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2. Date of repair. 18-1-36
3. Initials of Reference.
M.R.O. 1-36,000-16-10-36.

MADRAS RECORD OFFICE.

Government of Madras.

Public DEPARTMENT.

G.O. No.	20-21	Press
		Mis.
Dated	8-1-	1966.

Not to be folded or roughly handled

*Proceedings of the Madras Government, Public Department,
8th January 1866.*

Read the following papers :—

No. 19. Extract from the Proceedings of the Government of India in the Foreign Department (General), under date Simla, 11th September 1865, No. 1844.

From Agent, Governor General, Central India, No. 11-76, dated 12th April.
From Secretary, Chief Commissioner, Central Provinces, No. 1839-189, dated 21st April.
From Commissioner, Mysore, No. 427-15, dated 22nd May.
From Resident Nipal, No. 14, dated 13th June.
From Secretary, Government, Punjab, No. 307-577, dated 17th June.
Docket from Director General of the Post Office in India, No. 856, dated 5th July.
From Agent Governor General, Rajpootana, No. 1020-208G, dated 18th July.
From ditto, No. 103-211G, dated 17th July.
From ditto, No. 1031-216G, dated 17th July.
From Secretary, Government N. W. Provinces, No. 740A, dated 3rd August.

Read again the Resolution of 4th April 1865, No. 772.

Read also the several replies to that Resolution, on the responsibility of Native States for the robbery of mails within their limits, as noted in the margin.

REMARKS.—His Excellency the Governor General in Council observes that the subject was discussed between the Government, North-Western Provinces, and the Supreme Government in 1850, at a time when Lord Dalhousie was inclined to relax the stringency of the rule.

2. Mr. Thomason submitted his views, in a letter dated the 17th June 1850. He drew a distinction between the position of the British Government in its function as public Carrier, and that of the paramount Power enforcing the responsibility of Native States.

3. In the former capacity, the Government affords the public the convenience of using its mail establishment for the conveyance of goods, but on the express understanding that no liability was incurred by it in so doing.

4. In the latter capacity, Government enforces the liability of Native States for precisely the same reasons, as it holds them liable in the case of travellers or common carriers being robbed, under principles recognized in the Proceedings of Government, 23rd October 1839, and elsewhere; only that, in the case of the public mail, the reasons for enforcing this liability are much more weighty.

5. The rules recommended by Mr. Thomason were, in short, as follows :
“ that Foreign States are *prima facie* responsible for the safe transit of the public
“ mails through their territories, being liable to fine if the letter mails are carried
“ off, and being responsible for the value of all plundered goods. Then let each
“ case be decided on its own merits.” These rules were approved and sanctioned by the Governor General, in a Circular letter addressed to Residents, under date 29th June 1850.

6. In 1853, the subject was again brought forward by the Lieutenant Governor, North-Western Provinces. Mr. Colvin suggested that, instead of requiring restitution of the accidental and variable value of property plundered, a fixed fine should be levied on the Native State in which the robbery occurred. The suggestion was noticed by the late Honorable Court of Directors as worthy of consideration, but it was not eventually adopted.

Proceedings 28th July 1854.

7. It was determined that the *principle of restitution* was “ much more in-
“ telligible to the Native States, much
“ more in accordance with their own
“ customs, and more equitable than the levy of a fixed fine.

Orders, dated 25th July 1854.

"But as cases may occur in which the Daks robbed may contain little or nothing of intrinsic value, though the inconvenience arising to public as well as private interests from such outrages may be very great, His Lordship considers it preferable that we should reserve discretion either to reclaim from the Native State the value of the property plundered, or to levy a fine of appropriate amount, as may appear just on a due consideration of the circumstances of each case."

8. These rules were, of course, in abeyance during the rebellion. On the expediency of their re-imposition being discussed in 1859, General Outram placed on record the following remarks: "In order to discourage parties from sending valuables, such as watches, jewels, &c., by post, as is frequently done, and which tempts dacoits to rob the mails, which they would never do were nothing but letters to be found, would it not be as well to proclaim that the transmission of valuables by letter or Banghy Dak is prohibited, and that Government will not itself be answerable for loss of such articles within its own territories, nor will demand compensation from Native Chiefs within whose territory the loss may have occurred?" Mr. Harington pointed out that Section 49, Act XVII of 1854, provided for the non-liability of our own Government, and that "the principle might properly be extended in favor of Native States, in respect of articles of the nature mentioned by the Honorable General Outram."

