

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

38-39	G.O. No.	1056	Press
			~~Mis.~~
	Dated	3-7-1918	5/6

Not to be folded or roughly handled*25-10-18*

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Proceedings of the Madras Government, Judicial Department,
3rd July 1867.

No. 38. Read the following Proceedings of Government in the Military Department, dated 24th June 1867, No. 2304.

Passing orders on the subject of extending the Rules transmitted by the Government of India, into the Military Cantonments in British Burmah. (Vide Proceedings, Military Department, dated 24th June 1867, No. 606).

No. 39.

ORDER THEREON, 3rd July 1867, No. 1056.

To be recorded.

(Signed) R. S. ELLIS,
Acting Chief Secretary.

Exd. J. Tulloch.

MILITARY DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following papers:—

From the Officiating Secretary to the Government of India, Military Department, Simla, 13th September 1866, No. 128; to the Secretary to Government, Military Department, Fort Saint George.

I am directed to acknowledge your docket, No. 1616, dated 8th May last, forwarding copies of correspondence respecting the adoption in the Cantonment of Kamptee of the rules for checking the spread of venereal disease, drawn up by the Special Committee at Simla, which had been approved of by the Right Honorable the Governor General in Council for the other Military Stations in the Central Provinces, and for Kamptee also in the event of the Government of Fort Saint George, having no objection,—a point on which His Excellency the Governor in Council was requested to communicate the views of the Madras Government direct to Mr. Temple.

2. It appears that His Excellency the Commander-in-Chief of the Madras Army, when consulted on the question, expressed his inability to offer any opinion on the merits of the rules, and “respectfully contended for the principle that Troops “under his Command should be dealt with according to rules prepared under his “observation, and with his concurrence,—a principle that,” His Excellency further observed, “has been affirmed in other cases, on several occasions, and on this also, “by the Government of India.” It appears also that the Government of Fort Saint George thereupon informed the Chief Commissioner, Central Provinces, that the Right Honorable the Governor in Council concurred in opinion with His Excellency the Commander-in-Chief “that Madras Troops, in Madras Garrisons, should be “everywhere ruled by Madras Regulations.”

3. The whole correspondence having been laid before the Government of India, I am directed to acquaint you, for the information of the Madras Government, that the Governor General in Council is quite unable to admit the correctness either of the principle laid down by His Excellency Sir Gaspard LeMarchant, or of His Excellency's impression that that principle has been affirmed in this, as in other cases, by the Supreme Government. To affirm in any way such a principle would subvert altogether the relations which exist between the Government of India on the one hand, and the Government of Madras, and His Excellency the Commander-in-Chief of the Madras Army as subordinate to the latter, on the other; whilst it would wholly ignore the authority of His Excellency the Commander-in-Chief in India.

4. It is always the earnest desire of the Government of India to interfere as little as possible with details of local administration, and to carry out any measures of general application so as to meet, as far as possible, the wishes of the Governments of the other Presidencies; but instances will readily occur to His Excellency the Governor in Council in which it has been, and may hereafter be, necessary for it to legislate for the whole Army in India directly, and to a great degree irrespectively of local peculiarities. And the Governor General in Council believes that a reference to the previous correspondence, and to the nature of the case, will shew that the ultimate adoption of such a course was from the first not wholly unanticipated in this particular instance.

5. The communication* adverted to by Sir Gaspard Le Marchant did indeed intimate the unwillingness of the Governor General in Council to transfer to the Government of the Central Provinces at once, and contrary to the wish of the Madras Government, the supervision of the sanitary arrangements of the Cantonment at Kamptee, which was garrisoned wholly by Madras Troops: but the terms employed, viz. that no change of the kind should be made "for the present at least and subject to future re-consideration," seem clearly to have indicated the possibility of a subsequent modification of the existing practice.

6. In fact, when the whole question came under consideration, it appeared likely that even the ordinary rules for the administration of Military Cantonments would be found generally applicable, with some modifications here and there, to the three Presidencies: and the Government of Fort Saint George was accordingly informed in my letter No. 352, dated 13th October last, that the regulations framed under its orders, and submitted with your letter No. 1691, dated 5th May 1865, would be considered in connection with the report of the Special Committee then sitting at Simla.

7. Still more suited for general adoption did the rules referred to in the early part of this letter appear to be, intended as they were to secure as far as possible the extirpation or mitigation of a frightful class of diseases destructive of the health and welfare of so many of our European Soldiers; and the correspondence, copies of which were transmitted to you with docket No. 23, dated 1st March last, showed that they had been framed by the Committee after a very careful consideration of all the opinions and suggestions that had been offered by the various authorities consulted: amongst which the draft rules submitted by the Governments of Madras and the North-Western Provinces were specially adverted to by the Committee.†

† In paragraph 30 of their letter.

8. This being the case, the troops affected by them being exclusively Europeans, whilst the place itself was in the Central Provinces, and the rules being moreover avowedly tentative and open to future revision, the Government of India left it to the Madras Government to arrange all details with the Chief Commissioner, Central Provinces, in the full belief that His Excellency in Council would at once signify to Mr. Temple his consent to their being adopted at Kamptee, either unaltered, or with such alterations only as, after careful examination, he might consider absolutely necessary.

