

MADRAS RECORD OFFICE.

Government of Madras.

Public

DEPARTMENT.

G.O. No.	<i>403</i>	Press Mis.
Dated	<i>2-4-1869</i>	<i>19</i>

Not to be folded or roughly handled

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Proceedings of the Madras Government, Public Department,
2nd April 1869.

No. 16. Read the following Proceedings of Government in the Military Department.

Requesting issue of necessary orders in }
the Public Department for restricting }
the powers of the Municipal Boards at } (Dated 16th March 1869, No. 997.)
Bellary, Cannanore, and Trichinopoly, }
under Act X. of 1865, within the limits }
of those towns. }

No. 17. ORDER THEREON, 2nd April 1869, No. 423.

Ordered that copies of the foregoing Proceedings be communicated to the Presidents of the Municipal Commissions at Bellary, Cannanore, and Trichinopoly.

2. The President of each of these Municipalities will submit the requisite information, in communication with the Military authorities, regarding the alteration of the Municipal limits, for publication in the *Fort Saint George Gazette*.

3. As soon as the revised limits have been determined, all action under the Towns' Improvement Act X. of 1865 will be strictly confined to the new Municipal boundary.

(True Extract).

R. S. ELLIS, '
Chief Secretary.

To the President, Municipal Commission, Bellary.

„	do.	do.	Cannanore.
„	do.	do.	Trichinopoly.

Exd. A. S. Rodgers.

Proceedings of the Madras Government, Military Department.

16th March 1869.

Pro. of Govt., 8th October 1866, No. 3504. }
„ 24th June 1867, „ 2304. }
„ 27th September „ „ 3716. } Read again the papers noted in the margin.
„ 7th March 1868, „ 964. }
„ 4th August „ „ 3127. }

Read also the following papers :—

No. 426. From the Quarter Master General, to the Secretary to Government, Military Department, Fort Saint George; dated Head Quarters, Ootacamund, 12th September 1868, No. ⁵⁹⁹₆₅₈₁.

With reference to paragraphs 5, 6 and 7 of the Order of Government, dated 7th March 1868, No. 964, I have the honor, by order, to submit for the consideration of the Right Honorable the Governor in Council, a draft of rules* framed

under Clauses 4 to 11 of Section XIX of Act I of 1866, proposed for adoption in Cantonments to which the above Act has been extended, but where the Municipal Act X of 1865, is also in force. These rules have been prepared, as directed, in communication with the Judge Advocate General, and the Sanitary Commissioner.

2. The rules (Chapter V) for the inspection and controlling of houses of ill fame, &c., which have been already approved of by Government for certain stations will be applicable to Cantonments in which Act X of 1865 is in force—as will also the rules for the supervision of Brothels and Brothel-keepers, in continuation of the foregoing, which were passed in the Order of Government, dated 12th ultimo, No. 3152.

No. 427. Memorandum from the Officiating Deputy Secretary to Government, Military Department, to the Quarter Master General; dated Fort Saint George, 24th September 1868.

The further consideration of His Excellency the Commander-in-Chief, in the Quarter Master General's Department, is solicited to the proposed Cantonment rules submitted with the Quarter Master General's letter of the 12th instant, No. ⁵⁹⁹₆₅₈₁ for the Cantonments of Bellary, Cannanore and Trichinopoly, which are now included within their respective Municipal limits under the Towns Improvement Act X of 1865 (Madras). The appointment of Cantonment Committees, in addition to the Municipal Commissioners is not apparent, except for the purpose of carrying out the provisions of Chapter V of the rules. Further, it does not appear to be intended that the Cantonment Committee should hereafter be supplied with funds, or where funds may be available, to what purpose they can be applied. In the above view, it seems desirable that the draft rules alluded to should be so framed as to avoid any possible collision with the Municipal rules, now in force in the Cantonments in question.

No. 428. From the Quarter Master General, to the Secretary to Government, Military Department, Fort Saint George; dated Head Quarters, Ootacamund, 26th October 1868, No. ¹⁰⁴⁷₇₃₈₂.

