary to Government.*

No. 86. Order thereon, 8th November 1866, No. 1763.

In a letter to the Quarter Master General, dated the 17th March last, the Officer Commanding Vellore stated that, since the abolition of the old Cantonment Police, and the introduction of the new Force, the Officer Commanding has no Police Force at his disposal, either for preventing nuisances, or for carrying out sentences against breaches of Cantonment Regulations, that the employment of the Military in such cases is open to objection, and that the existence of two independent authorities within the Cantonment, viz., the Commanding Officer on the one hand, and the Police and Magistracy on the other, the latter empowered, under Act XXIV of 1859, to deal with offences with which the former is also competent to deal under Article 84 of Act XXIX of 1861, leads to the clashing of the two authorities in an unsatisfactory manner. Under these circumstances, he proposed the appointment of a Joint Magistrate to the Cantonment, as a satisfactory solution of the difficulty.

No 124.

2. The above proposition was referred to the Inspector General of Police. Mr. Robinson stated, in reply, that he saw no necessity for appointing a Cantonment Magistrate for a station like Vellore, where there is but a single Native Regiment and abundance of Civil* Magistracy, and he gave it as his opinion that the Police can and must execute all orders passed by the Commanding Officer under Article 84 of the Articles of War. At the same time, he pointed out that, the Cantonment limits at Vellore having been laid out at a time when the place was a large Military Station, they are very extensive, and include portions of the Town which should no longer be subjected to Cantonment Regulations and the jurisdiction of the Commanding Officer. Mr. Robinson accordingly recommended that the present limits of the Cantonment should be revised and contracted; that the Town, &c., being left to the Civil Administration, the Cantonment, properly so called, might then be left entirely to the Commanding Officer with respect to offences falling under the 84th Article of War.

5th April 1866.

17th April 1866, No. 679

*Sub-Collector and Joint Magistrate.
Taluq Sub-Magistrate and Town Sub-Magistrate.

3. The Sub-Collector and Joint Magistrate of North Arcot, who was in charge of the North Arcot District, and has long exercised Magisterial jurisdiction at Vellore itself, also reported upon the same question, and stated, as his opinion, that the double authority existing in Vellore should be finally considered and disposed of, to avoid future complications and misunderstandings.

4. In a letter, dated the 21st August last, above recorded, the Officer Commanding Ceded Districts, deprecates, for stated reasons, the application of the Towns' Improvement Act, X of 1865, to "the Military Cantonment of Kurnool," while the Quarter Master General, in forwarding the above letter, draws attention, by order of the Commander-in-Chief, to the distinction which he thinks should be observed between the functions of a Civil body, like the Municipal Commissioners of a Town, and the authority of the Conservancy Committee, under the Rules sent for sanction to the Government of India.

5. The Government have carefully considered the papers above recorded, but are not quite clear as to the exact status of Vellore and Kurnool. Both are Cantonments in the sense of being Native Towns at which Troops are cantoned; but whether they are also Cantonments in the sense that the Military authorities possess Civil and Criminal Jurisdiction in respect to other than Military persons and Military offences, or whether they have any Civil authority whatever over Military persons, is another question. Of the latter class, Saint Thomas' Mount is an example, while Madras is an instance of the former.

6. Regulation VII of 1832 is apparently the only law which gave the powers necessary for creating a Military bazaar station. On the promulgation, accordingly, of that Regulation, Vellore was declared, under Section 3, to be a Military bazaar station; but in 1859, when the new Police was introduced into the North Arcot District, Government saw fit to withdraw the station from the operation of the Regulation, and resolved that Vellore should cease thenceforward to be a Military bazaar station. Further, Act I of 1866, which supersedes Regulation VII of 1832 in all places to which it has been applied, has not been extended to Vellore.

Fort Saint George Gazette, 9th June 1832, Page 441.

G. O., 24th October 1859, No. 1433.

7. As regards Kurnool, it appears that Regulation VII of 1832 was never extended to it, nor was advantage ever taken of the provisions of Section 38 of that enactment; neither has Act I of 1866 been applied to it.

