Public Works (1897) Department.

G.O., No. 953. R

DATED 11th Novr 1897

[Despatch Abstract.]

Bubonic Plague

Pros:, L. Gt Dept. ordering with remarks the publication of a notification making certain additions to the regulations under the Epidemic Disease Act, 1897, published in G.O., No. 219 a dated the 15/2/97, Communicated to the Agent, Madras Railway. ~~with reference to his application~~ ~~for the withdrawal of the Police~~

[P.W. 25. 5,000—30-11-96.]

Indexed. 17/11/97

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	590R		24-8-97				

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Government {1897} of Madras.

LOCAL AND MUNICIPAL.

P.W.C. No. 56

Registered 8-11-

Recd. } 1897. *Enclosures*

Regd. } *Spare copies*

G.O., No. 2277 M., 18th October 1897.

OCTOBER.

Bubonic Plague.

Ordering, with remarks, the publication in the *Fort St. George Gazette* of a notification making certain additions to the regulations under the Epidemic Diseases Act, 1897, published in G.O., No. 219A M., dated the 15th February 1897.

GOVERNMENT OF MADRAS.

LOCAL AND MUNICIPAL DEPARTMENT.

Read—the following papers :—

From H. C. WEST Esq., Acting Agent and Manager, Madras Railway Company, to the Consulting Engineer for Railways, dated Madras, 5th August 1897, No. 9553—742.

In continuation of my letter, No. 659, of the 13th ultimo, I have the honour to send herewith copy of a letter from the Acting Traffic Manager and the enclosure referred to therein.

It will be noticed that the conduct of the police constable was witnessed by an officer of the company, and the case appears to be one which calls for investigation.

Enclosures.

From D. ROSS-JOHNSON, Esq., Acting Traffic Manager, to the Acting Agent and Manager, Madras Railway Company, dated Central Station, Madras, 31st July 1897, No. C. 39772—30058.

[Plague Inspection at Arkónam.]

In continuation of this office letter, No. C. 9929 B.—29888, of the 9th instant, I beg to forward copy of a report I have received from the District Traffic Officer at Arkónam, in which he gives particulars of an instance in which, in his opinion, unnecessary and unjustifiable violence was used towards a passenger by the police acting under the orders of the Plague Inspection Officer at Arkónam.

2. You are aware that complaints on the part of the public as to their treatment by the medical staff at Arkónam are increasing in number. As a rule, it is very difficult to obtain accurate information as to the facts in such cases, and, as the facts are clear in the present instance, you may think it advisable to bring the matter to the notice of the Consulting Engineer in connection with the question raised in my letter above quoted.

3. I may mention that I have before me a complaint from a partner in an influential Muhammadan firm in Madras complaining of unjustifiable detention and ill-treatment on the 7th instant. His allegations have been denied by the Plague Inspection Officer to whom I referred the complaint, and I have had to tell this native gentleman that the arrangements for plague inspection at Arkónam are in the hands of Government officials.

Copy of letter from the Assistant Traffic Manager, Arkónam, to the Acting Traffic Manager, Madras Railway Company, dated 29th July 1897, No. C. 35577.

I beg to report that I was a passenger by the 21–25 of 21st instant from Arkónam.

I arrived at the station almost on the arrival of the train which, to the best of my recollection, remained at the platform for about an hour.

The plague examination had commenced and the whole of the platform from end to end of the train was roped in so as to prevent passengers leaving the train before it was fully examined, as also to prevent outgoing passengers to enter the train.

The Plague Inspecting Officer, Dr. Browne, was examining the front portion of the train. The rear rope was across the platform just in front of the stationmaster's office so as to leave that office free. I stood by this rope from my arrival almost to the departure of the train.

From this spot to the lavatory where "suspects" are re-examined is only four paces. I saw several men taken to this room and particularly noticed one man being brought down the platform about 50 paces away by a constable as usual, and no sooner he arrived at the lavatory than he (the constable) took the passenger by the back of the neck and pushed him with all his force into the room. I immediately called for his number which was given to me as No. 85, and I asked the East Indian sergeant whether he had seen the treatment, and he said yes. I said I would report the matter. I know the sergeant was surprised at the conduct of the constable, because I saw a look of surprise on his face and he turned round to see whether I had noticed the assault.

