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MADRAS RECORD OFFICE.

Government of Madras.

Public Works DEPARTMENT.

Cons. 17-2-57

G.O. No.	<i>297</i>	Press Mis.
<i>1-2</i> Dated	<i>11 8</i>	<i>18 57.</i>

Not to be folded or roughly handled

Fort Saint George, Public Works Consultation of 17th February 1857.

The same in regard to the plans of Russelcondah, Berhampore and Bellary referred to, in Extract Minutes of Consultation 23rd Ultimo, No. 532. The boundaries of all of which places (Russelcondah excepted,) are still matters of correspondence.

Referred to the Revenue Department.

(By order.)

(Signed) C. A. BROWNE, Colonel,
Secretary to Government.

No. 2.

ORDER THEREON, No. 297; dated 11th February 1857.

In Extract Minutes of Consultation dated 11th May 1855, No. 575, the Government had under consideration various propositions for adjusting the boundaries of several Military Cantonments; and in para. 9 they directed that two pieces of ground should be added to the Trichinopoly Cantonment, according to a proposition made in 1850 by the Collector, and assented to by the late Commander in Chief as intimated in the Quarter Master General's letter of 22nd February 1855. In his letter of the 5th June 1856, No. 167 transferred to the Revenue Department in the Extract above referred to, the Quarter Master General of the Army brought to the notice of Government by command of the Provincial Commander in Chief that that order did not finally settle the question as to the boundary of the Trichinopoly Cantonment, but only touched on a minor point. And he represents that the limits of that Cantonment as now established do not by any means fulfil the conditions prescribed by Government for the boundary of a Cantonment, viz. that it should include all buildings and establishments purely Military; but that on the contrary, every Military building belonging to the Cantonment is without the boundary, and that even the Parades, Military lines, and General bazar, are not comprized within it.

2. This letter has led the Government to look back into former correspondence respecting the limits of the Trichinopoly Cantonment. They find that in the year 1844, a dispute having arisen between the Magistrate and the Officer Commanding the Garrison, as to which of the two was the proper authority to permit tom toms to be beaten within the station, General Showers then Commanding the Division wrote to Army Head Quarters, representing the inconveniences resulting from the absence of any authoritative decision as to the Military limits of the Cantonment, and recommending that those limits should be established by authority agreeably to a plan which he submitted. This letter was referred for report to the Magistrate Mr. Onslow, the gentleman whose dispute with the Commanding Officer had led to the question being brought forward. In a letter to the Court of Foujdaree Udalt dated 11th June 1844, Mr. Onslow stated his opinion very strongly against General Showers' propositions, and against any enlargement of the Military limits, which he said were confined to the General bazar only. He stated several considerations in support of his opinion, of which the following alone need be noticed here; 1st, that the limits proposed by General Showers took in parts of some villages, comprising a population (as more correctly stated in his subsequent letter of the 18th June) of 10,000 persons; and 2nd, that those limits comprised part of an important irrigation channel, and that if the Military authorities had jurisdiction on its banks, it would be impossible either to enforce on the Ryots the obligation to clear out deposit, or to prevent rubbish being thrown into it. The Court of Foujdaree Udalt agreed with the Magistrate; and the Government declined,*

* To Government, 26th June 1844, Extract Minutes Consultation Judicial Department, 11th November 1844, No. 719.

to make any change in the limits of the Cantonment.

3. In 1849 the subject was again urged on Government by the Commander in Chief in consequence of a representation from General Gibson, then Commanding the Southern Division, based on the General order of Government, dated 17th April 1849 defining the powers of Commanding Officers within Cantonments, and prescribing rules for their sanitary management. General Gibson made this representation to Head Quarters chiefly with reference to the absence of power at Trichinopoly

Fort Saint George, Public Works Consultation of 17th February 1857.

to order "house boards" for fixing the rent of houses within the station; but the Commander in Chief pointed out also that under the existing state of the Military limits of that Cantonment, the order of Government above quoted was almost a dead letter there. The Government however did not consider any change necessary; they recorded their opinion that an enlargement of the Cantonment such as was proposed by General Showers, would require a Legislative Enactment, and would produce greater evils than those complained of.

