

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 991

Press

~~Mis~~

Dated 19-6-1867

Not to be folded or roughly handled

which

*Proceedings of the Madras Government, Judicial Department,
19th June 1867.*

Read the following papers:—

No. 192. From the Acting Government Solicitor, Madras, to the Chief Secretary to Government, Fort Saint George; dated Madras, 19th December 1866, No. 707.

I have the honor to acknowledge the Proceedings of Government noted in the margin, relative to the administration of Criminal justice in Vellore and other stations similarly circumstanced.

Dated 8th November 1866, No. 1763, Judicial Department.

2. I submitted the matter for the consideration of the Acting Advocate General, who, after having had a conference with the Judge Advocate General of Fort Saint George, has written the opinion, of which, and of the Judge Advocate General's Memorandum therein referred to, I now forward a copy.

OPINION.

I have conferred with the Judge Advocate General upon the subject of this reference, and append copy of a Memorandum furnished to me by him on the question under consideration.

2. The Criminal jurisdiction of a Commanding Officer over persons not amenable to the Articles of War, rests upon Article 84 of Act XXIX of 1861. To found his jurisdiction it is only necessary to show that he is the Commanding Officer of a Cantonment, which has such rules and regulations as are contemplated by Article 84. Now, in my opinion, "Cantonment" is not a technical legal term. It merely denotes a place habitually and permanently used for the quartering of troops. Some Cantonments are made Bazaar stations under Section 3 of Regulation VII of 1832. Some Cantonments, without being made Bazaar stations, are brought partly under the operation of that Regulation by Section 38. Others are neither brought under Section 3 nor Section 38, but a special authority is given by Section 47 for the purpose of restraining sale of liquors. This being so, I think that the "Cantonments" spoken of in Article 84 are Cantonments generally, and not merely such Cantonments as have been made Bazaar stations.

3. Nor do I think that the rules and regulations referred to in that Article are the rules and regulations exclusively which are made under Regulation VII of 1832. The Memorandum of the Judge Advocate General shows that there have been, since 1849, rules and regulations framed under the sanction of the Local Government, and confirmed by the Commander-in-Chief, quite irrespective of that regulation, and in force in Cantonments which had never become Bazaar stations. We must assume that the framers of Act XXIX of 1861 were aware of this state of things, and it is natural to suppose that Article 84 was intended to enforce all rules and regulations at that time lawfully existing in any Cantonment whatever.

4. It appears from the Memorandum of the Judge Advocate General that there are now in Vellore rules duly sanctioned, but none such at present in Kurnool. The result is that, in my opinion, the Commanding Officer of Vellore has jurisdiction to the extent of those rules under Article 84 of Act XXIX of 1861. In Kurnool he has as yet no such jurisdiction. Should either of those stations be brought under Madras Act I of 1866, then the rules framed under that Act will be the Cantonment rules for the future. (Section 37).

5. The Judge Advocate General has had the kindness to read over the above opinion, and authorizes me to express his concurrence in it.

15th December 1866.

(Signed) J. D. MAYNE.

(True Copy).

(Signed) H. J. BROCKMAN,
Acting Govt. Solicitor.

Proceedings of the Madras Government, Judicial Department,
19th June 1867.

No 677.
MEMORANDUM.

In 1849 the Governor in Council authorized a Code of General Regulations for this Army, and all previous orders not in accordance therewith were cancelled.

2. This Code, page 155, paragraph 42, in detailing the Military duties in Garrison or Cantonment, further directs that "Officers Commanding will establish such additional standing orders in their respective Cantonments as local circumstances may render necessary, copies of which are to be forwarded to the Adjutant General of the Army for the confirmation of the Commander-in-Chief."

3. The additional standing orders, when framed and sanctioned as directed, became the rules and regulations of the Cantonment.

4. Act XXIX of 1861 was passed and came into effect from 1st November 1861—the Articles of War for the Native Army—and Article 84 enacts that "for any offence in breach of the rules and regulations of any Cantonment, the Commanding Officer of such Cantonment may sentence the offender, provided he be not a European British subject, or an Officer or Soldier, notwithstanding he is neither amenable to any Articles of War, nor under the Military command of such Commanding Officer, to pay a fine not exceeding fifty Rupees, &c., &c."