Last evening Dr. Browne said he had heard that I had reported one of his men for ill-treatment of passengers, and I told him that I had not done so as yet. He said it would not be any use, because the passenger only got his deserts that he had been once placed in the room for "suspects" (4 yards from where I was standing), and would not allow the apothecary to take his temperature, had rushed from the room almost upsetting the police constable who was placed over the room and that constable No. 85 brought him back using the force I mentioned above.

As I said previously, Dr. Browne was in the front of the train and I had been standing four yards away from the examination room fully quarter of an hour before the assault was made watching the proceedings, and I am confident that there was no such escape as mentioned to me by Dr. Browne or it would have at once attracted my attention.

However taking the statement of the native apothecary and two police constables against my statement, I submit that constable No. 85 was absolutely wrong in taking the law into his own hands and "chucking" a passenger into the examination room by the scruff of his neck.

I have asked Dr. Browne to take notice of the policeman's action and he declines doing so, saying that the man was justified in the assault committed.

I bring this to your notice, as I am sure you will agree with me that it was never the intention of the Government when they ordered the examination of all trains that passengers should be maltreated; and recent events show that the utmost care should be taken in carrying out this most disagreeable duty and that when a report is made by an officer in my position serious notice should be taken.

Dr. Browne may say that he has not received an official complaint, but I have spoken to him and also written to him on this subject, and he has declined to take notice of the constable's conduct and upholds him in his action.

* * * * *

Memorandum of the Public Works Department, Railway Branch, dated Madras, 13th August 1897, No. 3499 C.

Transferred to the Local and Municipal Department, for favour of investigation, in continuation of Public Works Department, No. 885 D., dated 21st July 1897.

(Signed) F. D. FOWLER,
Under Secretary.

To the Local and Municipal Department.

No. 877.

Referred to the District Magistrate for favour of very early report.

(Signed) G. S. FORBES,
Secretary to Government.

18*th August* 1897.

To the District Magistrate, North Arcot.
Copy to the Inspector-General of Police.

From S. H. WYNNE, Esq., I.C.S., District Magistrate, North Arcot, to the Secretary to Government, Local and Municipal Department, dated Chittoor, 22nd August 1897, Ref. on Cur. No. 724-B.—Magl.

With reference to the papers received with your endorsement, No. 877, dated 18th August 1897, I have the honour to report that an inquiry is already being made by the police. I telegraphed to the Deputy Inspector-General of Police asking him to send me the papers with him, as I believe them to contain the views of Surgeon-Lieutenant Browne who is no longer plague inspection officer and has left Arkónam. He refuses to send them as he says they were sent him by the Inspector-General of Police. As an inquiry as to the conduct of the police is already being made departmentally, and as an inquiry on my part into the action of the medical staff without either the evidence or the written statements of the medical officer then in charge would be imperfect, if not futile, I beg to suggest that either the direction to me to inquire be withdrawn, or that the Deputy Inspector-General be directed to send me the papers called for. I have not thought it necessary under the circumstances to issue a summons to him.

2. The papers are returned.

No. 904.

Referred to the Inspector-General of Police for favour of very early remarks.

(Signed) G. S. FORBES,
Secretary to Government.

25*th August* 1897.

From M. HAMMICK, Esq., I.C.S., Inspector-General of Police, to the Secretary to Government, Local and Municipal Department, dated Madras, 22nd September 1897, No. 3435.

With reference to my letter, No. 3157, dated 2nd September 1897, I have the honour to return the file of papers, received from Government with its endorsement No. 904, dated 25th August 1897, and to say that there has been some misunderstanding between myself and Mr. Wynne, the District Magistrate, North Arcot, on the matter.

2. Before the receipt of the endorsement, I had ordered the Deputy Inspector-General of Police, Central Range, to inquire into the conduct of the police, which had been reported to me direct by the Railway department. That officer accordingly made an inquiry and sent me a report. Copy of this I sent to Mr. Wynne with a view that it might be of assistance to him in submitting the report called for by Government from him in its endorsement, No. 877, dated 18th August 1897. After sending the copy of the Deputy Inspector-General's report to the District Magistrate, the endorsement, No. 904, dated 25th August 1897, and its enclosures from Government came up for my disposal. Seeing that the District Magistrate had had copy of the Deputy Inspector-General's report sent by me and that, before receiving this, he had expressed his inability to report upon the matter in his letter to Government,

