

EAST INDIA (ARMY).

35-II

RETURN to an Address of the Honourable The House of Commons,
dated 9 February 1863,—for,

“COPY of all MEMORIALS addressed to the Secretary of State for *India*, complaining of Grievances consequent upon the AMALGAMATION, and of all CORRESPONDENCE relating to such MEMORIALS (in continuation of Parliamentary Paper, No. 255, of Session 1862) :

“And, RETURN of Name and Rank of all OFFICERS of the INDIAN ARMY whose MEMORIALS the Commanders in Chief at *Bengal, Madras*, and *Bombay*, have declined to forward to the Secretary of State for *India*.”

India Office, }
11 May 1863. }

T. T. PEARS,
Military Secretary.

(Colonel Sykes.)

Ordered, by The House of Commons, to be Printed,
13 May 1863.

COPY of all MEMORIALS addressed to the Secretary of State for *India*, complaining of Grievances consequent upon the AMALGAMATION, and of all CORRESPONDENCE relating to such MEMORIALS (in continuation of Parliamentary Paper, No. 255, of Session 1862): And, RETURN of Name and Rank of all OFFICERS of the INDIAN ARMY whose MEMORIALS the Commanders in Chief at *Bengal, Madras, and Bombay*, have declined to forward to the Secretary of State for *India*.

— No. 1. —

The humble Memorial of Lieutenant Colonel *G. Rowlandson*, of the Royal Artillery, Madras Presidency, to the Right Honourable the Secretary of State for India in Council; dated Madras, 11 November 1862.

Respectfully Showeth,

THAT your memorialist, believing himself to be entitled to his promotion to the rank of "Colonel of Brigade" from the date of the Amalgamation Order, viz., 18th February 1861, begs to state the ground on which he rests his claim, as well as other points in which he considers himself injuriously affected, and for which he solicits a just and generous consideration.

1. By the fundamental principle of the Service to which your memorialist has been attached for 36 years, guaranteed as a "right and claim" by Her Majesty's Government, by the Houses of Parliament, and by Her Majesty's Secretary of State for India, first, on the transfer of India to the Crown, and again, on the amalgamation of the Indian with the British Royal Artillery, your memorialist is entitled, when senior of his grade, to succeed to the first vacancy in the next higher grade.

2. To assimilate the Indian with the Royal Artillery, a new organisation was established* for the Madras Artillery, whereby the number of brigades was reduced from seven to four, and two new grades, viz., "Colonel Commandant," with allowances, and "Colonel of Brigade," were substituted for "Colonels with Allowances," and other changes as represented in the margin (a).

3. It was declared by Her Majesty's Government in the opening paragraph of the published despatch as per margin †, that "no interference with the present course of promotion in either Service was involved" in the scheme determined on for the said assimilation.

4. Officers of artillery holding appointments in the Ordnance Department and manufactories, were at the same time ordered to be "seconded," in accordance with the practice in the British Royal Artillery. ‡

5. According

* Published Despatch, No. 29, Para. 2, VI. General Order by the Governor General, No. 332/1861, Para. 25.

	Organisation.		Results.	
	Old.	New.	Gain.	Loss.
(a) Colonels, Commandant, with allowances.	7	4	0	3
Colonels of Brigade - - -	-	8	+5	0
Lieutenant Colonels - - -	14	16	2	0
Captains - - - - -	42	33	0	10
2nd Captains - - - - -	42	36	0	6
Lieutenants - - - - -	98	96	0	2
Brigade Commands - - -	7	4	0	3
Ditto Staff - - - - -	7	4	0	3

* Only five Colonels given, three withheld.

† No. 29, 18th January 1861, from the Secretary of State for India.

‡ General Order by the Governor General, No. 332—1861, 10th April, para. 26. Published Despatch No. 29, para. 9, from the Secretary of State for India.

PAPERS RELATING TO

* 4 Colonels Commandant	1	4 (3 Supernumerary unattached.)
	2	
	3	
	4	
8 Colonels of Brigade	1	4 Seconded.
	2	
	3	
	4	
In room of 4, seconded Ditto of 6 ditto	5	6 Seconded.
	6	
	7	
	8	
	9	Memorialist.
	10	

5. According to the provisions of the above-quoted orders, your memorialist was entitled to the promotion due to his standing from the 18th of February 1861, as shown in the margin.*

6. Five only, instead of the eight, "Colonels of Brigade," belonging to the new organisation, were promoted; the other three have been withheld to this date, and their places filled by the three reduced supernumerary "Colonels Commandant," who, holding superior regimental commissions, and being "Major Generals," were, therefore, according to all rule and precedent in either Service, doubly ineligible to occupy the vacant inferior grade of "Colonels of Brigade," which, by the organisation

granted, are still due to the regiment.