Extract Minutes Consultation Judicial Department, 16th October 1849, No. 673.

4. On the 15th March 1849, Government passed an order† directing among other things that the boundaries of Military Cantonments should be so arranged as to include only buildings and places purely Military, and also laying down rules as to the levy of quit-rent on premises in such Cantonments. And in pursuance of that order, the Magistrate of Trichinopoly on the 11th December 1850, made a long and detailed report, on the Military limits of the Cantonment and the mode of levying quit-rent. The former subject however, which alone need be noticed here, occupies the whole of the letter with the exception of a single short paragraph, (para. 11.)

5. Mr. Maltby first remarked that from the scattered character of the station, any limits that might be marked out to embrace the whole, would include a large Civil population and much private land and property; and he then proceeded to state the grounds which led him to agree with the former Magistrate Mr. Onslow, in objecting to any change of the existing arrangement which confined the Military limits to the ground actually occupied by the Troops. He observed that the extension of the Military limits seemed to be desired mainly for two reasons; the control of the Police in the station, and the power of nominating house boards to settle rents. On the first point, he feared much evil from a divided Police authority in the centre of the District, and close to the principal Town; and represented that the Magistrate's power and usefulness would be seriously compromised by the existence of such exceptional jurisdiction, and the refuge which it would afford to offenders. He added the remarks that the Military Police would be unable to deal with such Civil offenders, but would merely have to hand them over to the Civil authorities; so that the only effect would be loss of time.

6. On the subject of house boards, he regretted that they could not be held in Trichinopoly; but he stated that the greater part of the houses in that station are on private land, not held on Government grant, and that therefore, even if the Military limits were enlarged as proposed, the houses could not be made liable to the decisions of house boards, without the consent of the owners, or without a special Enactment. He noticed however, that a feeling existed that it was unfair that houseowners should have the power of resorting to the Courts of Requests for the recovery of their rents, when they were not subject to the authority of house boards; and suggested that either they might be cut off from that remedy unless they voluntarily become subject to such boards, or that Courts of Requests might be made competent to fix the amount of rents.

7. The letter concludes with the recommendation that a small bazar and two small pieces of land all very near the European barracks, should be placed under the Military authorities.

8. This letter was brought before Government by the Board of Revenue on the 20th May 1852, in common with other replies to the order of Government of March 15, 1849. But Mr. Maltby's discussion of the general question was not noticed, the only part of the letter touched on by the Board, being that which relates to the small additions proposed to be made to the Military limits. The Board concurred in the Magistrate's recommendation on this point, and the measure having been acquiesced in by His Excellency the late Commander in Chief, it was directed to be carried into effect in the order of Government of 11th May 1855, as already noticed.

Letter from Quarter Master General, dated 22nd February 1855.

9. The Right Honorable the Governor in Council has carefully considered the subject discussed in the papers of which the substance is given above, and has examined the map of the Cantonment sent up in 1844; and having done so, he has arrived at a somewhat different opinion from that recorded by the former Governments in 1844 and 1849, with respect to the two main arguments urged by Mr. Onslow against the limits proposed by General Showers, the Governor

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in Council quite recognizes the force of the first, which is based on the large civil population comprized within those limits; but it appears to him that this objection may be obviated by a change in the boundary, without compromising the main objects aimed at by the Military authorities. As to the second objection, that relating to the irrigating channel, His Lordship in Council cannot but think the danger overstated; but this ground of objection too, he considers, may be obviated so far as it exists, by a slight alteration in the line of the boundary.

10. With regard to the argument mainly relied on by Mr. Maltby, it is to be observed that this does not affect alone the particular proposition now under reference, or even any proposition relating to Trichinopoly only, but it is an argument against the establishment of Military Cantonments any where, in the Honorable Company's Territories at least. His Lordship in Council does not consider it necessary however, to open the general question of Military Police authority in Cantonments. The establishment of such authority has been decided to be proper, and it has actually been established at Trichinopoly; and the point now at issue is the limits within which it should be exercised.