Ref. on C. No. 724-B.—Magl., dated 22nd August 1897, for want of the papers which the Deputy Inspector-General had, I forwarded the file, received from Government with the above endorsement, to Mr. Wynne with a view to enable him to report upon the subject to Government. He has, however, returned the file to me as he does not apparently feel called upon to take further action in the matter without orders on his letter of the 22nd August 1897 to Government. I submit, herewith, copy of the Deputy Inspector-General's report on the conduct of the policeman concerned. As the conduct of the medical staff is also in question, I believe the Government will still require the District Magistrate to inquire and report on the matter. I regret that, in view to save circumlocution, I sent Mr. Wynne the file of papers sent to me with endorsement, No. 904, dated 25th August 1897. I should, of course, have returned them to Government. My only object was to save time and I thought Mr. Wynne would understand that. Mr. Wynne, however, appears to hold me responsible for the delay that has occurred and objects to the file being sent him as he says it was endorsed "to be returned with reply." In this, of course, the District Magistrate is right. I, therefore, return the papers to Government. Mr. Wynne seems to think that the Deputy Inspector-General has papers besides his report, which it is of importance that he should see. I have wired to Mr. Sullivan to send Mr. Wynne those papers. I regret the delay that has occurred in the matter through the misunderstanding.

Enclosure.

From W. J. A. SULLIVAN, Esq., Deputy Inspector-General of Police, Central Range, to the Inspector-General of Police, Madras, dated 23rd August 1897, Dis. No. 294-R.P.

In returning the papers received with your Ref. on C. No. 731, dated 7th instant, I have the honour to state that, prior to their receipt, Surgeon-Lieutenant Browne had left Arkónam for Northern India.

2. Though I was unable to see this medical officer personally, I have been fortunate in obtaining a copy of his report on the subject to the Sanitary Commissioner. He writes thus:—"The facts, as far as I can gather, are these: I sent one of the passengers to the examining room for temperature to be taken, &c.; before, however, I arrived there not having finished the inspection of passengers in train itself, the man forced his way out pushing aside the constable on duty at the door. It is here the Assistant Traffic Manager arrived and says he saw constable 85 push this passenger back in the room; even if true, I think the constable was justified in his action as the passenger had first assaulted the police and not only refused to remain in the place appointed for examination, but had forced his way out."

3. With these remarks I cordially agree. Constable 85 would, as he states in his explanation, have got into serious trouble with the medical officer and been reported to me if he had allowed this passenger to escape. I am of opinion, as the passenger displayed a refractory spirit and would not do what he was told, that the constable was justified in pushing him back into the room. No *unnecessary* violence seems to have been used.

4. It is to be observed that the hospital assistant, who took this man's temperature *in the train*, found it to be 100·2 and gave him a slip of paper to this effect which was seen by European head constable Highmoor. The passenger probably feared detention in the camp in consequence and this may have led him to behave in the unruly manner he did.

5. Before concluding this report the following points suggest themselves to me. Firstly, if Mr. Taylor had any complaint to make *against the police*, why did he not communicate with me in the first instance as usual? He knows perfectly well that the whole of the Madras Railway Police division is in my charge and that I am the proper officer for him to appeal to. Secondly, what induced Mr. Taylor to pose as a humanitarian on this occasion? Thirdly, who is the passenger and why, if he be an aggrieved party, has he not up to this preferred any complaint?

6. To the first question I can give no answer. I cannot understand Mr. Taylor's motive for reporting the matter direct and not to me at all.

7. As regards the second point, it is to be said that the social atmosphere at Arkónam, as far as Surgeon-Lieutenant Browne and Mr. Taylor were concerned, was not perfectly clear. There were some misunderstandings between the two. A careful perusal of Mr. Taylor's report leads me to the conclusion that Mr. Taylor's object in writing it was not so much to bring obloquy and disgrace upon the police as to achieve this result in the case of the medical officer who countenanced their action. In this connection it suited Mr. Taylor's convenience to make use of constable 85 as a scapegoat.

8. The answer to the third question seems simple enough. The passenger must have known that his conduct had rendered him liable to a criminal prosecution. He was thankful to have escaped this and detention in the camp as well and he went on his way rejoicing.

9. Surgeon-Lieutenant Browne was very strict in the performance of a most disagreeable duty and this made him unpopular with several, and this over-strictness on his part has led, in my opinion, to this complaint being made and a mountain being made out of a mole-hill.