5. Shortly after the above Act came into force, the Commander-in-Chief, by Adjutant General's Circular, No. 176 of 13th January 1862, notified to the Army that, "in carrying into effect these powers, care must be taken that the offence is within the published rules and regulations of the Cantonment to avoid the inconvenience of a Civil action or Criminal prosecution for an illegality. The Commanding Officer cannot delegate this power to any Staff or other Officer under his command. A Register of these trials is to be kept in the Station Staff Office to show the date of trial, name and description of prisoner, the offence, names of witnesses, substance of evidence, sentence, and to what extent inflicted or remitted; each case to be signed by the Commanding Officer."

6. In every Cantonment or Military station, where its rules and regulations have been sanctioned by the Commander-in-Chief and published, but not until the powers of the 84th Article of War can therefore be used by the Officer Commanding, the Governor in Council having authorized it on establishing the Code of General Regulations for this Army in 1849, which Code is still in force.

7. It will be observed that these Cantonment rules and regulations are distinct from those under Regulation VII of 1832, which only affected Cantonments made "Military Bazaar stations," and also from those under Madras Act I of 1866, Section 17, which, when made, will only affect Cantonments brought under their operation.

8. Those portions of the stations near the towns of Kurnool and Vellore, where the Troops are placed, are to all intents legally the Military Cantonments of Kurnool and Vellore, although not brought under Regulation VII of 1832, or Madras Act I of 1866. The rules and regulations for the Cantonment of Vellore were confirmed by the Commander-in-Chief on 2nd February 1864, but never since; and those for the Cantonment of Kurnool have, it appears, never received that confirmation.

9. In a draft Bill to amend the present Articles of War for the Native Army, lately received, Article 84 is proposed to be altered as underlined, see 123rd Article, to stand thus—"For any offence in breach of any rule and regulation of any Cantonment, authorised by the Supreme or Local Governments, the Commanding Officer of such Cantonment may sentence the offender" &c., &c., as in the former Article. If this should be considered to affect the present rules and regulations confirmed by the Commander-in-Chief, the Cantonments will be left without such, for the purposes of this Article of War, until these or others are duly authorized by the Government.

10. Wherever bodies of Troops are stationed in places not brought under Madras Act I of 1866, it is very necessary that the maintenance of the conservancy and good order of the Cantonment should be vested in the Commanding Officer, and not solely left to a body of persons like Municipal Commissioners, who are not responsible to the Commander-in-Chief for the health or

Proceedings of the Madras Government, Judicial Department,
19th June 1867.

cleanliness of the Troops and their lines, or subject in any way to his authority. To aid the Commanding Officer in those duties the powers of the 84th Article of War are required; but as some offences provided for by the rules and regulations of the Cantonment may also be punishable under the Police Act XXIV of 1859, it would be advisable that such cases should be made over by him to the Police, reserving to himself to deal only with those branches of the Cantonment rules and regulations over which a Civil Magistrate has no jurisdiction. There could then be no clashing of authority. And as the Inspector General of Police states, the Police are at the disposal of the Commanding Officer, to execute all orders passed under the 84th Article of War, he can employ them instead of soldiers in conveying offenders to Jail when imprisonment becomes necessary, or before the Civil Magistrate, when committed to him for trial.

JUDGE ADVOCATE GENERAL'S OFFICE,

FORT SAINT GEORGE,

13th December 1866.

To the Advocate General, Madras.

(Signed) H. PRITCHARD, Colonel,

Judge Advocate General.

(True Copy).

(Signed) J. D. MAYNE,

Acting Advocate General.

(True Copy of Copy.)

(Signed) H. J. BROCKMAN,

Acting Government Solicitor.

No. 193. Proceedings of Government, Military Department.

Communicating a paper, soliciting final decision of Government on the question as to whether Kurnool is a Military Cantonment in the legal sense of the term.

(Dated 10th May 1867, No. 1717).

No. 194. ORDER THEREON, 19th June 1867, No. 991.