9. Consequently, in re-issuing the former rules, it was laid down that "in respect of articles of value, such as coin, bullion, precious stones, and jewels, which Officers in charge of Post

Consultation, dated 23rd November 1859.

Offices are prohibited from knowingly receiving for despatch by letter or banghy post, the Governor General is pleased to declare that Native States shall not be held responsible for any loss or damage which may occur to such articles while in transit through their territories.

10. From the above review it appears—

(a.)—That the responsibility of Native States for the safe transit of the Post rests on the same ground as their responsibility for the safe transit of other goods and traffic.

(b.)—By existing rules, the responsibility of Native States is not confined to the value of property plundered from the mails; if the mail plundered be of no intrinsic value, they are equally liable to fine when the circumstances of the robbery justify that course.

(c.)—The exclusion of valuable property from the category of articles for which Native States are responsible was made with the view to discourage the transmission of such property, and consequently to lessen the inducement to rob the mails. It may also be observed that, as the rule stands, it is not confined strictly to "coin, bullion, precious stones, and jewels," but extends generally to all "articles of value such as" these.

11. The question then arises whether this restriction has been productive of the effect contemplated by General Outram. His Excellency in Council appr

hends that it has failed of this object. It has not apparently diminished to any material extent the custom of transmitting valuable property by the post; while, on the other hand, it has increased the inducement to rob the Mails, by the prospect of immunity from restitution.

12. It becomes now a matter for consideration whether Native States should continue exempted from responsibility in any case, in reference to the nature of the contents of the mail bags. It may be right and proper so to exempt them, where they can distinctly shew that the robbery was not in any way owing to defective arrangements on their part; but there seems to be no good reason for diminishing their responsibility, merely because the contents of the mail happen to be unusually valuable. On the contrary, any such exemption must diminish the exertions of the State to prevent robbery, while it weakens the check upon the thieving classes, and enhances their temptation to robbery.

13. On the other hand, it is evidently the duty of the Government to discourage, as far as practicable, the inducement to the public to transmit valuable property by the mail. And this may best be accomplished by refusing altogether to pay over to the owner any part of the value of plundered property transmitted by the Post Office, where such property consists of coin, bullion, jewels, &c., even though the value of such property may have been recovered.

14. Under these principles, it will no doubt often occur that the value of property plundered is recovered from Native States, and is retained in the hands of Government. It will be only just and proper that such sums, as well as the amount of fines, be credited to a fund to be expended on the security of the mails, or the Police arrangements of the postal lines, in the territory from which such sums may have been realized.

15. The present rules contemplate fine where the mail or banghy packets rifled are of little value. The rule might perhaps with advantage be extended, by imposing a minimum penalty for every case in which the mail or banghy dak is robbed or rifled, liable to be increased by the full value of the property plundered.

16. Each case would, of course, as at present, be considered on its own merits; and any State would be entitled to reduction or remission of penalties, in so far as it might be able to prove non-liability or extenuation.

17. The following rules would give effect to the above suggestions:—

1. Every State will be responsible for the value of property plundered from the mail or banghy post, without any exemption in respect of bullion, jewels, or other valuable property.

I. Responsibility of Native States.

2. The minimum penalty in any case in which the mail or banghy bags are plundered or rifled to be [Rupees 500].

(Or a penalty amounting to [Rupees 500] to be levied in every case of robbery over and above the value of the property plundered, in view of the public detriment caused by the stoppage of the mail).

3. Proof of efficient arrangement for the watch and patrolling of the mail lines will be received *quantum valeat* in exculpation of the State, and diminution or remission of the penalty.

4. No compensation whatever will be paid to the senders of bullion, coin, jewels, precious stones, and other similar articles of great intrinsic value.
- II. Claims of the owners of plundered property.
5. In respect of other property, compensation will not be awarded in any case exceeding Rupees 100 for any single package, and that only when the amount recovered by way of restitution will admit of the payment.
6. Fines and Penalties realized under these Rules, after deduction of any compensation payable under Rule 5, to be carried to a fund for the better guarding of the mail lines in the State where the offence occurred.