I have the honor, by order, to acknowledge the receipt of your memorandum date 24th September 1868, requesting the Commander-in-Chief's further consideration of the draft rules proposed, specially for Cantonments which are adjacent to towns which have been brought under the Municipal Act X of 1865.

COMM. IN 1868 GUJARAT.

PUBLIC.

THE PRESIDENT OF THE
MUNICIPAL COMMISSION,
Bellary,
&c.,
&c.

Dated April, 2nd.

Recd.

Encl.

G. O., 2nd April 1869, No. 423.

APRIL
Nos. 16-17.

Communicating Proceedings of Government, Military Department, on the subject, and requesting the Presidents of the Bellary, Cannanore, and Trichinopoly Municipalities to submit the requisite information regarding the alteration of the Municipal limits for publication in the Gazette.

2. The Commander-in-Chief observes that if the conservancy and general sanitary condition, &c., of a Cantonment are to be left entirely under the control of the local Municipality, the Military Authorities must be relieved from all responsibility in regard to such matters; and will be powerless to remedy anything amiss in the above particulars—moreover, the Commander-in-Chief himself will have no authority to issue instructions for the carrying out of any measures which he may consider to be conducive to the public health: and it is by no means certain that His Excellency's opinion on such questions will be respected by, and have any weight with, the Municipal Commissioners, or that his proposals will even be entertained by that Board.

3. But it seems to the Commander-in-Chief that it would be altogether inconsistent with the object of the Legislature, in providing for the administration of Military Cantonments, to leave their sanitary condition, &c., in the hands of a Municipality; and it is obvious that by such a measure, the Military Members of that Board would hold a position in relation to the Head of the Army incompatible with their subordination to him, and which would be liable to be detrimental to discipline.

4. It is admitted that the duties of a Cantonment Committee under the proposed rules and those of a Municipality acting within the same limits under Act X of 1865, would very probably lead to differences and unpleasant misunderstandings between the two Boards; and the Commander-in-Chief thinks it is much to be regretted that Military Cantonments were ever brought within the limits under the jurisdiction of local Municipalities. To prevent, therefore, the inconveniences likely to arise from this arrangement, His Excellency recommends that the Cantonments of Bellary, Cannanore and Trichinopoly, be now declared to be distinct from the adjacent towns.

5. The responsibility of the local Military authorities to the Commander-in-Chief, and that of the latter to Government for the efficient conservancy and proper sanitary condition of a Cantonment is a principle which, in the opinion of Lieutenant-General McCleverty, should not be departed from; but it is evident it is one which can only be maintained by excluding the Cantonment from the jurisdiction of the town Municipality.

6. When submitting their report* on the rules to be passed under Act XXII of 1864, the Simla Committee said that there was no reason to suppose that it was the intention of the law to take away the legitimate authority of the Commanding Officer of a Cantonment; and that they considered it essential to maintain his authority and responsibility as the executive head of affairs. These remarks were apparently concurred in by the Government of India, and it is assumed that they apply equally to Madras Act I of 1866—if so, it is clear that to leave the sanitary arrangements, &c., of Cantonments in this Presidency under the control of the local Municipalities will be at variance with such intention.

7. The Supreme Government have repeatedly urged the adoption of one Code of Rules for all Cantonments; and if the Right Honorable the Governor in Council will accede to the recommendation expressed in paragraph 4, (above) it

will only be necessary to declare the rules already passed for the Mount, &c., to be applicable to the Cantonments of Bellary, Cannanore and Trichinopoly, to establish the desired uniformity.

8. In conclusion, the Commander-in-Chief directs me to say that he considers it very objectionable to apply a Municipal Act to a Military station. The position assumed by the Municipal Board at Trichinopoly towards the chief local Military authority will be in your recollection.