It appears from the foregoing opinion of the Acting Advocate General, and from the Memorandum by the Judge Advocate General of the Army which is appended to it, that the provisions of Section 84, Act XXIX of 1861, containing the Articles of War for the Native Army under which it is competent to the Officer Commanding a Cantonment to punish breaches of the rules and regulations of such Cantonment, are applicable to the Cantonment of Vellore, notwithstanding that that Cantonment has ceased to be a Military Bazaar station under the operation of the Order of Government of the 24th October 1859, No. 1433, and that the present Cantonment Act No. I of 1866 has not been applied to it.

2. It is clearly very undesirable that Commanding Officers should deal with any offences which are punishable by the Magistracy under the Indian Penal Code or any existing special law, and the Governor in Council accordingly resolves to request that His Excellency the Commander-in-Chief will instruct the Officers Commanding Vellore and other Military stations similarly circumstanced, to hand over to the nearest Magistrate any persons charged with such breaches of the Cantonment rules as may be cognizable by the Magistracy, either under the Police Act, No. XXIV of 1859 or under the Penal Code, or any other legislative enactment, and to avail themselves of provisions of Section 84, Act XXIX of 1861, only in those cases which cannot be dealt with under any other existing law. The Government

irrespective of laws regulating, and in fact, in common

*Proceedings of the Madras Government, Judicial Department,
19th June 1867.*

would further suggest that the limits of the Cantonments in question should be revised by the Officer Commanding, in communication with the Magistrate of the District, and that in any case in which the area included within Military limits may appear to be more extensive than is requisite for purely Military purposes, it should be curtailed. The Government would have been disposed to suggest a revision of the Cantonment rules in force at Vellore and other Cantonments to which Madras Act I of 1866 has not been applied, were it not probable that a uniform set of rules, prepared under the provisions of Section 17 of that enactment, will be applied to every Cantonment in the Presidency at no very distant date.

3. In regard to the application of the Towns' Improvement Act to towns at which Troops are stationed, it appears to His Excellency in Council that every Cantonment to which Madras Act I of 1866 has been, or may be applied, or which may be brought under rules relating to matter of conservancy of the nature of those contemplated by Act I of 1866, must of necessity be included in a Municipality organized under Madras Act X of 1865, in order that the necessary funds may be raised for the conservancy of the Cantonment.

4. The difficulties suggested in General McLeod's letter of the 21st August last, and in the Memorandum of the Judge Advocate General above recorded, may be met, 1st, by instructing the Magistrate to nominate the Officer Commanding the station, or if the Officer Commanding be, as at Bellary, Vizagapatam, Trichinopoly, and Cannanore, a Major General or Brigadier General, to nominate any Military Officer named by the Officer Commanding the Division or District to be Vice-President of the Municipal Commission; and, 2ndly, by authorizing the payment from the public Treasury of any tax which may be levied on houses or huts occupied by Native Officers or Sepoys.

5. These Proceedings will be communicated to His Excellency the Commander-in-Chief, and also to the Magistrates of the Districts named in the margin, in order that effect may be given to the several arrangements above suggested.

Ganjam.
Vizagapatam.
Godavery.
Kurnool.
Bellary.

South Canara.
Malabar.
Trichinopoly.
Tinnevely.

(True Extract).

Chief Secretary.

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

Ed. J. Tulloch.

Opinion.

1. I have conferred with the Judge Advocate General upon the subject of this reference, & append copy of a memorandum furnished to me by him on the question under consideration.

2. The Criminal jurisdiction of a Commanding Officer over persons not amenable to the articles of war, rests upon art. 84 of Act 29 of 1861. To found his jurisdiction it is only necessary to show that he is the Commanding Officer of a Cantonment, which has such Rules & Regulations as are contemplated by art. 84. Now in my opinion 'Cantonment' is not a technical legal term. It merely denotes a place habitually & permanently used for the quartering of troops. Some Cantonments are made bazar stations under s. 3 of Reg. VII of 1832. Some Cantonments, without being made bazar stations, are brought partly under the operation of that Regulation by s. 38. Others are neither brought under s. 3 nor s. 38, but a special authority is given by s. 47 for the purpose of restraining sale of liquors. This being so, I think that the "Cantonments" spoken of in art. 84 are Cantonments generally, and not merely such Cantonments as have been made bazar stations.