RESOLUTION.—His Excellency in Council is pleased to direct that a copy of this Resolution be forwarded to each of the Local Governments and Political Officers, in order that these suggestions may receive full consideration, and a report be furnished as to how far the proposed rules will meet the object in view.

Government of Bengal.
Ditto Fort St. George.
Ditto Bombay.
Ditto Punjab.
Ditto North-Western Provinces.
Agent, Governor General, Central India.
Agent, Rajpootana.
Chief Commissioner, Central Provinces.
Commissioner, Mysore.
Resident, Hyderabad.
Director General of the Post Office in India.

It should be reported especially :—

- 1.—How they will be viewed by the Native States themselves.
- 2.—How far, if put in force, they are likely to lead to more efficient Police arrangements for the protection of the mail lines; and whether, if such arrangements are made by any State, they ought not to relieve it from liability to penalty for occasional robberies.
- 3.—How far they are calculated to deter the public from making use of the Post for transmission of valuable property, and in a corresponding degree diminish the attractions of the mail and banghy bags in the eyes of the thieving population.
- 4.—How far the amount of penalties should be devoted to the purposes indicated in the sixth of the proposed Rules.
- 5.—Whether it is expedient to lay down a minimum penalty as contemplated in Rule 2; whether Rupees 500 would be a suitable limit; and whether restitution of the value of plundered property should, as a rule, be imposed over and above such minimum.

(True Extract).

(Signed) W. MUIR,
Secretary to the Government of India.

Forwarded to the Postmaster General and to the Resident of Travancore and Cochin, for report.

FORT SAINT GEORGE.
30th September 1865.

(Signed) W. HUDLESTON,
Acting Secretary to Government.

No. 20. From the Postmaster General, Madras, to the Chief Secretary to Government, Fort Saint George; dated Madras, 6th October 1865, No. 4664.

With reference to the Extract from the Proceedings of the Government of India in the Foreign Department, No. 1844, dated 11th September 1865, which you have forwarded to me for report, I have the honor to submit the following observations upon the rules proposed in paragraph 17.

2. I think that these rules, if put in force, are calculated to lead to more efficient Police arrangements for the protection of the Mail lines, and that, where really good arrangements are made, the penalty should not be enforced on the occurrence of an occasional robbery.

3. I fear that neither these nor any other rules will ever deter the public in this country from making use of the Post for the transmission of valuable property.

4. Of the two forms in which the second of the proposed rules is given, I prefer the latter, viz., "a penalty amounting to Rupees 500 to be levied in every case of robbery over and above the value of the property plundered." I am not quite sure, however, on reading this rule with reference to the concluding paragraph of the Resolution of the Government of India, whether it is proposed (in case the value of plundered property is made good) that the penalty of Rupees 500 shall be a minimum or a fixed sum. Probably it would be better that in any case Rupees 500 should be considered the minimum penalty, in which case the rule might stand thus—"a penalty amounting to not less than Rupees 500, &c."

5. I am not inclined to recommend that the amount of penalties should be devoted to the purposes indicated in the sixth of the proposed rules, because I do not see how this can be done without in some degree relieving the Native State of the responsibility and the expense of guarding the Mail line, which the State ought exclusively to bear. Moreover, it may be reasonably hoped that the amount in question will never be large enough to be practically of use in this way.

6. Perhaps a rule might be added to provide for attempts at Mail robbery attended with no actual loss of property. Such attempts have been sometimes defeated by the courage and good conduct of the runners; and in such cases (satisfactorily proved) I think that the runners should receive a reward, and, if wounded, liberal compensation, at the expense of the Native State.

No. 21. From the Resident in Travancore and Cochin, to the Chief Secretary to Government, Fort Saint George; dated Trevandrum, 2nd November 1865, No. 85.

I have the honor to acknowledge the receipt of the Extract from the Proceedings of the Government of India, No. 1844, dated 11th September last, regarding the responsibility of Native States for the robbery of Mails within their limits, forwarded with your endorsement for my report.

2. On the 1st point on which report is called for, I beg to state that the rules will undoubtedly be viewed with the greatest repugnance and strongly deprecated by these two Native States, as placing them in the humiliating position of being made liable to penal provisions in fine, &c.

3. The threat of imposition of fine, and the necessity of pleading excuse for its remission, will also be felt, as implying that these States are not alive to the importance of arrangements for the security of property within their limits, and as a painful and severe reflection on their administration.