7. By the operation of the course set forth in the preceding paragraph, it will be apparent that the guaranteed fundamental principle of a seniority service has not been observed, but the promotions due to the seniors, contrary to all precedent, withheld, and their places occupied by senior officers ineligible to hold them; secondly, that the established course of promotion in the Service has been seriously interfered with; and, thirdly, that the measure has been carried out to "the full extent (as declared,† and fully expected, on the faith of that declaration) only so far as the infliction of the loss resulting to your memorialist from the measure, while a large and important part of the benefits equally due therefrom have been, and are withheld.

8. To the above simple statement of facts, which your memorialist believes to be unquestionable, he confidently appeals for the establishment of the claim, which he now most respectfully submits, to be granted the position in the Service to which the Acts of Her Majesty's Government have entitled him.

9. The rank and privileges of "Colonels Commandant" is the highest aim and ultimate hope of the Service, and the reduction of their number, without corresponding reduction of numerical strength of officers, is an irremediable loss to your memorialist.

10. By the recent reduction of three-sevenths of the Artillery "Colonels Commandant," while the numerical strength of the officers of the regiment remains nearly the same, the chances of rise to the enjoyment of that legitimate hope of the Service have been at a stroke reduced from as 1 in 27 to 1 in 48 only.

11. As compensation for the contingent eventual loss of their colonels' allowances on retiring on their pension, handsome additional pensions, in present possession, have been liberally tendered to the other branches of the Service, from which your memorialist has been altogether excluded, notwithstanding that the actual present loss of nearly half his chances of ever enjoying them has fallen unmitigated upon him at the end of a long service.

12. The condition of those other branches of the Service remains nearly as before. With eight regiments of infantry, and three of cavalry reduced, the remaining regiments of cavalry and infantry retain their chances of rise to their colonels' allowances as before, viz., 1 in 22, while to the new Staff Corps they have been recently awarded as 1 in 30, while to your memorialist they have been cut down to 1 in 48.

13. Your memorialist has been 36 years last June in the Service; he at present finds himself hopelessly superseded by † officers of all branches of the Service, and his conditions of service have been seriously and injuriously altered, and his future prospects marred, while he has been denied participation in those advantages proffered to the other branches in compensation for the contingent eventual sacrifices which will irremediably overtake your memorialist in the loss of the colonels' allowances.

	Major Generals.	Colonels.	Lieutenant Colonels.
Royal Artillery	-	23 out of 30	47 out of 70
Bengal Artillery	-	0	10
Bombay Artillery	-	4	-
Indian Army, three Presidencies.	4	48 above	all but one.

14. Your

† General Order by the Governor General, No. 332—1861, para. 25; and Published Despatch, No. 29, para. 6, from Secretary of State for India.

14. Your memorialist, having attempted to represent the, as he deeply feels, injurious effects of the mode in which the Amalgamation Act has been applied, and the distinction made between his service and the other branches, concludes with the earnest, humble prayer that the organization for the assimilation of his regiment may be carried out to its full extent, the benefit with the loss, whereby your memorialist may be restored to the position due to him as colonel of brigade from the 18th February 1861; and that he be permitted, in due seniority rotation, to succeed to the colonel's allowance; or that the additional annuities granted to the cavalry and infantry branches may be extended to your memorialist, according to the same principle of relative standing to the aforementioned colonel's allowance.

And your memorialist, as in duty bound, will ever pray.

— No. 2. —

The Memorial of Colonel *G. W. Y. Simpson*, in the Regiment of Royal (Madras) Artillery, to the Right Honourable the Secretary of State for India; dated Madras, 19 November 1862.

Respectfully sheweth,

THAT your memorialist has served faithfully for a period of 38 years in the regiment of Madras Artillery.

2. That your memorialist has risen to stand first in succession to the next colonels' allowances falling vacant.

3. That your memorialist, during his long service in India, has looked to succeed to the colonels' allowances in due succession, provided no reduction in the strength of your memorialist's regiment took place, in like manner as heretofore his predecessors, under the regulations of the Indian Service have done.