* *Order of Govt., 31st July 1867, No. 2817.* The circumstance* was connected with merely an application for information

sought for by the latter; and the President of the Board was censured by Government for his conduct in the matter. But although such was the result in that particular instance, the Municipality might still assume a somewhat similar position when suggestions affecting the health of the troops were brought before them by the Commanding Officer, and would have it in their power to set aside, without question, his recommendation: and the proposals even of the Commander-in-Chief (as already observed) might be similarly dealt with by them. But it is to be borne in mind that Officers of the Army are Members of these Boards, and among them there may be those who would avail themselves of the opportunity afforded them to oppose and thwart their superior Officer or the Commander-in-Chief, without being liable to have their conduct questioned or perhaps their individual action in such matters known.

9. A memorandum from the Judge Advocate General on the subject under reply is attached.

Memorandum from the Judge Advocate General, to the Quarter Master General; dated Ootacamund, 19th October 1868, No. 465.

The Judge Advocate General has the honor to return the paper received with memorandum† from Quarter Master General, No. 908 of 16th instant, referring to the proposed Cantonment rules for the stations of Bellary, Cannanore and Trichinopoly, having within them Municipal Commissions under Madras Act X of 1865, the Towns Improvement Act.

2. There can be no doubt, as before noticed,‡ that the duties of Cantonment Committees and Municipal Commissions would render them very liable to clash the one with the other: and it is difficult to find a remedy for it. It is also necessary to bear in mind the letter from the Government of India,§ stating its desire that the same rules should as far as possible be in force in all Military Cantonments in India; and leaving it to the Madras Government to make such modifications in details as it may find to be really necessary.

3. The rules and regulations for Military Cantonments, as framed, cannot be carried into effect without the services of a Cantonment Committee; and provision is made for a "Cantonment Fund,"|| and for the purposes for which it may be expended by that Committee. The Cantonment Committee is made subject to the

* *Vide letter dated 14th September 1865, communicated with Order of Government, 8th October 1866, No. 3504.*

† *See memorandum No. 326 of 16th July 1867, from this office.*

§ *See Proceedings Madras Government, Order No. 3127 of 11th August 1868.*

|| *See chapter II rules 10 and 11.*

Officer Commanding the Cantonment, who is held responsible for insisting on the due enforcement by the Committee of the rules and regulations: the whole being under the control of the Commander-in-Chief.

4. By these means, the Commander-in-Chief,—who is responsible to the Government for the conservancy and general sanitary condition, &c. of all Military Cantonments,—is enabled to ensure it. But, on the other hand, were these matters to be left to the Municipal Commissioners, over whom the Commander-in-Chief has no control whatever, and who as a body by a majority of votes, may set aside every recommendation from him, the state of these Cantonments may become any thing but improved under the Commissioners: and Military discipline be also impaired.

5. It does not therefore seem either advisable or practicable to resign these Cantonments into the hands of a body of Municipal Commissioners, beyond the control of the Commanding Officers and the Commander-in-Chief.

6. The following two measures are suggested for consideration.

First.—To modify Rule 1 of Chapter II, as to the constitution of the Cantonment Committee, so as to admit of the Members of the Municipal Commission becoming also Members of that Committee: which would bring them, so far as the *Military Cantonment is concerned*, under the authority of the Officer Commanding the Cantonment, and consequently also under the control of the Commander-in-Chief: but it is to be feared that this scheme may be found to be more plausible than feasible in practice.

Second.—To separate the Cantonments from the adjacent towns, apportioning the funds created to each: by which means,—the Cantonment Committee and the Municipal Commission both working for similar ends, but distinct,—the former obstacles to success in sanitary measures will be removed: that is, the health of a Cantonment properly conserved will no longer become affected by the want of conservancy in an adjacent town.

No. 429. Memorandum from the Officiating Deputy Secretary to Government, Military Department, to the Quarter Master General; dated Fort Saint George, 7th November 1868.

The undersigned has the honor to request that the Quarter Master General will be good enough to state, whether there is a Cantonment Committee at Kamptee, where, in addition to the Cantonment Act, the Municipal Act of the Government of India, No. XVIII of 1864 is in force, and whether the Cantonment Committee is associated with the Municipal Board there—also what sums are credited to the Cantonment fund, and to what purposes they are applied.