4. These States, however, are held responsible to the British Government for any robberies of the Mails within their limits, should such occur through defective arrangements or other culpable causes, and are prepared to adopt any additional measures that may be thought necessary for their further security.

5. I have not been able to trace any occurrences of robberies of the British Mails in these territories for many years past, and on reference to the last police report, I consider that the Police arrangements in these States are such as should relieve them from liability to penalty for occasional robberies, should such occur after occur.

6. The 4th and 5th Rules may have a good tendency in deterring the generally from transmitting valuable property through the Post, but in the risk of loss by it is so very small that it will probably be incurred, rather than the inconvenience of not using the Post for the purpose.

7. Considering the relation which exists between these States and the British Government and the way in which they have hitherto been treated by the latter, and also that, as far as I am aware, no circumstances have hitherto transpired here, as they may have done in Native States in other parts of India, to call for the application of stringent rules of the nature contemplated, the Government will perhaps think it expedient to abstain in respect to these States from a course which is felt to be obnoxious, particularly as the responsibility will not be the less, should any such unexpected occurrences arise.

No. 22. MINUTE by the Honorable the PRESIDENT, dated 20th December 1865.

I have read the Extract from the Proceedings of the Government of India in the Foreign Department, with reference to a proposed alteration of the rules regulating the responsibility of Native Princes for the safe transit of the Post through their territories.

2. I cannot but think that the step which it is proposed to take is in the wrong direction. The existing rule, promulgated in 1859, at the instance of General Outram and Mr. Harington, that the Native States shall not be held responsible for any loss or damage which may occur to articles of value, such as coin, bullion, precious stones, and jewels, while in transit through their territories, seems to me to place these States upon a fair and reasonable footing, analogous to that which the Government of India assumes in its own territories, and I can see no reason why it should be modified or altered, especially as the proposed alteration must of necessity prove most distasteful to all Native Rulers, and is not based upon *the intelligible principle of restitution*.

3. The only intelligible object of the proposed system of mulcting the Native States, not only in the amount of the value of the articles stolen, but in the additional fine of 500 Rupees, is that of creating a fund for the purpose of paying extra guards for the Mail, and this I would submit is not such an object as would be recognized as legitimate by the Native Rulers, or indeed by any person taking a dispassionate view of the relations between the Government of India and these States. Should, however, the Government of India decide upon adopting these new rules, I most earnestly deprecate their application to the States of Travancore and

Cochin, where they would be most distasteful to the Native Princes of these territories, and where they are altogether uncalled for.

(Signed) W. T. DENISON.

I concur with His Excellency the President.

(Signed) T. PYCROFT.

I also concur with His Excellency the President.

(Signed) H. D. PHILLIPS.

No. 23. ORDER THEREON, 8th January 1866, No. 20.

Ordered that the following letter be despatched :—

To the Secretary to the Government of } (Here enter 8th January 1866, No. 21).
India, Foreign Department.

(True Extract).

A. J. ARBUTHNOT,
Chief Secretary.

FROM

A. J. ARBUTHNOT, Esq.,

Chief Secretary to the Government of Fort Saint George,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,

FOREIGN DEPARTMENT.

SIR,

In acknowledging the receipt of the Proceedings of the Government of India in the Foreign Department, regarding certain rules which it is proposed to lay down, with reference to the responsibility of Native States for the robbery of Mails within their limits, I am directed to submit for the consideration of His Excellency the Viceroy and Governor General in Council, the annexed copies of letters from the Postmaster General of Madras and from the Resident in Travancore and Cochin, to whom the proposed rules were sent for their opinion. The Postmaster General, it will be seen, approves of the rules, provided that a slight alteration be made in the wording of the second rule, and provision be made for rewarding the runners in those cases in which they successfully resist attempts at robbery of the Mails, such rewards being given at the expense of the Native State. The Resident in Travancore and Cochin is of opinion that the rules will be viewed with great repugnance by those States, and that the Police arrangements therein are such as should relieve them from liability to penalty for occasional robberies, should such occur, which apparently has not been the case for many years past. He strongly deprecates the application of the rules to the territories in question.