3. Nor do I think that the Rules & Regulations referred to in that art. are the Rules & Regulations exclusively which are made under Reg. VII of 1832. The Memorandum of the Judge Advocate General shows that there have been since 1849 Rules & Regulations, framed under the sanction of the Social Government, and confirmed by the Commander in Chief, quite irrespective of that Regulation, and in force in Cantonments

This keeps
the whole
question at
issue whether
such rules
are legal.

which

which had never become bazar stations. We must assume that the framers of act 29 of 1861 were aware of this state of things, and it is natural to suppose that art. 84 was intended to enforce all Rules & Regulations at that time lawfully existing in any Cantonment whatever.

4. It appears from the Memorandum of the Judge Adv. General that there are now in Vellore Rules duly sanctioned; but none such at present in Kurnool. The result is that, in my opinion, the Comdy. Officer of Vellore has jurisdiction to the extent of those Rules under art. 84 of act XXIX of 1861. In Kurnool he has as yet no such jurisdiction. Should either of these stations be brought under Madras act I of 1866, then the Rules framed under that act will be the Cantonment Rules for the future. (s. 37)

5. The Judge Advocate General has had the kindness to read over the above opinion, and authorizes me to express his concurrence in it.

(Signed) John D. Mayne

15 Decr. 1866.

(True copy)

A. H. Brockman

Acting Govt. Secy.

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Maj. Genl.
Allen B. March
1866 -

MILITARY DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following papers:—

Memorandum from the Quarter Master General, Head Quarters, Ootacamund, 1st May 1867, No. ²⁵⁵/₃₁₉₀; to the Secretary to Government, Military Department, Fort Saint George.

Submitted to Government with the Commander-in-Chief's recommendation, that officers' chargers should be declared exempt from taxation.

2. His Excellency takes this opportunity to solicit the final decision of Government, on the subject referred to in Order in the Judicial Department, dated 8th November 1866, No. 1763.

From the Officer Commanding Ceded Districts, Bellary, 27th April 1867, No. 53; to the Quarter Master General, Ootacamund.

Forwards a letter from the Officer Commanding 28th Regiment Native Infantry, * informing that the Municipal Commission have taxed the chargers of the officers of the regiment under his Command—begs reference to letter No. 86 of

* At Kurnool.

21st August 1866, from Major General McLeod, Commanding the Division, to which no reply has yet been received.

From the Officiating Commandant, 28th Regiment Native Infantry, Kurnool, 15th April 1867, No. 187; to the Acting Assistant Adjutant General, Ceded Districts, Bellary.

I have the honor to request that you will submit for the favorable consideration of the Major General Commanding the Division, whether the provisions of the Municipal Act, as sanctioned by the Government for the town of Kurnool, are intended to apply to Military Officers serving in Kurnool.

2. The orders of His Excellency the Commander-in-Chief render it imperative that each officer should be mounted on parade.

3. Under the provisions of Kurnool Municipality rules, each officer is charged, Rupees (9) nine per annum for his horse. No broken periods being allowed, several officers who have only been able within the last month to provide themselves with a horse, have been obliged to pay the Municipal tax, or in default Rupees (20) twenty fine—a similar amount is claimed by the Municipal Commissioners payable in advance on 1st May.

4. I am not aware that a tax is levied on officers' chargers or horses elsewhere in Military stations. At Kurnool where forage is sold at an exorbitant rate, the enforcement of the Municipal tax on officers falls particularly heavy, and as from the tenor of the Act and the Bye-laws of the Kurnool Municipality it would not appear that it was the intention of Government that the provisions of the same should apply to Military Officers, I respectfully request that the Major General will do me the favor to submit the matter for the consideration of His Excellency the Commander-in-Chief and Government.

Memorandum from the Acting Assistant Adjutant General, Ceded Districts, Bellary, 18th April 1867, No. 319; to the Deputy Assistant Quarter Master General, Ceded Districts.

Transferred to the Deputy Assistant Quarter Master General, Ceded Districts, for disposal.