From S. H. WYNNE, Esq., District Magistrate, North Arcot, to the Secretary to Government, Local and Municipal Department, dated Chittoor, 24th September 1897, Ref. on Cur. No. 724-G.—Magl.

In continuation of my letter, Ref. on Cur. 724-B.—Magl., dated 22nd August 1897, I have the honour to state that I have to-day at last received the papers I required from the Deputy Inspector-General, who says he sends them under the instructions of the Inspector-General.

2. I had already received a copy of his report to the Inspector-General, R.P. No. 294, dated 23rd August 1897, a copy of which has, I understand, already been submitted to Government.

3. It will be observed that in paragraph 2 thereof, he quotes certain remarks made by the Plague medical officer, Surgeon-Lieutenant Browne, and says he cordially agrees with them. Those remarks are as follows:—

"The facts, as far as I can gather, are these: I sent one of the passengers to the examining room for temperature to be taken, &c.; before, however, I arrived there not having finished the inspection of passengers in train itself, the man forced his way out pushing aside the constable on duty at the door. It is here the Assistant Traffic Manager arrived and says he saw constable No. 85 push this passenger back in the room; even if true, I think the constable was justified in his action as the passenger had first assaulted the police and not only refused to remain in the place appointed for examination but had forced his way out."

4. Those remarks are not in accordance with the Assistant Traffic Manager's complaint, and they are not in accordance with the other evidence which was before the Deputy Inspector-General when he made his report. The Inspector of Railway Police reported to the Deputy Inspector-General that Surgeon-Lieutenant Browne "spoke to him personally on his way to foreign service that the report made by Mr. Taylor is quite true but Mr. Taylor does not know what happened before the constable so pushed the passenger." The European head constable made for the Deputy Inspector-General's information the following statement:—

"Dr. Browne sent a man to lavatory for minute examination through constable No. 85, Muniswami, who accordingly took and left him in the lavatory and returned to the carriage to attend his duty . . . The hospital assistant who was in the habit of taking temperature of each and every passenger that were in the room did his duty and gave chits marked with temperature to all (say about twenty passengers) when a (the ?) passenger, before the examination of the doctor in the lavatory, went away with the chit to escape examination. At this stage constable No. 85, Muniswami, seized the man and questioned him as to how he came out before examination to which the passenger gave no reply and forced the constable to let him go. Then the constable caught hold of the man forcibly. I immediately went to him and saw the chit he had, marked 100·2° (temperature) and told the constable to take him to the lavatory. When the passenger refused to go to the lavatory, the constable forcibly took him."

The statement of the constable complained against (No. 85 Muniswami) is as follows:—

"I am doing duty in the plague camp at Arkónam for the last five months. I was on duty on the 21st July 1897 with Dr. Browne on the platform when he made over to me a passenger to keep him in the lavatory till he comes. He was a Hindu; I took him accordingly to the lavatory and left him there. On my return to Dr. Browne, I turned to my back and found a man following me. I questioned him as to where he was going. He said that he was going back to his compartment; I noticed a temperature chit in his hand. On my examining the same I found that it contained 102. It was to understand that he was then suffering from 102° fever. I told him to go back to the lavatory till the doctor sees him. He refused my order and proceeded further towards the train. While I was talking to that man Dr. Browne noticed this and questioned me what was the matter. I informed him that he was a man that, examined by the hospital assistant and detained in the lavatory, is going away before your inspection and would not listen to my orders to go back in the room. Whereupon Dr. Browne told me to take him in by force. I then took him to the lavatory by *pushing him by his neck*. At this stage European head constable Mr. P. Highmoor questioned me as to why I pushed him by neck and the Assistant Traffic Manager wants my number. I informed the head constable that the man escaped from the lavatory and taking him back there. The Assistant Traffic Manager did not speak to me on the subject. I do not know whether he noticed me taking the man or not. It is true that I took the man by force by pushing him by the neck *for* he did not obey my orders and resisted me from going back to the lavatory. There was no constable to look after these men at lavatory."