11. In para. 7 of his letter, Mr. Maltby observed that under Sec. 13 of Regulation 7 of 1832, the Military Police Officer already has power to punish offences committed by Military persons in any part of the station, even though without the Military limits; and he advanced this fact as an argument against the necessity of enlarging the Military boundary. The Government must observe however that Mr. Maltby is not correct in his view of the Law on this point. Section 3 of the Regulation quoted defines the limits within which Police powers shall be exercised by the Military authorities, viz. within the Military limits as fixed from time to time by Government; the succeeding Sections, including Section 13, treating of the precise powers to be so exercised, all depend on Section 3, and there is nothing throughout the Regulation to give Police powers to the Military authorities of a Cantonment, outside of the Military limits. If therefore, the officer at Trichinopoly exercises such authority without those limits, he acts illegally, and the practice should be immediately put a stop to.

12. The existence of the power to act in offences against the Abkarry Rules, adverted to by Mr. Maltby in the same para.; is not relevant to the matter in hand; because the two species of authority are totally distinct, given for different purposes, and exercised at all stations within different limits, the Abkarry being invariably far more extensive than the Police.

13. When in the order of 16th October 1849, it is said that the proposed extension of the Cantonment would need a legal Enactment; allusion is made to the large number of persons not Military, included in the proposed limits; a special Law being necessary to make such persons subject to Military Law. The Governor in Council observes, however, that it is not designed to place such persons under Military Law, and that this consequence is not involved in general Showers' proposal. Regulation 7 of 1832 which regulates Military Cantonments, specially limits the Police powers of the Military authorities to Military persons; those not Military not being subject to them, even when resident within Military limits. The Governor in Council quite agrees, however, with the Government of 1849, that those limits ought to be so arranged as to include as few persons not Military as possible.

14. The Governor in Council has reason to believe that for many years prior to the occurrence of the dispute between the Officer Commanding and Mr. Onslow in 1844, Police power was actually exercised by the Military authorities of the station, within limits not greatly varying from those proposed by General Showers. This exercise of power was not strictly legal; but it was so obviously absurd that Police authority should be held, and a Police force maintained, merely for the very contracted space really comprized within the actual Military limits, that a boundary proposed by a former Magistrate, but on which no final order had ever been passed, was tacitly recognized by both Civil and Military authorities as defining the Cantonment. When however the dispute above referred to occurred and led to investigation as to the really authorized limits, that arrangement came to an end in most respects; but a part of it still continued to subsist in 1850, though its origin had been forgotten, in the practice of the Military Police taking cognizance of offences all over the station. Indeed Mr. Maltby's mention of this practice, without condemnation and as a thing that ought to continue, seems to show a conviction in that gentleman's mind that Police power throughout the Cantonment over Military persons, was really necessary to the Military authorities, and it may be added that the Military limits

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as established when Mr. Maltby wrote, did not include "the ground actually occupied by the troops," they extended in fact only to the Barracks, Paracherry, and Bazar of the European Regiment, excluding all the parade grounds, the Barracks and hutting grounds of all the native Regiments, the Hospitals and all other Military buildings, as well as the Officers' houses. The small additions made since that time are quite insignificant.

15. The Governor in Council has now carefully examined the plan submitted by General Showers, and he has marked by a strong black line the boundary which in his opinion might be properly established. He has omitted the old Artillery Barracks at Worriore, because they are far removed from the rest of the Cantonment, and have long ceased to be occupied by Troops, or it is believed, for any other strictly Military purpose; he has excluded also almost the whole of the populous villages referred to by Mr. Onslow; and he has in great part thrown back the boundary from the Weyacandan channel, although as already said he does not by any means agree with the gentleman just named as to the danger of including it within Military limits. He resolves now to refer the subject to the local Officers Civil and Military. It will be understood that the question of the extension of the Military limits so as to meet the objects stated in para. 6 of the order of Government of March 15th 1849, is settled in the affirmative; and the object of the present reference is that the Magistrate and the Officer Commanding the station may jointly consider the boundary now proposed by Government as delineated on the plan, and report whether this will effect the object defined in the order, so far as local circumstances permit, or whether any amendment of it can be made. It will be open to these Officers to report jointly or separately as they may think best; and in the event of their not agreeing as to a boundary, each will be at liberty to state the points wherein he differs from the other; and the reasons for such difference should be fully given. It is hoped, however, that both Officers will come to the consideration of the subject in a friendly and unprejudiced spirit; and whatever may be the result of the conference, it is expected that it will be reported to Government without delay.