ORDER, No. 1717, 10th May 1867.

The Governor in Council observes that orders have been passed in the Public Department, on the subject of paragraph 1 of the foregoing memorandum from the Quarter Master General.

2. Paragraph 2 will be referred for consideration in the Judicial Department.

(True Extract.)

Macmillan Colonel,
Deputy Secretary to Government.

To the Quarter Master General, with two enclosures.
,, Judicial Department. *With 5th April 67.*
,, Adjutant General, ... } for information.
,, Controller of Military Accounts, }

Erd. J. E. Cashart.

195

THE HON. SECRETARY
OF THE ARMY
OFFICE OF THE SECRETARY
OF THE ARMY
ADJUTANT-GENERAL
OFFICE OF THE SECRETARY
OF THE ARMY

No. 874 of 1863
July 18 to 20
July 29 1863

Received 1863
Jan 15 1864

For Genl. Secy. Dept
No 1717
July 18 1863

Communications of the
Military Command in
the legal sense of the law

(continued)

Adm. Secy. Dept

Adm. Secy. Dept

No. 677 of 1866

Memorandum

3
He is not a
ruler, but a
man who
and the power
is at his
disposal
for the
purpose
of the
law

1. In 1849 the Governor in Council authorized a Code of General Regulations for this army, and all previous orders, not in accordance therewith, were cancelled.

2. This Code, page 155. Para 42. in detailing the military duties in Garrison or Cantonment, further directs that "Officers Commanding will establish such additional standing orders in their respective Cantonments as local circumstances may render necessary." Copies of which are to be forwarded to the Adjutant General of the Army for the Confirmation of the Commander in Chief.

3. The additional standing orders, when framed and sanctioned as directed, became the Rules and Regulations of the Cantonment.

4. Act XXIX of 1861 was passed and came into effect from 1st November 1861. The Articles of War for the Native Army and article 84 enacts that "for any offence in breach of the Rules and Regulations of any Cantonment, the Commanding Officer of such Cantonment may sentence the offender, provided he be not a European British subject, or an officer or soldier, notwithstanding he is neither amenable to any Articles of War, nor under the Military Command of such Commanding Officer, to pay a fine not exceeding fifty Rupees."

5. Shortly after the above act came into force, the Commander in Chief by A. O. Circular No. 176 of 13 January 1862 notified to the army that "In carrying into effect these powers, care must be taken that the offence is within the published Rules and Regulations of the Cantonment, to avoid the incurrence of a civil action or Criminal prosecution for illegality."

On what
legal basis
does this
stand?

i.e. the rules
for made to
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"The Commanding Officer cannot delegate this power to any Staff, or other Officer, under his Command. A Register of these trials is to be kept in the Station Staff Office to show the date of trial, name and description of Prisoner, the offence, names of witnesses, substance of Evidence, sentence, and to what extent inflicted or remitted; each case to be signed by the Commanding Officer."

6. In every Cantonment, or Military Station, where its Rules and Regulations have been sanctioned by the Commander in Chief and published, ^{each Cantonment has its own} but not until, the powers of the 84th article of war can therefore be used by the Officer Commanding; the Governor in Council having authorized it in Establishing the Code of General Regulations for this army in 1849: which Code is still in force.

7. It will be observed that these Cantonment Rules and Regulations are distinct from those under Regulation VII of 1832, which only affected Cantonments made "Military Barrack Stations"; and also from those under Madras Act I of 1866, Section 17: which, when made, will only affect Cantonments brought under their operation.

8. Those portions of the Stations near the Towns of Kurnool and Vellore, where the Troops are placed, are to all intents legally the Military Cantonments of Kurnool and Vellore, although not brought under Regulation VII of 1832 or Madras Act I of 1866. The Rules and Regulations for the Cantonment of Vellore were confirmed by the Commander in Chief on 2nd February 1864, but never since; and those for the Cantonment of Kurnool have, it appears, never received that Confirmation.