8. It seems, therefore, that, legally, neither Vellore nor Kurnool is a Cantonment at all, in the sense of any Civil or Criminal Jurisdiction vesting in the Officers Commanding the Troops, within any particular portions of the area of those towns, excepting, of course, Military Jurisdiction extending over persons amenable to the Articles of War. It is true that Article 84 of Act XXIX of 1861 gives to the Commanding Officer of a Cantonment the power to punish "any "offence in breach of the Rules and Regulations of any Cantonment;" but, if the foregoing view be correct, this does not apply to Vellore or Kurnool, because neither is a Military bazaar station under Regulation VII of 1832, nor a Military Cantonment under Act I of 1866. No Cantonment Rules or Regulations, therefore,

can be in existence in either place to break or enforce, and even if there were, they could be of no force without the sanction of Government, which has apparently not been obtained in the instances under notice. Both places are, in fact, in exactly the same position as Madras, in respect to which Article 84 is inoperative for the same reason.

Clause 2, Section 6, Regulation VII of 1832, and Section 17, Act I of 1866.

9. The Governor in Council observes that there is an opinion of the Advocate General on record, given in the case of Vellore, to the effect that, under Article 84 of Act XXIX of 1861, the Officer Commanding has power to apprehend, try, sentence, and punish any of the classes specified in that Article, for a breach of any Cantonment Rules or Regulations, but not only was this opinion given before the recent legislation for the Administration of Military Cantonments, but the attention of Mr. Norton was not then drawn to the question now raised, as to whether Vellore and other stations similarly circumstanced are at all Military Cantonments in the legal sense of the term.

Dated 19th November 1864, recorded in G. O., 14th December 1864, No. 1802.

Acts IV of 1865, and I of 1866.

10. As the point is one of some importance, and likely to be raised at other Military Stations, in connection with the Towns' Improvement Act, which is now being introduced, the Governor in Council resolves, before passing final orders on the references now before Government, to forward the papers for the opinion of the Advocate General, who will be good enough, with reference to the Military aspect of the question, to confer, if necessary, with the Judge Advocate General, before giving his opinion.

(True Extract).

Secretary to Government.

To the Government Solicitor.
" Military Department.
" Magistrate of North Arcot.
" Inspector General of Police.

Exd. J. H. Burns.

No. 86

32

From

The Officer Commanding
Cuddalore Division

To

The Quarter Master General
of the Army
Octacamund

Sir

The Officer Commanding Kamptee having intimated to me that the Military Cantonment of Kamptee has been brought under the operation of the Towns Improvement Act X of 1865 by notification in the Fort Saint George Gazette of the 6th Instant, I have the honor to request you will do me the favor to submit the matter to the Commander-in-Chief for orders to Government being addressed on the subject—

2 It does not appear, that the Military Authorities there or at Kamptee were in any way consulted before the question was originally mooted to render the Act applicable to Kamptee, though the Collector (Mr. Minchin) must have been aware, that it was a Military Station with Military limits, although the limits were not finally settled, from this I conclude it was not then contemplated to include that portion of Kamptee, for if such was intended it would inoperative under Section II of Act No. XXVI of 1850 Just to abstain from the inhabitants of the future portion of the Town or Suburbs proposed to be brought under the Act, whether they were desirous of its being put in force—

The application of Act X of 1865 to any place, is to annuls Act XXVI of 1850.

3 As regards the Military Cantonment of Kamptee I submit, the Collector should have placed himself in the

in Communication with the Officer Commanding the Station, which Point should have been submitted to Government with the Application for putting the Act in force of that mode had been adopted. I should, when forwarding any Communication I might have received from that Office, have objected most strongly to the measure, for by it that Authority which Ought to be invested in the Officer Commanding is entirely ignored; And it was, moreover, I respectfully Advance, required under the provisions of Sections 16 and 28 of the Cantonment Act that in any Change contemplated in the mode of Carrying out Rules and Regulations detailed under Section 18, particularly Clauses 6, 7 and 9, Special Legislative Should be made for the Military Cantonment, within defining the boundaries, within which, Act X of 1865, was to be in force—

4 Handing over the Cantonment to the Commissioners for Municipal purposes, had the Effect of taking out of the hands of the Local Military Authority all Control over the Sanitary Arrangements of the Station, and consequently has been Subservient to the Commissioners, a position I Consider he Should not be placed in. It will be apparent to His Excellency, that no Military Officer that has appointed a Commissioner and there the whole Control is under the Civil Element. I Am thoughtless in my Conviction, that it was not the intention of Government to apply this Act to Military Cantonments, from the fact of the Officer Commanding not having been Nominated under Clause VII of the said Act an Ex Officio Member, in Conjunction with the Magistrate of the District and Officer of Public Works—