16. On the subject of house boards, the Governor in Council agrees with Mr. Maltby that the tenures of landed property within the Cantonment being such as he describes, the houses cannot without injustice be made liable to such Boards; when, therefore, the Military limits shall be extended, the Regulation respecting house boards will be held to be suspended, as respects this Cantonment. But his Lordship in Council dissents from sentiments expressed in the latter part of para. 9, of Mr. Maltby's letter; he is of opinion, that the owners of houses are as fairly entitled as any other creditors to take full advantage of the constituted means of recovering sums due to them on voluntary engagement. Indeed, Mr. Maltby himself furnishes an answer to his own statement of the necessity of greater powers of coercing the house owners; for he declares in the early part of the same para. that the interest of those parties in letting their houses has usually been found quite sufficient to make them anxious to meet tenants' wishes. And since the time when this was written, changes have occurred to render house boards still less a necessity at Trichinopoly. Instead of house rent at that station being exorbitantly high, it is notorious that it is now ruinously low, in consequence of the diminished strength of the Garrison. If therefore, houses have not been fully repaired, it is because the rent is too small to admit of such expenditure.

17. Ordered that Extract of these Proceedings be communicated to the Military Department, and to the Board of Revenue, in order to the necessary instructions being furnished to the local officers Civil and Military, and that a copy be transmitted through the former Department to the Quarter Master General of the Army, with reference to his letter of the 5th June 1856.

18. Ordered also that the Map of the Trichinopoly Cantonment referred to, be sent to the Board of Revenue for transmission to the Collector of Trichinopoly, in connection with the foregoing order.

(Signed) H. FORBES,
Acting Secretary to Government.

R. 27th May 1856 32035
" 29th April - 39440

1134

Public Works. 1857 Department
No. 17th February
N^o 3098
Extract Minutes of Cons.
Military Department

Dated 6th June 1856.

Extract from Military Dept^l 29th Feb^r
1856 N^o 894 in Case 2 June

Referring to the Revenue
Department a letter from the Quarter
Master General dated 5th June 1856 on the
subject of the boundary of the Trichinopoly
Cantonment observing that a reference to the map copied under Desult's
Tirumana shows, that every military
building in the cantonment is within
the military boundary, and that
even the Parades, Butting lines and
General Bazar are not comprised within
the military limits, trusts that the
original views of Government may
yet be allowed to prevail.

N^o 1+2.

With an order

Dated 11th February, 1857 N^o 297

P.W.D.

N^o 297
Extract from the Minutes of Consultation
Under date the 11th February
January 1857

Read the following
Extract from the Minutes
of Consultation in the Military
Department.

Referring a letter from the
Q. M. General dated 5th June 56, on the
subject of the boundary of the
Trichinopoly Cantonment, observing
that a reference to the map copied
under Lt. Anson shows, that every
military building in the Cantonment
is within the military boundary &
that even the Parades, Butting lines, &
General Bazar, are not comprised within
the military limits: trusts that the
original views of Govt may yet be al-
lowed to prevail.

Here enter 6th June 1856. (N^o 894)
In Extract Minutes
of Consultation dated May 11th 55
N^o 575, the Government had
under consideration various
propositions for adjusting the
boundaries of several Military
Cantonments, and in Para-
graph 9 they directed that
two pieces of ground should
be added to the Trichinopoly
Cantonment, according to
proposition made in 1850
by the Collector, and appointed
to

to by the late Commander
in Chief as intimated in
the Quarter Master General's
letter of 22nd Feb^y 1855. In
his letter of the 5th June 1856,
N^o 167 transferred to the Revenue
Department in the Extract
above referred to, the Quarter
Master General of the Army
brought to the notice of Govern-
ment by command of the
Provincial Commander in
Chief that that order did
not finally settle the question
as to the boundary of the
Trichinopoly Cantonment, but
only touched on a minor
point. And he represents
that the limits of that
Cantonment as now established
do not by any means fulfil
the conditions prescribed
by Government for the
boundary of a Cantonment
viz

11
viz that it should include
all buildings and Establish-
ments purely Military;
but that on the contrary
every Military building
belonging to the Cantonment
is without the boundary, and
that even the Parades, Military
lines, and General Bazar,
are not comprized within it.