4. That the Despatch quoted in the margin first made known to your memorialist that of the seven colonels' allowances enjoyed by the late Madras Artillery, under the regulations of the Honourable the Court of Directors, and, as your memorialist fully believed, assured under the Parliamentary guarantee to your memorialist, no fewer than three were proposed to be withdrawn.

Despatch, Military, No. 29, from the Right Honourable the Secretary of State, to his Excellency the Right Honourable the Governor General in Council, 18th January 1861, paras. 4 and 5.

5. Your memorialist here most respectfully begs permission to refer to the Report * of the Committee convened by the Right Honourable the Secretary of State for India, to consider the measures to be taken for effecting the amalgamation of the European forces of the Indian Army with the general Army of the Crown, composed of officers specially selected for this most important and, touching the interests of your memorialist, most vital question, on the final disposal

* Report of Committee to the Right Honourable Sir Charles Wood, G. C. B., Secretary of State for India, para. 8, page 10.

In the Indian Army there is a colonel to every battalion of artillery, and all regimental colonels receive the allowance which, under the designation of colonel's allowance has always been allowed to be their common and peculiar property.

We are of opinion that this principle cannot properly be departed from, either immediately or prospectively. If, in a process of passing from a war to a peace establishment, any regiments are reduced absolutely, then the number of colonels must be reduced also, and the number of allowances also. But if the measure in operation be not the reduction of the strength of the Army, but simply . . . for the purpose of effecting a new organisation, while the number of men maintained is the same, or nearly the same as before; we are of opinion that, under such circumstances, it would be scarcely fair to diminish the number of colonels' allowances.

We do not think it necessary to enter into the question how far the expectation of officers to succeed to colonels' allowances may be regarded as included among the rights and advantages secured to them by the Parliamentary guarantee. But as a matter merely of policy or expediency, we would observe that the regimental colonelcy, with its corresponding allowance is the prize to which the officers of the local army have been accustomed from their first entrance into the Service to look forward to as the termination of their active career; and it is almost needless to add that any measure which postpones the prospect of succession to the highest paid rank of the Service, must inflict a very heavy disappointment, and carry with it the sense of serious injury, if not of positive wrong, in the minds of all the officers of the Indian Army.

(signed) *Hotham*, Lieutenant General.
C. Yorke, Lieutenant General.
A. Clarke, Major General.
D. Russell, Brigadier General.

P. M. Melvill, Colonel.
E. R. Wetherall, Lieutenant Colonel.
 and
H. W. Norman, Lieutenant Colonel.

disposal of which the hopes and prospects of your memorialist are utterly dependent.

6. Your memorialist, as grounds on which he would base this prayer for reconsideration, begs to bring under notice that the reasons assigned, in the Despatch quoted below,* for withdrawing a certain number of colonels' allowances from the cavalry and infantry of the Indian Service, are wholly inapplicable, and have no reference whatever to the artillery, inasmuch as in the regiment to which your memorialist belongs, there is not a single instance of the appointment of a field officer to the Staff Corps, and only five other officers of subordinate grades, nor has there been any reduction in the strength of the regiment to which your memorialist belongs, but on the contrary, the number of field officers and men have been largely increased, and the only change, therefore, of any description that has taken place in your memorialist's regiment is simply that referred to in the Report of the Committee quoted in note to para. 5; that is to say, the change was simply for the "purpose of effecting a new organisation, while the number of men remained the same, or nearly the same as before."

7. Your memorialist may further solicit permission to show the just and liberal consideration shown to the interests of the senior officers of the cavalry and infantry branches of the Indian Service, when a certain number of this same great prize, colonels' allowances, were withdrawn; and, although the annuities entered in the margin,† may not represent the exact value of each receiving officer's position, yet they do bear an approximate value to each position, as regards the relative, near or distant, prospect of succession to the colonel's allowance.

† Military Despatch, No. 320, from the Right Honourable the Secretary of State to his Excellency the Right Honourable the Governor General of India:

SCALE OF ANNUITIES (in addition to Pensions) to which Entitled under the Regulations.

Cavalry.	Infantry.
550	550
450	500
350	450
300	400
280	350
250	300
	280
	250
	250

8. Your memorialist, therefore, most humbly, and with the utmost deference, represents that all those grounds which led to the withdrawal of a certain number of colonels' allowances in the cavalry and infantry branches of the Indian Service; that is to say, first, diminished number of regiments; second, officers withdrawn for the Staff Corps; and third, the annuity scheme, granting large additional pensions, have, neither directly nor indirectly, any application whatever to the artillery, although the number of colonels' allowances withdrawn in your

memorialist's regiment is, as before stated, no fewer than three out of seven, or nearly one-half of the whole number.