No. 430. Memorandum from the Quarter Master General, to the Secretary to Government, Military Department; dated Fort Saint George, 9th December 1868, No. 8434.

Forwarded for the information of Government, with reference to the memorandum from the Secretary in the Military Department, dated 7th November 1868.

From the Officer Commanding Nagpore Force, to the Quarter Master General, Madras; dated Kamptee, 27th November 1868, No. 496.

I have the honor to acknowledge the receipt of your letter No. 7791, dated 17th instant, calling for information regarding the Municipal and Cantonment Committees at Kamptee.

The Municipal Act of the Government of India, No. XVIII of 1864, and also the Cantonment Act XXII of 1864, are both in force in Kamptee. The Cantonment Act XXII of 1864 is not associated with the Municipal Board, inasmuch as certain Members of the Municipal Body have no connection with the Cantonment Committee; and the sums credited to the Cantonment Fund arise as an income from the following sources:—

- 1.—Receipt from Cattle Pound.
- 2.—Fines under Section XIX of Act XXII of 1864.
- 3.—Sale of grass and fruit trees.
- 4.—Sale of manure.
- 5.—Government grant-in-aid.

These funds are applied to,

- 1.—Repairs of roads.
- 2.—Cantonment Office Establishment.
- 3.—Stationery.
- 4.—Road watering.
- 5.—Maintenance of trees.

Improvements generally, such as the erection of lamp-posts—lighting.

3. As the sources from which the Cantonment Fund derives its income, are totally separate from that derivable under Act XVIII of 1864, and as that income is small, without help from the Municipality, (as will be observed from last years budget) the Municipality are liberal enough to make a yearly grant, which is devoted to works of an emergent nature, after deduction of the cost of keeping up the Conservancy Establishment, which is paid by the Cantonment Magistrate, as Secretary to the Cantonment Committee.

With reference to paragraph 3 of your letter under reply, I would observe that though the rules framed being within its scope and make the residents of the Sudder bazaar amenable to the law, (Act XXII of 1864) they have no reference whatever to the levying of Octroi under Act XVIII, or the manner in which income derivable under that Act is laid out—which, under the present law, must be allotted in conjunction with certain Native Members, who sit and are Members of the Municipal Board, and who never can have any voice in the deliberations, or sit as Members of the Cantonment Committee.

It will be seen from the above, that there can be no clashing between the Municipal Board and the Cantonment Committee. There is no connection whatever between the two bodies further than the monthly subsidy paid by the former to the latter. Up to the present time, the utmost harmony has prevailed.

I subjoin in the margin the names of the Members composing the two bodies.

Municipal Committee. President.	Cantonment Committee. President	The Brigadier General, Commanding
Brigadier General Fenwick.	Brigadier General Fenwick.	Nagpore Force, is,
Members.	Members	in virtue of his position President of
R. H. Rennick, Esq., (Dy. Insp. Genl. of Hosptls.)	R. H. Rennick, Esq., (Dy Insp. Genl. of Hosptls.)	both, and the carrying into, effect Act
Major Bolton, (Ag. Asst. Qr. Mr. Genl.)	Major Bolton, (Ag. Asst. Qr. Mr. Genl.)	XXII of 1864, rests solely with him, and
Captain Brooke, (Cantonment Magistrate.)	E. Sinclair, Esq., (Senior Medical Officer, British Forces.)	the Officers composing the Cantonment
Bunseelaul Aberchund.	Captain Brooke, Cantonment Magistrate—Secretary.	Committee.
Rae Bahadoor.	F. J. Johnstone, Esq., (Executive Engineer.)	
Mr. Dinshaw, (of the Firm Cursetjee & Co.)		
Bhannadass Naidoo.		
* Lallah Bullendardass		
W. Johnstone, Esq., Secretary and Engineer.		

No. 431.

ORDER THEREON, 16th March 1869, No. 997.