9. The objection to the rules being merely general, and no exception having been taken to them on any particular points, it is hoped that they meet the approval of the Government of Fort Saint George so far as they go, though,—and the reason is explained by the Committee,—they may not appear so full or so perfect as the Madras Rules. The Chief Commissioner will therefore be requested to cause them to be introduced experimentally in the Kamptee Cantonment, with such minor modifications as the Right Honorable the Governor in Council may intimate to him that he considers imperatively required. This intimation the Governor General in Council trusts will be given to Mr. Temple with as little delay as possible.

10. The rules in question, and those framed for the general administration of Military Cantonments, are about to be tried in all the local Governments and Administrations on this side of India; and the Government of Bombay has anticipated the desire of the Government of India by adopting them experimentally, subject to such minor alterations and additions as local circumstances may necessitate. I am now instructed to request that His Lordship in Council may be moved to cause a similar course to be taken in the Madras Presidency also, and for that purpose six

* 14th August 1865.

14th September 1865.

copies of the whole of the rules (Sections I to V) and of the reports* of the Committee with which they were submitted,

as also copy of paragraphs 1 to 5 of letter from Quarter Master General, No. ^{653C}/_A, dated 27th February 1866, are herewith transmitted.

11. I am however to state that the question of levying Municipal taxes on Military Officers in Cantonments is reserved for further consideration, and that orders on that point will hereafter be issued. In the meantime no measures for levying such taxes should of course be taken.

Extract of a letter from the Quarter Master General, Army Head Quarters, Calcutta, 27th February 1866, No. ^{653C}/_A; to the Officiating Secretary to the Government of India, Military Department, Calcutta.

Paragraph 1. In continuation of my letter, No. 3021, of 29th September last, forwarding Chapter V of the Rules for Military Cantonments, recommended to be passed under Section XIX of Act XXII of 1864, drawn up by the Cantonment Committee, I have the honor now, by desire of the Commander-in-Chief, to submit the sequel of the labors of that body, viz., Chapters 1, 2, 3 and 4, with appendices, for the consideration of Government.

2. His Excellency desires to signify his general concurrence in the conclusions arrived at by the Committee.

3. With respect to the large executive duties placed on the Cantonment Magistrate by the new rules, it is to be observed that there is a growing tendency on the part of Government to add to his civil functions under the Commissioner or Collector with whom he may be associated.

4. Examples may be cited of Delhi and Fyzabad, and still more recently it is believed of Jubbulpore, in which places the attention of the Cantonment Magistrate will be much diverted from the Cantonments.

5. This action on the part of Government will, His Excellency believes, tend to make the difficulty of serving two masters on the part of the Cantonment Magistrate more important and considerable than is believed by the Committee, which was without information on the point under reference.

(True Extract.)

(Signed) H. K. BURNE, Lieut.-Colonel,
Offg. Secy. to the Govt. of India.

ORDER, No. 3504, 8th October 1866.

The foregoing letter and papers from the Government of India will be communicated to the Commander-in-Chief, with an intimation that as the Government of India are desirous that the rules adverted to should be introduced experimentally in the Kamptee Cantonment, the Chief Commissioner will be informed that there will be no further objection made on the part of this Government to the measure, it being reserved, however, to His Excellency the Commander-in-Chief to suggest such minor modifications as may be considered imperatively required in adapting the rules in question to the circumstances of the troops serving under his command.

The Commander-in-Chief is requested accordingly to issue the necessary instructions to the Military Authorities on the spot for carrying into effect the views of the Government of India, with as little delay as possible.

2. These proceedings will be reported to the Government of India.

Docket to the Chief Commissioner, Central Provinces. | Here enter 8th Oct. 1866, No. 3503.
Docket to the Offg. Secy. to the Govt. of India M. D. | " 8th " " " 8506.

(True Extract.)

Colonel,

Deputy Secretary to Government

To the Quarter Master General, with two copies of the Rules.

.. Adjutant General, with two do.

.. Principal Inspector General Medical Department, with two do.

.. Controller of Military Accounts, with two do.

.. Sanitary Commissioner, for information, with two do.

MILITARY DEPARTMENT.

No. 2304.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

24th June 1867.

From the Offg. Secy. to the Govt. of India, { Recorded in Pro. of Govt. } Read again the
Mily. Dept., No. 129, dated 13th Sept. { No. 3504, dated 8th Octo- } papers noted in
1866. { ber 1866. } the margin.

Adverting to paragraph 10 of the letter from the Government of India, above recorded, the Governor in Council observes that the experimental introduction generally into the Military Cantonments of this Presidency of the rules transmitted by the Government of India, has been inadvertently overlooked.

2. His Excellency the Commander-in-Chief is now requested to give effect to the instructions of the Government of India, in respect to the adoption, *mutatis mutandis*, of the rules contained in Chapters I to IV; Chapter V relating to the repression of venereal disease being still under reference to His Excellency.

3. On Government being furnished with the specifications of the limits of the Military Cantonments in British Burmah, the necessary notification declaring them to be such, will be made under Sections 25 and 40 of Madras Act I of 1866.

(True Extract.)

Marriott Colonel,

Deputy Secretary to Government.

To the Quarter Master General.

.. Adjutant General, ...

.. Judicial Department,

for information.

With 5 spare copies.

Ed. J. E. Cashart.