2 This letter has led
the Government to look
back into former corre-
spondence respecting the
limits of the Trichinopoly
Cantonment. They find
that in the year 1844, a
dispute having arisen between
the Magistrate and the
officer Commanding the
Garrison, as to which of
the two was the proper
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to be beaten within the station, General Showers then Commanding the Division wrote to Army Head Quarters, representing the inconveniences resulting from the absence of any authoritative decision as to the Military limits of the Cantonment, and recommending that those limits should be established by authority agreeably to a Plan which he submitted. This letter was referred for report to the Magistrate Mr Onslow, the gentleman whose dispute with the Commanding Officer had led to the question being brought forward. In a letter to the Court of Nagpur Adalat dated June 11/44,

Mr

3
Mr Onslow stated his opinion very strongly against General Showers's propositions, and against any enlargement of the Military limits, which he said were confined to the general Bazar only. He stated several considerations in support of his opinion, of which the following alone need be noticed here; 1st that the limits proposed by General Showers took in parts of some villages, comprising a population (as more correctly stated in his subsequent letter of the 18th June) of 10,000 persons; and 2^d that those limits comprised part of an important irrigation channel, and that if the Military Authorities had jurisdiction

jurisdiction on its banks
it would be impossible
either to enforce on the
Ryots the obligation to
clear out deposits, or to
prevent rubbish being
thrown into it. The Comr
of Foujdare Adalat is
agreed with the Magistrate,
and the Government declined
to make any change in the
limits of the Cantonment.

To Govt June 25/49
E. M. C. Ind. Dept.
November 11/49 No 719.

From 2^d Mr. Genl. 12 Sept/49.

3 In 1849 the subject
was again urged on Govt.
by the Commander in Chief
in consequence of a represen-
tation from General Gibson
then Commanding the Southern
Division based on the General
order of Government dated
17th April/49 defining the
powers of Commanding Officers
within Cantonments, and
prescribing

E. M. C. Ind. Dept.
Oct. 16/49 No 678.

1547
prescribing rules for their
sanitary management. Genl.
Gibson made this represen-
tation to Head Quarters
chiefly with reference to
the absence of power at
Trichinopoly to order "Home
boards" for fixing the rents
of houses within the station,
but the Commander in
Chief pointed out also
that under the existing
state of the military limits
of that Cantonment, the
order of Govt above quoted
was almost a dead
letter there. The Govt
however did not consider
any change necessary, they
recorded their opinion that
any enlargement of the
Cantonment such as was
proposed by Genl. Thomas
would require a legis-
lative enactment, and
would produce greater
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emils than those complained of.
4. On the 15th March 1849
Genl. passed an order directing
among other things that
the boundaries of Military
Cantonments should be so
arranged as to include
only buildings and places
purely Military, and also
laying down rules as to
the levy of quit rent on
premises in such Canton-
ments. And in pursuance
of that Order, the Magistrate
of Trichinopoly on the 11th
December 50 made a long
and detailed Report on
the Military limits of the
Cantonment and the
mode of levying quit
rent. The former subject
however, which alone need
be noticed here, occupies
the whole of the letter
with the exception of a
single short paragraph
(Para 11)