In September 1866,* the Government of India forwarded for experimental introduction into Military Cantonments of this Presidency, a set of Rules, embraced in Chapters I to V,† for the general administration of Military Cantonments, framed under the provisions of Sections XVII and XIX of Act XXII of 1864, (Military Cantonments Act) of the Government of India. That Government observe, that these rules were to be tried in all the local Governments and administrations on that side of India, and that the Government of Bombay had anticipated the desire of that Government by adopting them experimentally, subject to such minor alterations and additions as local circumstances might necessitate.

* *Pro. of Govt.*, 8th October 1866, No. 3504.
† Chapter I, General provisions.
" II, Cantonment Committee and Cantonment Fund.
" III, Offences affecting the public health, safety, convenience and decency punishable under the rules and regulations of the Cantonment.
" IV, Provisions for the enforcement of the rules and regulations of the Cantonment.
" V, Provisions for the inspection and controlling of houses of ill fame, and for preventing the spread of venereal diseases.

ment by adopting them experimentally, subject to such minor alterations and additions as local circumstances might necessitate.

2. His Excellency the Commander-in-Chief was accordingly requested‡ to give effect to the instructions of the Government of India, in respect to the adoption of the rules in question, (with the necessary changes,) in Cantonments of this Presidency.

† *Pro of Govt.*, 24th June 1867, No. 2304.

3. Meanwhile, Madras (Military Cantonments) Act I of 1866, was declared to be applicable to the following stations:—

Bellary,
Cannanore,
Trichinopoly,
Saint Thomas' Mount,
Wellington,

and subsequently it was extended also to Poonamallee,

4. The rules received from the Government of India were then re-submitted for the approval of Government, with certain alterations to adapt them to this Presidency:—

* *Berhampore.*
Waltair.
Vizianagram.
Samulcottah.
Arcot.
Palaveram.

Vellore.
Quilon.
Palamcottah.
Mangalore.
Kurnool.

5. The Commander-in-Chief took occasion at the same time to point out that before the rules could be applied to other* stations, they too should be brought under Act I of 1866.

6. Government having had the whole question under consideration, expressed their opinion that it was inexpedient to extend the Act to stations in this Presidency which are occupied solely by Native Troops, many of its provisions being inapplicable to them, while the Municipal Regulations already in force at such stations, under an Act of the local Government, (X of 1865) would amply meet all sanitary requirements.

7. The rules contained in Chapters I to V were authorised to be introduced into the Cantonments of

Poonamallee,
Wellington and
Saint Thomas' Mount,

which are occupied solely by European Troops, and where no Municipality has been established.

8. With regard to the Cantonments of

Bellary,
Cannanore and
Trichinopoly,

at which both European and Native troops are promiscuously located, and which have been brought under the Municipal law, it was observed that the rules in Chapter V, as approved for Poonamallee, Wellington and Saint Thomas' Mount, should also apply to them; but that only so much of Chapters I to IV, as related to matters for which no other legal provision had been already made, should be introduced; Chapter III, for instance, containing more or less a repetition of what was to be found in the general Conservancy Clauses (81 to 135) of the Towns Improvement Act (X of 1865 Madras.)

9. A separate set of rules, therefore, under Chapters I to IV, for the three Cantonments alluded to in paragraph 8 of this order were called for and submitted† to Government, as prepared by the Quarter Master General, in communication with the Judge Advocate General and Sanitary Commissioner.

10. Some of their provisions, however, appearing to be of doubtful necessity, with reference to the Cantonments in question being included within their respective Municipal limits; such, for instance, as the constitution of a Cantonment Committee in addition to the Municipal Commissioners, the formation of a separate Cantonment Fund, and its appropriation, &c.—the further consideration of His Excellency was requested‡ to the proposed rules, in view to their being so framed as to avoid any possible collision with the Municipal rules in force in the three Cantonments alluded to.

† *Memo. to Qr. Mr. Genl.*, 24th Sept. 1868.