2. The Governor in Council sees grave objections to the proposed rules, and he questions the expediency of departing from the rule which was promulgated in 1859, at the instance of Sir James Outram, to the effect that Native States should not be held responsible for any loss or damage which might occur to articles of value, such as coin, bullion, precious stones, and jewels, while in transit by letter, or Banghy Post, through their territories. This rule, it appears to His Excellency in Council, places the Native States upon a fair and reasonable footing analogous to that which the Government of India assume in its own territories, and he fails to perceive any sufficient reason for modifying or altering it in the manner proposed, especially as the proposed alteration must of necessity prove most distasteful to the Rulers of all Native States, and is not based upon the intelligible principle of restitution. He cannot think that the purpose to which the value of the articles stolen and the fines to be imposed under the proposed rules are to be applied, namely, the creation of a fund for the payment of extra guards for the Mails, is one which would be recognised as legitimate by the Native Rulers.

3. Under any circumstances, he would strongly deprecate the application of the rules to Travancore and Cochin. He entirely concurs in the opinion of the Resident that, considering the very satisfactory relations which exist between the two States and the British Government, and the desire which their Rulers and especially the Rajah of Travancore, have manifested to improve their administration

in all its branches, it is very undesirable to apply to them any rules which would have the appearance of reflecting on their Police arrangements, and would be viewed by them with much repugnance.

I have the honor to be,
Sir,

Your most obedient Servant,

FORT SAINT GEORGE,
8th January 1866.

Chief Secretary.

From the Postmaster General, Madras, to the Chief Secretary to Government,
Fort Saint George; dated Madras, 6th October 1865, No. 4664.

With reference to the Extract from the Proceedings of the Government of India in the Foreign Department, No. 1844, dated 11th September 1865, which you have forwarded to me for report, I have the honor to submit the following observations upon the rules proposed in paragraph 17.

2. I think that these rules, if put in force, are calculated to lead to more efficient Police arrangements for the protection of the Mail lines, and that, where really good arrangements are made, the penalty should not be enforced on the occurrence of an occasional robbery.

3. I fear that neither these nor any other rules will ever deter the public in this country from making use of the Post for the transmission of valuable property.

4. Of the two forms in which the second of the proposed rules is given, I prefer the latter, viz., "a penalty amounting to Rupees 500 to be levied in every case of robbery over and above the value of the property plundered." I am not quite sure, however, on reading this rule with reference to the concluding paragraph of the Resolution of the Government of India, whether it is proposed (in case the value of plundered property is made good) that the penalty of Rupees 500 shall be a minimum or a fixed sum. Probably it would be better that in any case Rupees 500 should be considered the minimum penalty, in which case the rule might stand thus—"a penalty amounting to not less than Rupees 500, &c."

5. I am not inclined to recommend that the amount of penalties should be devoted to the purposes indicated in the sixth of the proposed rules, because I do not see how this can be done without in some degree relieving the Native State of the responsibility and the expense of guarding the Mail line, which the State ought exclusively to bear. Moreover, it may be reasonably hoped that the amount in question will never be large enough to be practically of use in this way.

6. Perhaps a rule might be added to provide for attempts at Mail robbery attended with no actual loss of property. Such attempts have been sometimes defeated by the courage and good conduct of the runners; and in such cases (satisfactorily proved) I think that the runners should receive a reward, and, if wounded, liberal compensation, at the expense of the Native State.

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I have the honor to acknowledge the receipt of the Extract from the Proceedings of the Government of India, No. 1844, dated 11th September last, regarding the responsibility of Native States for the robbery of Mails within their limits, forwarded with your endorsement for my report.

2. On the 1st point on which report is called for, I beg to state that the rules will undoubtedly be viewed with the greatest repugnance and strongly deprecated by these two Native States, as placing them in the humiliating position of being made liable to penal provisions in fine, &c.

3. The threat of imposition of fine, and the necessity of pleading excuse for its remission, will also be felt, as implying that these States are not alive to the importance of arrangements for the security of property within their limits, and as a painful and severe reflection on their administration.

4. These States, however, are held responsible to the British Government for any robberies of the Mails within their limits, should such occur through defective arrangements or other culpable causes, and are prepared to adopt any additional measures that may be thought necessary for their further security.

5. I have not been able to trace any occurrences of robberies of the British Mails in these territories for many years past, and on reference to the 2nd point of report, I consider that the Police arrangements in these States are such as should relieve them from liability to penalty for occasional robberies, should such hereafter occur.