These Rules
kept under
Review - It
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These must be
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Govt - the
Cantonment
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But why
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9. In a draft Bill to amend the present Articles of war for the Native Army, lately received, Article 84 is proposed to be altered as underlined, see 123rd Article, to stand thus: "For any offence in breach of any rule and regulation of any Cantonment, authorized by the Supreme or Local Governments, the Commanding Officer of such Cantonment may sentence the offender: yes, yes, as in the former article. If this should be considered to affect the present Rules and Regulations confirmed by the Commander in Chief, the Cantonments will be left without such, for the purposes of this article of war, until these or others are duly authorized by the Government."

10. Wherever bodies of Troops are stationed in places not brought under Madras Act I of 1866, it is very necessary that the maintenance of the Conservancy and good order of the Cantonment should be vested in the Commanding Officer, and not solely left to a body of persons like Municipal Commissioners, who are not responsible to the Commander in Chief for the health or cleanliness of the Troops and their Sins, or subject in any way to his authority. To aid the Commanding Officer in these duties the powers of the 84th article of war are required; but as some offences provided for by the Rules and Regulations of the Cantonment, may also be punishable under the Police Act XXIV of 1859, it would be advisable that such Cases should be made over by him to the Police: Reserving to himself to deal only with those branches of the Cantonment Rules and Regulations over which a Civil Magistrate has no jurisdiction. There could then be no clashing of authority. And as the Inspector General of Police states the Police are at the disposal of the Commanding Officer, to execute all orders passed under the 84th article of war, he can employ them instead of Soldiers, in conveying offenders to Jail, when imprisonment

becomes necessary, or before the Civil Magistrate when committed to him for trial.

(Signed) H. Fitchard, Colonel
Judge Advocate General

Jud. Adv. Genl's Office
Fort Saint George
13 " December 1866

To

The Advocate General
Madras

(Two Copy)

(Signed) John D. Mayne

Acting Advocate General

(Two copy of copy)

H. Brockman
Acting Fort. Secy.

Mad. M. P. No 2795

he 1849, according to the information submitted by the Judge Advocate General, the former in council authorized certain general regulations for the Army, by which all previous orders, not in accord therewith were cancelled.

The J. A. General also states, that, in regard to duties in favour or (antonym), officers commanding were instructed to establish such additional standing orders as their respective Cantonments, as local circumstances might render necessary; copies being furnished to the Adj. Genl. for information of the Genl.

The J. A. General adds that the additional standing orders were framed & sanctioned as directed, because the Rules & Regs of the Cantonment. but no explanation is afforded as to why, if the earlier orders required sanction from Genl. the additional ones should have been issued without a similar warrant.

appearing however, that the original and additional orders were similarly

Ms. No 2795/66.

supported by authority from the Govt and that it was accorded under what, at the time, may have appeared to be the legitimate forms of the Govt; it seems to me to be perfectly obvious that such rules - especially as they affected non military persons - could have had, & now have, no legal basis whatever. However,

Admitting, ~~that~~ as a premise of the Acting Advocate General, that the framers of Act 29 of 1865 were aware of this state of things, and that the reference in its 84th article, to the "Rules and Regulations of any Cantonment", is a reference to such rules as were confirmed and sanctioned by the local Govt in 1849, with others that were afterwards promulgated without such sanction - there seems to be no just or proper reason, why, on cause appearing, the Govt of the present day should not withdraw ~~such~~ ^{the} sanction as then once gave, from all or part of those rules for which, under the altered circumstances of the times, no clear or sufficient necessity can be shown to exist.

Now, as regards the Military Station

Belore, the paper put in circulation & show in my opinion, not that necessity exists for continuing & upholding the sanction, but on the contrary that there is ample ground for withdrawing & annulling it.

Difficulties of jurisdiction & of other kinds have arisen since the provisions of the new Police Act were applied to ^{Belore} ~~the town~~ for ^{meeting} ~~consequently~~ which it is obvious that a remedy of some kind must be found.