5 As long as there are Military Cantonments I venture to assert, it would be inexpedient to divest the Officer in Command of any part of their Authority; there may, too, be Several Reasons why the Municipal Commissioners would not be able to undertake work Considered necessary by the Military Authority, either from want of Funds or in there opinion other more pressing Calls; but while the Sanitary and other Arrangements for the improvement and welfare of the Cantonment rest with the Officer in Command, he, through Government will as heretofore have no difficulty in Carrying there out— At any Rate he would be able to Arrange better and more effectually than the Commissioners are likely to do—

6 Whilst Advocating the exclusion of the Military Cantonment of Kurnool from the Operation of the Towns Improvement Act, I do not Advise or desire that the Military and others residing within its limits Should be exempt from taxation, and with the exception of Officers Authorized Arrack, Pucka Built and Cheroot Bullocks, together with other Animals and Cart required to be kept for the use of the Troops, I am of Opinion, that all Should Contribute by paying at Toll Bars, &c. Erected beyond the Cantonment limits, whenever passing through there—

7 I would more particularly urge, that His Excellency may be solicited to move Government to reconsider the decision promulgated in Notification published in the Fort Saint George's Gazette, Specifying the boundaries within which the provisions of Act X of 1865 are to be in force at Kurnool; for if the Military Cantonment is included the Municipal Commissioners will have it in their power, not only to tax Officers and others residing therein, but even the lands of the Sepoys may be taxed, and the Rent subject to other taxes, which their present Rate of Pay

be considered such before he acts

I have the honor to be
Sir
Your Most Obedient Servant
[signature] Major General
Commanding Ceded Districts

Bellary
[illegible] August 1866

85

Referred to the Public
Department
Fort St George
5th Sep. 1866

[signature] Lt Col
Dy Secy to Govt

To The Public Department. 5th

Quarter Master General's Office
Ootacamund 28th August 1866
No. 5535 / 7359 34
Memorandum
To The Deputy Secy to Govt
Military Departt.
Forwarded to Govt. [illegible]

Secret
Public
Dec 18
No 4213
Reference
[illegible] General
Officer Commanding [illegible]
[illegible]

41 15
Judicial Department

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following papers

From the Dy Surgt Genl thro' Mily Depart. dated 23d March 66 No 396

— Supr Genl of Police — 27th April — 679.

— Sub Coll of N Arcot — 24 — 13.

— Dy Surgt Genl thro' Mily Dept — 20 August — 5-13 7-59.

— Secy to Govt Mily Dept — 20 Sept —

— Dy Surgt Genl thro' Mily Dept — 17 Oct — 8599.

Order thereon 8th November 1866 No 1763.

In a letter to the Quarter Master General dated the 17th March last, the Officer Commanding Vellore states that since the abolition of the old Cantonment Police and the

No 1113.

JPS

Work

Referred to the Judicial Department 4

Macmillan & Co Dy Secy to Govt

Fort St George, 5th April 1866

To The Judicial Depart. 5th

C 25 Can 1830. 78

the introduction of the
new Force, the Officer
Commanding has no Police force
at his disposal, either
for preventing nuisances,
or for carrying out
sentences against breaches
of Cantonment Regulations,
that the employment of
the military in such
cases is open to objection;
and that the existence of
two independent authorities
within the cantonment,
viz, the Commanding Officer
on the one hand, and the
Police and magistracy
on the other, the latter
empowered, under Act
XXIV of 1859, to deal with
offences with which the
former is also competent
to deal under Article
82 of Act XXIX of 1864,

leads

leads to the clashing of the
two authorities in an
unsatisfactory manner.
Under these circumstances
he proposed the appointment
of a Joint Magistrate to
the Cantonment as a
satisfactory solution of
the difficulty.

2 The above proposition
was referred to the Superi-
=ntendent General of Police. Mr Robin-
=son stated in reply that
he saw no necessity for
appointing a Cantonment
Magistrate for a station
like Vellore, where there is
but a single Native Regiment
and abundance of Civil
Magistracy, and he gave
it as his opinion that the
Police can and must
execute all orders passed
by the Commanding Officer
under

5th April 1866

27th April 1866 No. 679

+ Asst Collr & Dy Magte
Tahsildr Sub Mr + Joint Sub Magte

under Article 84 of the Articles of war. At the same time he pointed out that the Cantonment limits at Vellore having been laid out at a time when the place was a large military Station, they are very extensive and include portions of the town which should no longer be subjected to Cantonment Regulations and the jurisdiction of the Commanding Officer. Mr Robinson accordingly recommended that the present limits of the Cantonment should be revised and contracted; that the Town & Fort being left to the Civil Administration, the Cantonment properly so called might then be left entirely to the Commanding Officer with respect to offences falling under the 84th Article of War.