6. The 4th and 5th Rules may have a good tendency in deterring the public generally from transmitting valuable property through the Post, but in these parts the risk of loss by it is so very small that it will probably be incurred, rather than the inconvenience of not using the Post for the purpose.

7. Considering the relation which exists between these States and the British Government and the way in which they have hitherto been treated by the latter, and also that, as far as I am aware, no circumstances have hitherto transpired here, as they may have done in Native States in other parts of India, to call for the application of stringent rules of the nature contemplated, the Government will perhaps think it expedient to abstain in respect to these States from a course which is felt to be obnoxious, particularly as the responsibility will not be the less, should any such unexpected occurrences arise.

Exd. J. H. Burns.

No. ~~1844~~ 1844

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was inclined to relax the stringency of the rule.

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1850. He drew a distinction between the position of the British Govern-
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enforcing the responsibility of Native States.

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but on the express understanding that no liability was incurred by it in
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States for precisely the same reasons as it holds them liable in the case of
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“mails are carried off, and being responsible for the value of all plundered
“goods. Then let each case be decided on its own merits.” These rules
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nant Governor, North-Western Provinces. Mr.
Colvin suggested that, instead of requiring resti-
tution of the accidental and variable value of property plundered, a fixed
fine should be levied on the Native State in which the robbery occurred.
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Proceedings 29th July 1854.

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"But as cases may occur in which the Daks robbed may contain little or nothing of intrinsic value, though the inconvenience arising to public as well as private interests from such outrages, may be very great, His Lordship considers it preferable that we should reserve discretion either to reclaim from the Native State the value of the property plundered, or to levy a fine of appropriate amount, as may appear just on a due consideration of the circumstances of each case."

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9. Consequently, in re-issuing the former rules, it was laid down that "in respect of articles of value, such as coin, bullion, precious stones, and jewels, which Officers in charge of Post Offices are prohibited from knowingly receiving for despatch by letter or banghy post, the Governor General is pleased to declare that Native States shall not be held responsible for any loss or damage which may occur to such articles while in transit through their territories."

10. From the above review it appears,—

- (a.)—That the responsibility of Native States for the safe transit of the Post, rests on the same ground as their responsibility for the safe transit of other goods and traffic.
- (b.)—By existing rules, the responsibility of Native States is not confined to the value of property plundered from the mails; if the mail plundered be of no intrinsic value, they are equally liable to fine when the circumstances of the robbery justify that course.
- (c.)—The exclusion of valuable property from the category of articles for which Native States are responsible was made with the view to discourage the transmission of such property, and consequently to lessen the inducement to rob the mails. It may also be observed that, as the rule stands, it is not confined strictly to "coin, bullion, precious stones, and jewels," but extends generally to all "articles of value such as" these.

11. The question then arises whether this restriction has been productive of the effect contemplated by General Outram. His Excellency in Council apprehends that it has failed of this object. It has not apparently diminished to any material extent the custom of transmitting valuable property by the post; while, on the other hand, it has increased the inducement to rob the mails, by the prospect of immunity from restitution.

12. It becomes now a matter for consideration whether Native States should continue exempted from responsibility in any case, *in reference to the nature of the contents of the mail bags*. It may be right and proper so to exempt them, where they can distinctly shew that the robbery was not in any way owing to defective arrangements on their part; but there seems to be no good reason for diminishing their responsibility, merely because the contents of the mail happen to be unusually valuable. On the contrary, any such exemption must diminish the exertions of the State to prevent robbery, while it weakens the check upon the thieving classes, and enhances their temptation to robbery.

13. On the other hand, it is evidently the duty of the Government to discourage as far as practicable the inducement to the public to transmit valuable property by the mail. And this may best be accomplished by refusing altogether to pay over to the owner any part of the value of plundered property transmitted by the Post Office, where such property consists of coin, bullion, jewels, &c., even though the value of such property may have been recovered.

14. Under these principles, it will no doubt often occur that the value of property plundered is recovered from Native States, and is retained in the hands of Government. It will be only just and proper that such sums, as well as the amount of fines, be credited to a fund to be expended on the security of the mails, or the police arrangements of the postal lines, in the territory from which such sums may have been realized.