5. Mr. Malley further
remarked that from the
scattered

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scattered character of the
station, any limits that
might be marked out to
embrace the whole, would
include a large civil popula-
tion and much private
land and property; and he
then proceeded to state the
grounds which led him to
agree with the former Magis-
trate Mr. Anslow in objecting
to any change of the existing
arrangement which confined
the Military limits to the
ground actually occupied
by the troops. He observed
that the extension of the
Military limits seemed to be
desired mainly for two
reasons; the control of the
Police in the station, and
the power of nominating
house boards to settle rents.
On the first point, he feared

much

much evil from a divided
Police authority in the center
of the District, and close to
the principal Town; and
represented that the Magistrate's
power and usefulness would
be seriously compromised by
the existence of such excep-
tional jurisdiction, and
the refuge which it would
afford to offenders. He added
the remarks that the Mili-
tary Police would be unable
to deal with such civil
offenders, but would merely
have to hand them over
to the Civil authorities;
so that the only effect would
be loss of time.

6 On the subject
of House board he regretted
that they could not be held
in Trichinopoly, but he
stated that the greater
part of the houses in
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Remarks respecting
Section 13.

that station are on
private land, not held
on Government grant,
and that therefore, even
if the Military limits were
enlarged as proposed, the
houses could not be made
liable to the decisions
of House boards,
without the consent
of the owners, or without
a special enactment.
He noticed however that
a feeling existed that it
was unfair that House
owners should have the
power of resorting to the Courts
of Requests for the recovery
of their rents, when they
were not subject to the
authority of house boards,
and suggested that either
they might be cut off
from

from that remedy unless they voluntarily become subject to such boards, or that Courts of Requests might be made competent to fix the amount of rents.

7 The letter concludes with the recommendation that a small Bazaar and two small pieces of land all very near the European barracks, should be placed under the Military authorities.

8 This letter was brought before Government by the Board of Revenue on the 20th May 1832, in common with other replies to the order of Government of March 15/49. But Mr. Mallby's discussion

Letter from Mr. Mallby (date)
22nd February /53

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discussion of the general question was not noticed, the only part of the letter touched on by the Board being that which relates to the small additions proposed to be made to the Military limits. The Board concurred in the Magistrate's recommendation on this point, and the measure having been acquiesced in by His Excellency the late Commander in Chief, it was directed to be carried into effect.

in the order of Government
of May 11/55, as already
noted.

I The Right Honorable
the Governor in Council
has carefully considered the
subject discussed in the
papers of which the sub-
stance is given above, and
has examined the Map
of the Cantonment sent
up in 1846; and having
done so he has arrived at a
^{somewhat} different opinion from that
recorded by the former Govern-
ments in 1846 and 1849 -
with respect to ^{the} two main
arguments urged by
Mr. Ouslow against the
limits

25
limits proposed by Genl.
Shawers, the Governor
in Council quite recog-
nizes the force of the
first, which is based
on the large civil
population comprised
within those limits;
but it appears to him
that this objection
may be obviated by a
change in the boundary,
without compromising
the main object aimed
at by the Military
Authorities. As to the
second objection, that
relating to the irri-
gating channel, the
Lordship in Council
cannot but think
the danger ~~unduly~~
overstated; but this
ground of objection
too

too, he considers, may
be obviated so far
as it exists, by a slight
alteration in the line
of the boundary.

10. With regard to
the argument mainly
relied on by Mr. Maltby,
it is to be observed that
this does not affect
alone the particular
proposition now under
consideration, or even
any proposition re-
lating to Trichinopoly
only, but it is an ar-
gument against the
establishment of
Military Cantonments
anywhere, in the
Honble Company's
Territories at least.

If the existence of
Military Police at
Trichinopoly

25
Trichinopoly would
have the injurious
effect maintained,
the same would have
been produced at
Bellary, at Cannanore,
at St. Thomas Mount,
and at Palamcottah,
yet so far as Govt.
are aware no such
result has ever been
complained of at any
Military Bazar Station.
His Lordship in Coun-
cil does not consider
it necessary however
to open the general
question of Military
Police Authority in
Cantonments. The
establishment of
such authority has
been decided to be
proper, and it has
actually

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at Trichinopoly, and
the point now at issue
is the limits within
which it should be
exercised.