9. Your memorialist most respectfully and earnestly begs permission to bring under special consideration that, while the proportion of colonels' allowances granted to the Staff Corps, is one allowance to 30 officers, the withdrawal of the three colonels' allowances from your memorialist's regiment will leave only one colonel's allowance to 48 officers; while, in the late Madras Artillery, before the simple conversion of organisation for the purpose of amalgamation, the proportion was one colonel's allowance to 24 officers.

10. Your memorialist may be permitted also to represent that he has paid a sum much exceeding 2,000 l., to attain his present position for colonel's allowance by the agency of the Artillery Retiring Fund,‡ which fund was formed and

Military Despatch, No. 27, from the Right Honourable the Secretary of State for India, dated 18 June 1861, para. 30.

* From the Right Honourable the Secretary of State for India, No. 270, of 31 July 1862, to his Excellency the Right Honourable the Governor General in Council.

5. The proposal to reduce the number of colonels' allowances in the manner described in my Despatch No. 320, of 10th August, was made upon a consideration that a certain number must be withdrawn from the list of colonels in a given ratio to the number of officers appointed to the Staff Corps, and that some further reduction would have to be made in consequence of the reduction of the number of regiments.

11. A considerable impulse has been lately given to promotion amongst the officers (infantry and cavalry) generally, by the retirements under the annuity scheme.

‡ The Artillery Retiring Fund, Madras, was broken up in 1861, consequent on amalgamation with Royal Artillery. G. O. G., 7th September 1832, No. 205 of 1832.

The following extract of a letter from the Honourable the Court of Directors in the Military Department to the Supreme Government, dated 6th March 1832, No. 15, is published in General Orders:—

"We are very solicitous for the comfort of our officers upon retirement, and are therefore disposed cordially to encourage the institution of funds in furtherance of that desirable object.

"We regret that it is not in our power to aid the funds by direct contribution."

and conducted under the express and cordial sanction of the Government of India as then existing, in trust for Her Most Gracious Majesty the Queen; and now, after duly attaining by seniority to the next succession to the colonels' allowance, the obtainment of which has been for years the sustaining hope of your memorialist, to find that the allowance which should fall to your memorialist is to be absorbed by Government, and that a new life is then to intervene before the allowance be obtained, is to an officer of your memorialist's length of Indian service a most grievous disappointment and great injury.

11. Your memorialist is fully sensible that, in the execution of the measures necessary to effect amalgamation, some individual interests may suffer, but your memorialist relies on the assurance that these measures shall be as little injurious to your memorialist as may be compatible with the object in view. Your memorialist, therefore, most humbly prays that he may, when he obtains the next step, and would succeed to the full allowance, if the succession were as heretofore, be granted a two-third allowance, and your memorialist receive the remaining third of the colonels' allowance only on obtaining the second step, which, under the amalgamation rule, would give your memorialist the allowance in full.

The Right Hon. the Secretary of State for India, Military Despatch, No. 27, para. 3, 18th January 1861. "In the execution of the measures to bring about the proposed amalgamation, it is the intention of Her Majesty's Government that the pledge that due regard shall be paid to the rights and claims of the officers of Her Majesty's Indian forces shall be scrupulously adhered to."

12. Your memorialist humbly represents that by this measure, the contemplated absorption of the three colonels' allowances in the late Madras Artillery, may take place, without entailing that great individual distress and disappointment which must otherwise ensue, and your memorialist most earnestly prays that this measure of liberal consideration, which can be effected at a cost to the State of only one floating annuity of 400 £, and which annuity, after passing in succession to each officer as he succeeded to an absorbed colonel's allowance, would also finally disappear when the three colonels' allowances in excess under the amalgamation had become absorbed, may be sanctioned.

And your memorialist, as in duty bound, will ever pray.

[Nos. 1 and 2 not yet replied to.]

No. -3.

The humble Memorial of Captain *C. E. Taylor*, Madras Staff Corps, Acting Assistant Adjutant General of the Army, to the Right Honourable the Secretary of State of India; dated Madras, 13 March 1862.

Respectfully sheweth,

THAT your memorialist, after a service of 20 years, of which more than 12 have been in the rank of captain, having under the late change in the construction of the Army, been obliged to make his election of future service, and finding himself grievously superseded on every side, has felt that the only course open to him was to enter the Staff Corps.