That remedy, as it seems to me, may readily be had by the withdrawal and annulment of the Govt sanction above noted, and by now intimating to H. & the Council, that, with the present effective agency of the Municipal Police Corps; the augmented strength of the local magistrates; - the comprehensive grasp of the S. Penal Code and the increased means of sanitation & general municipal improvement provided by Act 10 of 1865, there is no sufficient reason for continuing to the office for the time being in command of the reduced number of troops stationed at Belore, the

civil, municipal & police powers
which he seems to have been exercising,
and in order to effect this end that the
Govt have resolved to withdraw &
cancel any sanction found to have
been accorded to such ^{appealing Vellor} rules, as may be
considered to have formed the basis
of the Rules & Regulations mentioned
in Article 84 Act 29 of 1861.

The effect of this intimation will be
to place the large & populous towns of
Vellor on the same footing as the
Presidency towns of Madras, where there
are three Native Representatives whereas
at Vellor there are only $\frac{3}{4}$ that of
a single town.

As respects Municipal rolling has ever
been done to verify the assumption of such
authority as Article 84 may be supposed to
confer on a C. Officer. I would point out
that this is the case & dispose of this subject
as proposed in the Memo. -

It may be well to nominate the C. Officer
the Groves at Vellor, a Municipal Comm.
2 lines -

W.D.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter from
the Acting Govt. Solicitor.

27/19 Decr 1866. No 707.
P.M. Dept - 10 May 67 - 1877

ORDER THEREON.

15 June 1867. No 971

It appears from the
foregoing opinion of the
Acting Advocate General
and from the Memorandum
by the Judge Advocate
General of the Army which
is appended to it, that
the provisions of Section 84,
Act XXIX of 1861 containing
the Articles of War for
the Native Army under
which it is competent
to the Officer Commanding

a Cantonment to punish breaches of the Rules and Regulations of such Cantonment, are applicable to the Cantonment of Vellore notwithstanding that that Cantonment has ceased to be a Military Bazaar station, and that the present Cantonment Act No I of 1866 has not been applied to it.

2. The Governor in Council thinks it very inexpedient that at any Military Station to which it has not been deemed expedient to apply the provisions of Act I of 1866 and which either has ceased to

under operation of the rules of Govt. of the
24th Oct 2859
N. 1433

710
to be or has never been a Military Bazaar Station under Regulation VII of 1832, the Commanding Officer should be empowered to punish any offences committed by persons of the Non-military classes or indeed any offences except breaches of Military discipline committed by persons under Military authority. No such powers are possessed by the Officer Commanding the Garrison at Madras where there are three Native Regiments, and there can be no valid ground for adopting a different system at Vellore where only a

a single Regiment is
quartered.

3. The correspondence
recorded in the Pros. of
Govt. of 14 Decr. 1864 and
8 Novr. 1866 shows that
difficulties of jurisdic-
tion and of other kinds
have arisen at Vellore
since the Police Act of
1859 came into force and
the only remedy for those
difficulties is to with-
draw the rules which
enable the Commanding
Officer to exercise under
the provisions of Section 84.
Act XXIX of 1861 a Co-or-
dinate authority with
the Officers of the Civil
Magistracy and Police.
It will accordingly be
intimated to H.E. the
Commander

Commander-in-Chief
through the Military De-
partment that the Govt.
see no sufficient reasons
for continuing to the
Officer Commanding Vellore
the Civil Magistral and
Police powers which he
appears to have been
exercising and that the
Rules and Regulations
which are considered
to bring the Cantonment
under the provisions of
Article 84. Act XXIX of
1861 should be with-
drawn. The Effect, as
before observed, will be
to place the large and
populous town of Vellore
on the same footing
in this respect as the
Town of Madras. If
H.E. the Commander-in-
Chief

Chief desires it, the Govt. will be prepared to appoint the Officer Commanding Vellore a member of the Municipal Commission for that Town under Madras Act I of 1865.

4. In regard to the Town of Kurnool it is sufficient to observe that there are in force no rules or regulations which can be considered to bring ^{the Town} it under the provisions of Section 84 Act XXIX of 1861.

40 L. 10

Military Deptt.	11
Magistrate of North Arcot	3
Kurnool	3
Magistrate of Police	6
Public Deptt.	1
Government Secretaries	3

1342136

Vellore and Kurnool
Military Cantonments

Dated 15th June 1867

PROCEEDINGS OF GOVERNMENT.