15. The present rules contemplate fine where the mail or banghy packets rifled are of little value. The rule might perhaps with advantage be extended, by imposing a minimum penalty for every case in which the mail or banghy dak is robbed or rifled, liable to be increased by the full value of the property plundered.

16. Each case would, of course, as at present, be considered on its own merits; and any State would be entitled to reduction or remission of penalties, in so far as it might be able to prove non-liability or extenuation.

17. The following rules would give effect to the above suggestions:—

1. Every State will be responsible for the value of property plundered from the mail or banghy post, without any exemption in respect of bullion, jewels, or other valuable property.
2. The minimum penalty in any case in which the mail or banghy bags are plundered or rifled to be [Rupees 500].
(Or a penalty amounting to [Rupees 500] to be levied in every case of robbery over and above the value of the property plundered, in view of the public detriment caused by the stoppage of the mail).
3. Proof of efficient arrangement for the watch and patrolling of the mail lines will be received *quantum valeat* in exculpation of the State, and diminution or remission of the penalty.

- II. Claims of the owners of plundered property.
4. No compensation whatever will be paid to the senders of bullion, coin, jewels, precious stones, and other similar articles of great intrinsic value.
 5. In respect of other property, compensation will not be awarded in any case exceeding Rupees 100 for any single package; and that only when the amount recovered by way of restitution will admit of the payment.
 6. Fines and Penalties realized under these Rules, after deduction of any compensation payable under Rule 5, to be carried to a fund for the better guarding of the mail lines in the State where the offence occurred.

RESOLUTION.—His Excellency in Council is pleased to direct that a copy of this Resolution be forwarded to each of the Local Governments and Political Officers, in order that these suggestions may receive full consideration, and a report be furnished as to how far the proposed rules will meet the object in view.

Government of Bengal.
 Ditto Fort St. George.
 Ditto Bombay.
 Ditto Punjab.
 Ditto North-Western Provinces.
 Agent, Governor General, Central India.
 Agent, Rajpootana.
 Chief Commissioner, Central Provinces.
 Commissioner, Mysore.
 Resident, Hyderabad.
 Director General of the Post Office in India.

It should be reported especially:—

- 1.—How they will be viewed by the Native States themselves.
- 2.—How far, if put in force, they are likely to lead to more efficient Police arrangements for the protection of the mail lines; and whether, if such arrangements are ~~made~~ made by any State, they ought not to relieve it from liability to penalty for occasional robberies.
- 3.—How far they are calculated to deter the public from making use of the Post for transmission of valuable property, and in a corresponding degree diminish the attractions of the mail and banghy bags in the eyes of the thieving population.
- 4.—How far the amount of penalties should be devoted to the purposes indicated in the sixth of the proposed Rules.
- 5.—Whether it is expedient to lay down a minimum penalty as contemplated in Rule 2; whether Rs. 500 would be a suitable limit; and whether restitution of the value of plundered property should, as a rule, be imposed over and above such minimum.

(True extract).

W. Miller
 Secretary to the Govt. of India.

Minute

I have read the extract from the Proceedings of the Govt. of India in the Foreign Dep^t. with reference to a proposed alteration of the rules relating to the responsibility of Native States for the safe transit of the Post through their territories. I cannot but think that this step which it is proposed to take is in the wrong direction. The existing rule provides that in case of the loss of a letter or parcel the Government of India is responsible. But the Native States shall not be held responsible for any loss or damage which may occur to articles of value such as coin, bullion, precious stones & jewels while in transit through their territories. I am to place these States upon a par with a reasonable portion analogous to that which the Govt. of India assumes in its own territories. I can see no reason why it should be modified or altered especially as the proposed alteration must of necessity prove more

alteration

disrespectful to all native
rulers and is not based
upon the intelligible prin-
-ciple of restitution.

The only intelligible object
of the proposed system of
molesting the native states
not only in the amount
of the value of the articles
stolen but in the additi-
-onal fine of 500 Rs. is
that of creating a fund
for the purpose of paying
extra guards for the
mail, and the second
submit it not such an
object as would be recog-
-nized as legitimate by
the Native Rulers, or in-
-deed by any person taking
a dispassionate view of
the relations between the
Govⁿ of India & these states
should however the Govⁿ
of India decide upon
adopting these new rules
I most earnestly depre-
-cate their application
to the states of Travancore
& Cochin. where they
would be most destruc-
-tive to the native princes
of these territories, and where
they are altogether un-
-called for.