11. In Parag of
his letter, Mr. Maltby
observed that under
Sec. 13 of Reg. 7 of 1832,
the Military Police
Officer already has
power to punish of-
fences committed
by Military persons
in any part of the
station, even this is
without the mili-
tary limits, and he
advanced this fact
as an argument
against the necessity
of enlarging the
military boundary. The

The Govt. must observe
however that Mr. Maltby
~~is not correct~~
in his view of the law
on this point. Sec. 3
of the Regulation quoted
defines the limits
within which Police
powers shall be exer-
cised by the Military
authorities, viz within
the military limits
as fixed from time
to time by Govt. the
succeeding sections,
including section 13,
treating of the precise
powers to be exercised,
all depend on Sec. 3,
and there is nothing
throughout the Regs
to give Police powers
to the Military Authorities
of a Cantonment—
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outside of the military
limits. If therefore
the Officer at Trichin-
opoly exercises such
authority without those
limits, he acts illegally,
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a stop to.

12. The existence of
the power to act in
offences against the
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^{by the latter}
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is not relevant to the
matter in hand, be-
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of authority are to-
tally distinct, given
for different purposes,
and exercised at all
stations within dif-
ferent limits, the
Army being invariably
far

72
far more extensive
than the Police.

13. The Governor in
Council is not aware
what is meant in

13. When in the order of 10 Oct 1849,
~~when~~ it is said that
the proposed exten-
sion of the Canton-
ment would need a
legal enactment; ~~but~~
~~he thinks it probable~~
~~that~~ allusion is
made to the large
number of persons not
military included in
the ^{proper} limits; and that
~~it was intended to~~
~~say that a special~~
~~law would be ne-~~
cessary to make
such persons subject
to military law. ~~The~~
The Governor in Council
observes however that
it

it ^{is not} ~~was never~~ designed
to place such persons
under Military law,
and that this con-
sequence is not ~~that~~
involved in General
Shower's proposal.
Reg. 7 of 1832 which
regulates Military
cantonnements especially
limits the Police powers
of the Military au-
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that these limits ought
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not military as possible.

The

7

The Police is the same
forming the actual Police
limits of the station,
being, during the time,
(about five years) that
I was in charge of the
Police of the Cantonment
at Bangalore.

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14. The Governor in
Council has reason to be-
lieve that for many years
prior to the occurrence of
the dispute between the
Officer Commanding
and Mr. Onslow in
1844, Police power was
actually exercised by
the Military Authorities
of the station, within
limits not greatly vary-
ing from those proposed
by General Shower.
This exercise of power
was not strictly legal,
but it was so obviously
absurd that Police
authority should be
held, and a Police force
maintained, merely
for the very contracted
space really comprised
within the actual
Military

Military limits, that
a boundary proposed
by a former Magistrate,
but on which no formal
order had ever been
passed, was tacitly
recognized by both
Civil and Military
Authorities as defining
the Cantonment. When
however the disputes
above referred to occurred
and led to investigations
as to the really au-
thorized limits, that
arrangement came to
an end in respect res-
pects, but a part of
it still continued to
subsist in 1850, though
its origin had been
forgotten, in the practice
of the Military Police
taking cognizance
of

33
of offences all over the
station. ~~The Council~~
~~in Council cannot~~
~~but not that~~ ^{indeed} Mr
Mallory's mention of
this practice, without
condemnation and as
a thing that ought
to continue, seems to
show a conviction in
that gentleman's mind
that Police power in
throughout the Can-
tonment over Military
persons, was really
necessary to the mili-
tary Authorities & ^{it}
may be added that
the Military limits
as established when
Mr. Mallory wrote did
not include "the ground
actually occupied
by the troops," they
extended

extended in fact only
to the Barracks, Pan-
cherry, and Bazar
of the European Regi-
ment, excluding all
the parade grounds,
the barracks and hutting
grounds of all the
native Regiments the
hospitals and all other
Military Buildings,
as well as the Officers
houses. The small
additions made since
that time are quite
in insignificant.