5. From the above it will be seen that Surgeon-Lieutenant Browne's narrative, with which the Deputy Inspector-General cordially agrees, is a figment of his imagination. The man did not force his way out, or push aside the constable on duty, nor did he assault the police. The following extract from the Assistant Traffic Manager's report to the Traffic Manager is significant in this connection:—

"Last evening Dr. Browne said he had heard that I had reported one of his men for ill-treatment of passengers and I told him that I had not done so as yet. He said it would not be any use because the passenger only got his deserts, that he had been once placed in the room for "suspects" (four yards from where I was standing) and would not allow the apothecary to take his temperature and had rushed from the room almost upsetting the police constable who was placed over the room and that constable No. 85 brought him back and used the force I mentioned above. As I said previously, Dr. Browne was in the front of the train and I had been standing four yards away from the examination room fully quarter of an hour before the assault was made, watching proceedings and I am confident that there was no such escape as mentioned to me by Dr. Browne or it would have at once attracted my attention."

6. I intended that, as soon as I received the papers, which I have obtained with so much difficulty after more than a month's delay, I should go to Arkónam and investigate, but I find it quite unnecessary. There can be no question about the facts. The mode of examination at Arkónam is this. Passengers are at first examined in the carriages as to pulse, temperature, swellings under the arm-pits, &c., and those found to have an apparently high temperature are sent to the lavatory for a more thorough examination. In this case the man was so sent, but nobody was stationed there to keep him in the lavatory, and he left it and walked up the platform. This was discovered and he was told to go back. He refused and was then seized and pushed back by the neck by the constable, who gave him a final strong push on reaching the room.

7. The constable's action was altogether illegal. There seems to be a great misapprehension as to the functions and powers of the police on the occasion of these

examinations. For instance, I find from the papers sent me by the Deputy Inspector-General that the Sanitary Commissioner has "advised the medical officer to instruct the police to be extremely careful to give no cause for charges of violence being brought against them, but where disobedience is found to arrest and prosecute the offenders promptly." So again the evidence is that both the European head constable and the medical officer directed the constable to arrest the man and take him to the lavatory. Again his successor wrote to me and asked whether it was the police or the magistrate who should arrest. And the Deputy Inspector-General in his report says "constable No. 85 would, as he states in his explanation, have got into serious trouble with the medical officer and been reported to me if he had allowed this passenger to escape." The functions of the police are to keep order and to prevent breaches of the peace. They have no power of arrest under the Epidemic Diseases Act. Under that Act, section 2 (2) (*b*) regulations are framed for the inspection of persons travelling by rail and under section 3, any person disobeying such regulation has committed an offence under section 188, Indian Penal Code. But offences under section 188, Indian Penal Code, are non-cognizable and the police cannot arrest without warrant persons committing them; and magistrate should only issue summons in the first instance in respect of such offences (*vide* schedule II, and section 204, Criminal Procedure Code). Before any person can be arrested, it is first necessary that a magistrate should record his reasons in writing (section 90) and that he should then either issue his warrant or direct his arrest in his presence (section 65). The record in writing of the reasons bringing the case under section 90 (*a*), cannot in any case legally be dispensed with, unless the magistrate actually saw the disobedience of the regulation committed in his own presence (section 64).

8. The constable cannot be blamed for the arrest, for he was only acting under orders, but he certainly seems to have used unnecessary violence.

9. The reflections upon the *bonâ fides* of the Assistant Traffic Manager made by the Deputy Inspector-General seem to me to be uncalled for and unjustifiable. The account of the matter given by the former is fully corroborated by the evidence except on the one point of the extra push given at the door of the room, and considering its exactness in other matters, and the fact that the evidence is of those concerned in minimising the occurrence, I have no doubt whatever of its truth on this point also, as to which, it is not directly contradicted. The duties of a Traffic Officer in respect of those travelling on his railway are quite sufficient basis for a report of what happened under his own eyes, and it is unnecessary to seek for unworthy motives. That Surgeon-Lieutenant Browne was unpopular is, I have been told, true, partly no doubt owing to his "disagreeable duty" and partly, I have reason to believe, owing to want of tact. Whether there was any ill-feeling between him and the Assistant Traffic Manager, I have no knowledge.

No. 1016.

Referred to the Inspector-General of Police for favour of very early remarks.

(Signed) G. S. FORBES,
Secretary to Government.

29*th September* 1897.

From M. HAMMICK, Esq., I.C.S., Inspector-General of Police, to the Secretary to Government, Local and Municipal Department, dated Madras, 6th October 1897, No. 3633.