11. In reply, His Excellency has, in the letter from the Quarter Master General above recorded, dated 26th October 1866, No. ¹⁰⁴⁷₇₃₉₂, with much force, urged his objections to Military Cantonments being brought within the limits or under the jurisdiction of local Municipalities, and advocated the separation of the limits of the Cantonments of Bellary, Cannanore and Trichinopoly from those of the adjacent towns, whereby the Cantonment rules already passed for Saint Thomas' Mount, Wellington and Poonamallee could, without alteration, be made uniformly applicable to the three first mentioned Cantonments.

12. Upon a review of the whole question, and in deference to the strongly expressed opinion of Lieutenant-General McCleverty, and to the re-iterated* views of the Government of India, for the adoption of a uniform Code of rules for all Cantonments, the Governor in Council

is pleased to direct that the Cantonments of Bellary, Cannanore and Trichinopoly, be separated from the Municipal limits of the adjacent towns, and that the Cantonment rules contained in Chapters I to V, as already passed for Saint Thomas' Mount, &c., be made applicable to those Cantonments.

13. The necessary orders will be passed in the Public Department for restricting the powers of the Municipal Boards at Bellary, Cannanore and Trichinopoly, under Act X of 1865, within the limits of those towns.

14. The Civil and Military authorities of the stations referred to, will consider the question of the desirability of curtailing the limits of the several Cantonments, with reference to paragraph 2 of the Order of Government, Judicial Department, 19th June 1867,† No. 991, and report the result to Government, through His Excellency the Commander-in-Chief.

(True Extract.)

W. Marshall Major General,

Secretary to Government.

To the Quarter Master General, with an enclosure.

- „ Adjutant General.
- „ Public Department. *With 3 spare Copies.*
- „ Sanitary Commissioner.
- „ Inspector General Indian Medical Department.
- „ Inspector General British Medical Service.
- „ Controller of Military Accounts.
- „ Judge Advocate General.

Public Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following ~~letter~~ ^{Proceedings} from the
Military Department.
(See under 16th March/69 No 947)

Order thereon 2nd April 1869 No 423.

Ordered that
copies of the foregoing
Proceedings be commu-
nicated to the Presidents
of the Municipal Com-
missions at Bellary,
Cannanore, & Trichinopoly.

2 The President of
each of these Municipal-
ities will submit the
 requisite information,
in communication with
the Military Authorities
regarding

Public No 25 dated 14th March 1869
C 257

Govt. of Madras
Major-General
To

THE QUARTER MASTER GENERAL.
Ac., Ac., Ac.

Dated March, 16th.
Recd. " 19th Encl.
G. O., 16th March 1869, No. 397.
S.
10.423.

MARCH.
Nos. 426-431.
No 430

Passing orders for the Campments of Bel-
lary, Cannanore and Trichinopoly being separated
from the Municipal limits of the adjacent towns,
and for the Campment rules contained in Chap.
I to V as already passed for Saint Thomas' Mount,
Ac., being made applicable to those Campments.

Regarding more of necessary
to the 16th March/69
order for the Municipal
Commissioners of Bellary, Cannanore,
& Trichinopoly, under date
16th March/69.

regarding the alteration
of the Municipal limits,
for publication in the
Fort St George Gazette.

9. As soon as the revised limits have been determined, all action under the Various Improvement Acts of 1868 will be strictly confined within the new municipal boundary.

RM

7. The President, Hunt Camp, Baker
" do Cannonville
" do ~~Stetson~~ Sept 3/4
" do Trichinopoly

Cort. of 186 } Madras.

Public

To

The Presd. Munal. Commr.
Bellary &c

Dated

April 2

1869. No. 423

Nos. 16-17.

Comms. Pres. of Govt. Hilly. Dept.
on the subject, & requesting
the Presd. of the Bellary,
Channarayana, & Trichinopoly
Municipalities to submit
the requisite information
regarding the alteration of the
Munal. limits, for publication
in the Gazette.

Requesting issuing of neces.
sary orders in the Public
Dept. for restricting the
powers of the Municipal
Boards at Bellary, Channarayana
& Trichinopoly, under Act
of 1865 within the limits
of those towns.

23-4-69
23-30-7