15. The Governor in
Council has now care-
fully examined the
Plan submitted by
General Shrover, and
he has marked by
a strong black line
the boundary which

is to be the line of
separation between the
European and Native
Reservations, when all
is settled it may be
inserted between the two
is sent in to the Lt

are far removed from
the rest of the Cantonment
they have long ceased
to be occupied, for other
on it is believed, for any other
strictly military purposes, he has ex-

cluded also almost
the whole of the popu-
lar villages referred
to by Mr. Ouster, and
in great
he has for the most
part thrown back
the boundary from the
Weyacundam channel,
although as already
said he does not by
any means agree with
the gentlemen just
named as to the
danger of including
it within military
limits. He reserves

to refer the subject to
the local Officers Civil
and Military. It will
be understood that the
question of the exten-
-sion of the Military
limits as to meet
the objects stated in
Para. 6. of the order
of Government of March
15/49, is settled in the
affirmative; and the
object of the present
reference is that the
Magistrate and the
Officer Commanding
the station may jointly
consider the boundary
now proposed by Govt.,
as delineated on the
Plan, and report whe-
-ther this will effect
the objects defined
in the order, so far
as

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as local circumstances
permit, or whether any
amendment of it can
be made. It will be
open to these Officers
to report jointly or
separately as they
may think best, and
in the event of their not
agreeing as to a bound-
-ary, each will bear
liberty to state the points
wherein he differs from
the other; and the
reasons for each dif-
-ference should be
fully given. It is hoped,
however, that both
Officers will come to
the consideration of
the subject in a friendly
and unprejudiced
spirit; and whatever
may be the result of
the

the conference, it is expected that it will be reported to Government without delay.

16. On the subject of House boards, the Governor in Council agrees with Mr. Malby that the tenures of landed property, within the Cantonment being such as he describes, the houses cannot without injustice be made liable to such Boards, when, therefore, the Military limits shall be extended, the Regulations respecting Houseboards will be held to be unimpaired, as respects the Cantonment. But his Lordship in Council

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Council dissents from sentiments expressed in the latter part of Para 9 of Mr. Malby's letter; he is of opinion that the owners of houses are as fairly entitled as any other creditors to take full advantage of the constituted means of recovering sums due to them on voluntary engagement. Indeed Mr. Malby himself furnishes an answer to his own statement of the necessity of greater powers of coercing the house owners, for he declares in the early part of the same Para, that the interest of those parties in letting their houses has

has usually been found
quite sufficient to
make them anxious to
meet tenants wishes.

And since the time
when this was written,
changes have occurred
to render House Boards
still less a necessity at
Trichinopoly. Instead
of house rent at that
station being exorbi-
tantly high, it is
notorious that it is
now ridiculously low,
in consequence of the
diminished strength
of the Garrison. If
therefore houses have
not been fully repaired,
it is because the rent
is too small to admit
of such expenditure.

Ordered that
Extract

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Extract of these Proceed-
ings be communicated
to the Military Dep-
and to the Board of
Revenue, in order to
the necessary instruc-
tion being furnished
to the local Officers
Civil and Military,
and that a copy be
transmitted through
the former Department
to the Quarter Master
General of the Army,
with reference to his
letter of the 5th June 1850.

18 Ordered also
that the Map of the
Trichinopoly Canton-
ment referred to be
sent to the Board of
Revenue for trans-
mission to the Collector
of Trichinopoly, in
connection

connection with the
foregoing order.

DA

3 Copies to the Adm. Office
with Orig. Draft
Orig. 12

3 - to the Mil. Dep.

R. 27: May 56. N. 32 6 35
My. 6: May - 45 6 47

Public Works 1857 Dept
D. to C. 17th February
N. 297.

Extract Memoirs of C. 17:

D. 11th Feb 57

E. B. of R. 25th April 57 L. O. H. N. 551
in 6 19 May

E. M. C. in the Military Dept
of 29 April 57 L. O. H. N. 551
2nd June

Communicating to the Mil.
Dept. the Bd. of Rev. the views
of this Govt. on the subjects of the
boundary of the Irish Military Com-
mitment, & House of R. in order
to the necessary instructions being
furnished to the local officers
Civil & Mil. & directing that
a copy of these proceedings be
transmitted through the former
Dept. to the Quarter M. G. of
the Army with reference
to his Letter of the 5th June
1856. -

12/72.