3. The Asst Collector and Joint Magte of N. Arcot who was in charge of the District also reported upon the same question, and [illegible] opinion that the double authority existing in Vellore should be finally considered and disposed of to avoid future complications and misunderstandings

4. In a letter dated the 21 Augt last above recorded, the Officer Commanding Ceded Districts deprecates, for stated reasons, the application of the Towns' Improvement Act x of 1865, to the Military

i and has long exercised magisterial jurisdiction at Vellore itself.

Military Cantonment of Kurnool" while the Quarter Master General in forwarding the above letter by order of the Commander in Chief, to the distinction which he thinks should be observed between the functions of a Civil body like the Municipal Commissioners of a Town and the authority of the Conservancy Committee under the Rules sent for sanction to the Government of India.

5 The Government have carefully considered the papers above recorded, but are not quite clear as to the exact status of Vellore and Kurnool. Both are Cantonments in the sense of being native Towns stations at which troops are cantoned; but whether they are also cantonments in the sense that the military authorities possess Civil and Criminal jurisdiction in respect to other than military persons and military offences is another question. Of the latter class, St Thomas' Mount is an example, while Madras is an instance of the former.

* whether they have any civil authority whatever over military persons,

* repealed by act (Madras) I of 1866,

6 Regulation VII of 1832 is apparently the only law which gave the powers necessary for creating a military Bazar Station. On the promulgation accordingly of that Regulation, Vellore was declared, under Section 3 to be a military Bazar Station; but in

Fort St George Gazette 9th June 1832 Page 241.

1859

1859, when the new Police was introduced into the North Arcot District, Govt. saw fit to withdraw the station from the operation of the Regulation and resolved that Vellore should cease thenceforward to be a Military Bazar Station. Further, Act I of 1866, which supersedes Regulation VII of 1832 in all places to which it has been applied, has not been extended to Vellore.

GC 24 Oct/59 No 1433

7 As regards Kurnool it appears that [1]Regulation VII of 1832 was never extended to it, nor was advantage ever taken of the provisions of Section 38 of that Enactment, neither has Act I of 1866 been applied to it.

[1] whilst in force,

It

8 It seems therefore that legally, neither Vellore nor Kurnool is a Cantonment at all, in the sense of any Civil or Criminal jurisdiction vesting in the Officers Commanding the Troops, within any particular[1] limits, excepting of course military jurisdiction extending over persons amenable to the Articles of War. It is true that Article 84 of Act XXIX of 1861 gives to the Commanding Officer[2] the power to punish "any Offence "in breach of the Rules and Regulations of any Cantonment," but if the foregoing view be correct, this does not apply to Vellore or Kurnool, because neither is

[1] portions of this area of those Towns,

[2] of a Cantonment.

to

is a Military Bazar Station under Regulation VII of 1832, nor a Military Cantonment under Act I of 1866. No Cantonment Rules or Regulations therefore can be in existence in either place to break or enforce, and even if there were, they could be of no force without the sanction of Government which has apparently not been obtained in the instances under notice. Both places are in fact in exactly the same position as Madras, in respect to which Article 84 is inoperative for the same reason.

Clause 2 Sec 6 Reg VII of 1832 & Sec 17 Act I of 1866.

9. The Governor in Council observes that there is an opinion of the Advocate General on record given in

dated 19 Nov /65 recorded in G.C. 11 Dec /65 No 1802.

in the case of Vellore to the effect that, under Article 84 of Act XXIX of 1861, the Officer Commanding has power to apprehend, try, sentence and punish any of the classes specified in that Article for a breach of any Cantonment Rules or Regulations, but not only was this opinion given before the recent legislation for the Administration of Military Cantonments but the attention of Mr Norton was not then drawn to the question now raised as to whether Vellore and other Stations similarly circumstanced are at all Military Cantonments in the legal sense of the term.

Acts IV of 1865 and I of 1866.

As

10. As the point is one of some importance and likely to be raised at other Military Stations in connection with the Towns' Improvement Act which is now being introduced, the Governor in Council resolves, before passing final orders on the references now before Government, to forward the papers for the opinion of the Advocate General, who will be good enough, with reference to the Military aspect of the question, to confer, if necessary, with the Judge Advocate General before giving his opinion

40 2.0.0

E.R

dispd 13/11

To the Govt. Solicitor
" Military Depts.
" Master Gen. Ord.
" Insp. Genl of Police

Judicial 1866. Department.

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