No. 941

Judicial 1867. Department.

Cancelled
Council.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter

From the Govt. Solicitor - (Hereafter 19th December 1866. No 707)
Pres. of Govt. Mil. Dept. - 10th May 1867 No 1717.

ORDER THEREON

19 June 1867 - No 991

It appears from the foregoing
opinion of the Acting Advocate
General, and from the Memo.
submitted by the Judge Advocate
General of the Army which is
appended to it, that the pro-
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of 1861, containing the Articles
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a Cantonment to punish
breaches of the rules and
regulations of such Cantonment,
are applicable to the Canton-
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that that Cantonment has
ceased to be a Military Bazaar
station

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Vellore and Kurnool
Military Cantonments

Dated 15th June 1867

PROCEEDINGS OF GOVERNMENT.

No. 941

Judicial 1867. Department.

Cancelled
Council.

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Judicial Department.

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station

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W.D.

station under the operation of
the Order of Government of the
24th October 1859, No 1433, and that
the present Cantonment Act
No 1 of 1866 has not been applied
to it.

2. It is clearly very undesirable
that Commanding Officers
should deal with any offences
which are punishable by the
Magistracy under any existing
law and the Governor-in-
Council accordingly resolves
to request that His Excellency
the Commander in Chief
will instruct the Officers Com-
manding Bellary and other
Military Stations similarly
circumstanced, to hand over
to the nearest Magistrate any
persons charged with such
breaches of the Cantonment
rules as may be cognizable
by the Magistracy, either under
the Police Act No XXIV of 1859
or under the Penal Code, or
any other legislative enactment,
and to avail themselves

the Indian Penal Code

W. J.

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of provisions of Section 84 Act
XXIV of 1861 only, in those cases
which cannot be dealt with
under any other existing law.
The Government would further
suggest that the limits of
the Cantonments in question
should be revised by the Officer
Commanding in Communi-
cation with the Magistrate of the
District, and that in any case
in which the area included
within military limits may
appear to be more extensive
than is requisite for military
purposes, it should be curtailed.
The Government would have
been disposed to suggest a
revision of the Cantonment
rules in force at Bellary and
other Cantonments, to which
Madras Act I of 1866 has not
been applied, were it not
probable that a uniform
set of rules prepared under
the provisions of Section 17 of
that enactment will be
applied to every Cantonment
in the Presidency at no very
distant

distant date.

3. In regard to the application of the Towns Improvement Act to Towns at which Troops are stationed, it appears to His Excellency in Council that every Cantonment to which Madras Act I of 1866 has been, or may be applied, or which may be brought under rules relating to matters of conservancy of the nature of those contemplated by Act I of 1866 must of necessity be included in a Municipality organized under Madras Act X of 1865, in order that the necessary funds may be raised for the conservancy of the Cantonment.

4. The difficulties suggested in General McLeod's letter of the 31st August last, and in the Memorandum of the Judge Advocate General above recorded may be met, 1st by instructing the Magistrate

Magistrate to nominate the Officer Commanding the Station, or if the Officer commanding be, as at Bellary, Tirunelveli, Trichinopoly & Cannanore, a Major General or Brigadier General, to nominate any Military Officer named by the Officer Commanding the Division, ^{District} to be Vice President of the Municipal Commission and 2nd, by authorizing the payment from the public Treasury of any tax which may be levied on the property of the Station.

5. These Proceedings will be communicated to His Excellency the Commander-in-Chief, and also to the Magistrates of the Districts named in the margin in order that effect may be given to the several arrangements above suggested.

Ganjam, S. Canara
Tirunelveli, Malabar
Dindigul, Trichinopoly
Kannur, Tirunelveli
Bellary

To the Military Department - 11
" Dept. of - 521
" Insp. Genl. of Police
" Public Dept.
" Govt. Solicitor
" Master of North Madras 3/7

by
K. P. S. 11/5/00

Gravel

Judicial 1867. Department.

No. 991

PROCEEDINGS OF GOVERNMENT.

28th 2370-2574-

Dated 19 June 1867

Spring water

valuable to the public

and to the State

and to the people

and to the Government

and to the Nation

and to the World

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