With reference to endorsement No. 1016, dated 29th September 1897, referring to me, for remarks, the letter from the District Magistrate, North Arcot, Reference on Current No. 724-G. (Magl.), dated 24th September 1897, concerning the alleged misconduct of the police at the Arkónam station in assaulting a passenger, who had been found to have fever and therefore possibly to be suffering from plague, I have the honour to report as follows.

2. First as regards Mr. Wynne's remark that he obtained the papers with much difficulty, I have already explained to Government in my letter, No. 3435, dated 22nd September 1897, how the misunderstanding, which occurred, arose. If Mr. Wynne had only written again to Mr. Sullivan or asked me to forward him the papers, when he obtained my letter to him, No. 3151, dated 2nd September 1897, he would have obtained the papers he required at once. Mr. Sullivan should, no doubt, have forwarded Mr. Wynne the papers in the first instance. He did not do so as he was preparing a report for me. I am quite certain that Mr. Sullivan had no intention whatever of not paying due respect to Mr. Wynne's request for the papers, and had Mr. Wynne written again, I am sure Mr. Sullivan would at once have sent the papers he required.

3. As to the facts, I think, Mr. Wynne's view is probably the right one. The passenger probably went into the lavatory and the constable, who should have remained at the door, probably turned away to talk to somebody, allowing the passenger to escape. The Medical Officer was probably wrong in saying that the passenger "forced" his way out or pushed aside the constable. He probably depended on what the constable told him at the time, and the constable probably told him this story to make a better case for himself. It is unfortunate that neither the Medical Officer nor the passenger assaulted can be examined. Dr. Browne has gone to the frontier and the passenger has gone to his destination whatever it was.

4. No doubt Mr. Wynne's law is perfectly correct, and the instructions given by the Sanitary Commissioner, which I have heard of now for the first time, are no doubt incorrect. The police have no power of arrest in case a passenger defies the Medical Officer at any plague examination station. But the Medical Officer and the Sanitary Commissioner can hardly be blamed for their ignorance of the law, nor, on public grounds, does it seem advisable to allow a passenger showing symptoms of the plague to go off in the train or to his village to possibly carry plague infection with him. If the plague inspection is to be more than a farce, the police certainly should have power to arrest and detain under the medical officer's orders any one showing symptoms of the plague or suffering from fever, at all events, until a proper medical examination has been made into the case. Cases of persons attempting to avoid the examination are, I imagine, not uncommon. I know that, on one occasion, when I passed through Arkónam, one of my own orderlies, who apparently thought he was ill and was frightened at the prospect of being examined, got down on the far side of the train and tried to escape examination. I presume other people do the same. If such persons are to be allowed to go off and to be summoned, if they can be found, some days after, the very elaborate and careful inspection that now goes on may as well be stopped. In this case it is difficult to believe that very much voilence was used, as the passenger himself apparently made no complaint.

5. Dr. Browne may have wanted tact, but I can vouch that on the occasions on which I watched his work at Arkónam, no officer could have done it in a more painstaking, careful manner. I was amazed, I must say, that any man could, day after day, so patiently go through the very unpleasant duties that he performed. If it is only thought, what the examination three or four times a day of hundreds of third-class passengers by taking their pulse, examining their arm-pits and tongues must be, the wonder is that the doctor did not fall foul of more people than he did. I give this testimony the more willingly because I had differences with Dr. Browne myself, and I specially noted, when passing through Arkónam on more than one occasion, how the work was done there. Considering the months that this plague inspection has been going on, I think it is wonderful that we have not had complaints before. The Police constable in this case probably did use more violence than was necessary and he is to blame no doubt for this. If, however, the Government will instruct the medical staff at these stations, that, in future, no passenger is to be arrested or touched by the police for disobedience of the medical officer's orders, I have no doubt that the police will not offend again. I fear, however, that the examination of passengers will in that case, in a very short time, become insufficient. Men told to stand on one side for further examination will walk away as soon as ever it becomes generally known that they can do so with practical impunity. There is, I believe, a magistrate

at Arkónam station, who should be present at the arrival of each train, in view to his ordering the arrest of offenders who commit offences in his presence. This, however, in any case would hardly answer the purpose as several of the offences might be committed out of his sight and presence in a large station such as is Arkónam. I am not aware whether the magistrate, ordered to be present at the station by Government (G.O., No. 319 M., dated 27th February 1897), was present on this occasion.