WD

Dec^r 20th 1865

~~Respectfully submitted~~

I concur with HE
The President

W. H. P.

I also concur with
The President

W. H. P.

attention

Public 1865. Department.

No 1844

PROCEEDINGS OF GOVERNMENT of India
in the Foreign Department

Dated 11th September 1865
Recd 27th

Office of the

No 1221

Communicating remarks
of H. E. the Governor General
respecting the responsibility
of Native States for the robbery
of mails within their limits

With a sketch

Forwarded to H. E. Mr. Secretary
General and H. E. Resident of Ben.
Guerre Station for report.

The Resident of Ben. and H. E. Mr. Secretary
General, 14th September 1865
Recd 27th

Public 1865 Dept

Memorandum by the Resident
the Resident

Public 1865 Dept
Recd 27th
S. O. 1865

No 25

Respecting the
responsibility of
Native States for the
robbery of the mails
within their limits
forwarded.

Public Department
No. 21-
To the Secretary to the Government of India
Foreign Department.

Sir,

In acknowledging the receipt of the Proceedings of the Government of India in the Foreign Department, regarding certain rules which it is proposed to lay down with reference to the responsibility of Native States for the robbery of mails within their limits, I am directed to submit for the consideration of H.E. the Viceroy and Governor General in Council, the annexed copies of letters from the Postmaster General of Madras and from the Resident in Travancore and Cochin to whom the proposed rules were sent for their opinion. The Postmaster General, it will be seen, approves of the rules, provided that a slight

alteration

MD
JF

alteration be made in the wording of the second rule, and provision be made for rewarding the runners in those cases in which they successfully resist attempts at robbery of the mails, such rewards being given at the expense of the Native State. The Resident in Travancore and Cochin is of opinion that the rules will be viewed with great repugnance by those States, and that the Police arrangements therein are such as should relieve them from liability to penalty for occasional robberies should such occur, which apparently has not been the case for many years past. He strongly deprecates the application of the rules to the territories in question.

2. The Governor in Council

Council sees grave objections to the proposed rules, and he questions the expediency of departing from the rule which was promulgated in 1859 at the instance of Sir James Outram, to the effect that Native States should not be held responsible for any loss or damage which might occur to articles of value, such as coin bullion, precious stones and jewels while in transit by letter or Banghy Post through their territories. This rule, it appears to His Excellency in Council, places the Native States upon a fair and reasonable footing analogous to that which the Government of India assumes in its own territories, and he fails to perceive any sufficient reason for modifying or altering it in the manner proposed, especially

Especially as the proposed alteration must of necessity prove most distasteful to the Rulers of all Native States, and is not based upon the intelligible principle of restitution. We cannot think that the purpose to which the value of the articles stolen and the fines to be imposed under the proposed rules are to be applied, namely the creation of a fund for the payment of extra guards for the mails, is one which would be recognized as legitimate by the Native Rulers.

3. Under any circumstances he would strongly deprecate the application of the rules to Travancore and Cochin. He entirely concurs in the opinion of the Resident that considering the very satisfactory relations which exist between the two States

and

and the British Government and the desire which their Rulers and especially the Rajah of Travancore have manifested to improve their administration in all its branches, it is very undesirable to apply to them any rules which would have the appearance of reflecting on their Police arrangements and would be viewed by them with much repugnance.

Fort St. George.
22 January 1866

W. A.

Chant.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following papers:-

Proceedings of the Govt of India, Foreign Dept., per letter 11 Sept 1854 No 1844.
From the Postmaster General. 15 Oct - 1854.
Resident in Travancore & Cochin. 2 Nov - 1854.
Minute by H.E. the Governor. 20 Dec - 1854.

Order thereon 8 January 1855 No 20.

Ordered that the following letter be despatched

To the Secretary to the Govt of India, Foreign Dept. per letter 11 Jan 1855.

[Handwritten signature]

Public 18th Dec 1854

To the Secy to the Govt of India

Dated 18th January 1855

No 983-
1639-
11-12 of 1854

Public 1865. Department.

No. 209 21

PROCEEDINGS OF GOVERNMENT.

No. 983-1639

Dated 8th January 1865

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