6. As to Mr. Taylor, the Assistant Traffic Manager's action, Mr. Sullivan had better not have impugned it. It is, however, undoubtedly remarkable that Mr. Taylor in this matter should not have directly complained to the Deputy Inspector-General of Police in charge of the Railway, with whom he is in constant correspondence on police matters. Mr. Taylor thought fit to forward direct to me the copy of his report to the Traffic Manager, while he omitted to mention the matter to Mr. Sullivan whom he knew to be in charge of the Police at Arkónam station. The plague inspection at Arkónam and at the other railway stations is undoubtedly a worry both to passengers and the Railway Companies and their subordinates and it is quite easy to understand that, even without a want of tact on the part of the medical officer, there occasionally must be friction. I know from experience with the Railway Police how easy it is for this friction to occur. In this case there, no doubt, was an assault and the police exceeded their powers. This chiefly occurred, however, through the orders which had been issued by the Medical Officer, who misunderstood his authority. It does not appear to me to be a case where the police are much to blame, and it would seem sufficient if the medical officers on plague duty are instructed as regards the future, that in no case is any person to be obstructed or arrested for disobedience of orders issued under the "Epidemic Diseases Act."

ORDER—No. 2277 M., dated 18th October 1897.

Accepting the account of the constable's conduct given in paragraph 6 of the District Magistrate's letter of 24th September 1897 read above, the Government is of opinion that no blame can be attached to the constable.

2. Under Regulation 14 of the Mufassal Plague Regulations, the medical officer in charge of the inspection station may "require" any passenger "to alight and submit himself to medical examination." The Government has no doubt that the use of these words is in law sufficient authority to the medical officer and his subordinates to use, in the case of evasion or disobedience on the part of a passenger, any reasonable force that may be necessary to compel the passenger to submit to the examination.

3. The District Magistrate and the Inspector-General of Police appear to have confused two different things—the authority conferred by the regulation upon the officials at the inspection station, and the procedure to be adopted in the prosecution of a person who infringes the regulation.

4. To remove, however, any doubt that may arise in the interpretation of the regulations, the following amendments will be notified :—

In Regulation 14 of the Mufassal Regulations, after the words "may direct" insert the words "and may for this purpose, with the assistance, if necessary, of the police, using such reasonable force as may be required, detain such passenger,"

In regulation 15 of the same regulations after the word "contravening" insert the words "or refusing to submit himself to."

Similar amendments will be made in the corresponding regulations 12 and 13 of the regulations for the City of Madras.

5. The following notification will be published in the *Fort St. George Gazette* :—

NOTIFICATION.

Under the provisions of the Epidemic Diseases Act III of 1897 His Excellency the Governor in Council is pleased to make the following additions to the regulations under the Act, published in G.O., No. 219A M., dated the 15th February 1897.

In regulation 12 of the City of Madras Regulations and Regulation 14 of the Mufassal Regulations after the words "medical officer may direct" shall be inserted the words "and may for this purpose, with the assistance, if necessary, of the police, using such reasonable force as may be required, detain such passenger,"

In regulation 13 of the City of Madras Regulations and regulation 15 of the Mufassal Regulations after the word "contravening" shall be inserted the words "or refusing to submit himself to."

6. The Translators to Government will furnish the translation of the above notification direct to the Superintendent of the Government Press who will print the required number of copies in English and the Vernaculars and forward them to all Collectors for publication in the District Gazettes.

(True Extract.)

Secretary to Government.

To all Collectors.
„ all Presidents, district Boards.
„ all Chairmen of Municipal Councils.
„ the Public Works Department (Railway Branch).
„ the Judicial Department.
„ the Inspector-General of Police.
„ the Medical Officers in charge of plague inspection stations.
„ the Sanitary Board.
„ the Surgeon-General.
„ the Sanitary Commissioner.
„ the Superintendent, Government Press.
„ all Translators to Government.
Gazette.

Exd. Md. Pahilvan.

(R.) Form No. 3.

B/

No. 953. R dated 11/11/97.

P. W. Department.

Railway Branch.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

READ the following

Progs: of the Madras Govt: Local & Munl: Deptt } No. No. 2277 M 7 18 Oct 97

Communicated to the Agent & Manager Madras Railway for information.

JHS R
10/11/97

To

The Agent Mon. & S. Ry. with 12 cc.
" Consulting Engr. Rys. do
" Agent S. I. Ry. with 100 cc.

Despatched on 15/11/97

B/
No 953. R dated 11/4/97