2. That although your memorialist's service amounts to 20 years, and his staff service to six and a-half years, the independent interpretations, which at different times have been passed upon the Staff Corps' rules, when taken together, act so as to deprive him of no less than ($\frac{2}{3}$) two-thirds of his staff service, and consequently of his promotion to a majority in the Staff Corps, which the rules, as originally issued, gave him every reason confidently to rely upon.

3. That the severity of the rules as now interpreted, is so apparent, that your memorialist cannot suppose they would, under any circumstances, have been so promulgated as a whole, and he therefore feels the greatest confidence that it only requires that their operations be clearly shown to lead to their being at once dealt with on those principles of equity and justice, which have ever characterised the acts of the British Government towards all under its authority.

4. That on the rules, as now interpreted, your memorialist is thus affected by them.

In the first place, your memorialist is not allowed to count as staff service, the period during which he acted in an important staff situation, during the absence of an officer on medical certificate, and performed all the duties of the appointment and bore all its responsibilities, neither can that officer himself count it.

In the second place your memorialist is denied the period during which, as a staff officer, he himself has been absent on leave.

In the third place, while all officers who proceed on leave out of India, are by the new Furlough Regulations, placed on an equality by being permitted to count as service for retirement, the necessary time allowed by regulations to enable them to reach the port of embarkation and again to rejoin, like consideration is withheld from your memorialist, in respect to his service as counting for promotion in the Staff Corps.

5. With regard to the first of these serious disabilities, it has been ruled that officiating staff service cannot be admitted towards promotion, unless performed on a full vacancy, and then only, provided it were followed by confirmation permanently in the appointment, your memorialist would however, most respectfully urge, that just and equitable as this ruling may have been while an officer was deemed eligible to reckon as staff service, the period passed by him on leave, the case is quite altered when the absentee is denied that privilege, for there has been staff service rendered to the Government, and it cannot be that Government will deny the advantages thereof, both to the absentee, and also to the officer who has performed his duties and borne their responsibility; your memorialist, therefore, feels every confidence that, in soliciting the consideration of Her Majesty's Government to this, to him, important matter, his memorial will meet with a most favourable reception, and that the period* during which he acted as a staff officer, will be liberally accorded to him in full effect as staff service.

6. It will be seen that your memorialist has served continuously in the same department since January 1856, with the short interval of four months, and while conceiving that he has a peculiarly strong claim to the period from the date of second appointment, he would earnestly urge a liberal construction to the whole, and in doing so, would further respectfully represent that the service for promotion of officers once appointed to the Staff Corps is allowed in the most handsome manner to reckon as staff service, not merely while holding acting appointments, but without ever holding any appointment at all; and your memorialist, seeing that this most liberal consideration has been granted to them by paragraph 84 of the Amalgamation Order, and further confirmed to them by answers, Nos. 59 & 85, to question on the Amalgamation Order, published in General Order by the Governor General, No. 606, of 11th July 1861, and General Order by the Governor General, No. 681, of 2d August 1861, is inspired with the strongest hope, that his claim above represented, when viewed on its relative merits, will be most favourably entertained.

7. The second point of your memorialist's representation, being the rule laid down by Her Majesty's Government, in regard to the exclusion of leave from service for promotion, your memorialist has only set it forth, in order that its operation in conjunction with the orders regarding officiating service, and the incalculable injury which your memorialist sustains by the double operations of the rules may be plainly seen.

8. That admitting to the third point instanced by your memorialist, he feels sure that a concession which has been granted on the avowed principle of justice to officers in calculating their service for retirement under the new Furlough Regulations, will, in like justice, be at once accorded to your memorialist in respect to the staff service for promotion, and that he will be allowed the period necessarily occupied in reaching the port of embarkation
and

* From January 1856 to 31st March 1857, as Brigade Major of the Provinces of Malabar and Canara, during the absence of the permanent incumbent, on Sick Certificate, to the Neilgherries, and from July of the same year during the absence of the same officer on Sick Certificate to England. Your Memorialist having, while acting on the last occasion, been eventually confirmed in the appointment on the officer in question obtaining his majority while in England, and since served continuously therein.

and in rejoining after return on the occasion of his loss of health, requiring a return to his native country.

9. In conclusion, your memorialist would respectfully represent how very galling it is to him, after his long service as a captain, to see officers promoted over him to a majority in the Staff Corps who have not performed more staff service than himself; and he humbly hopes that, in a matter so seriously affecting his future in the Army, Her Majesty's Government may be graciously pleased to pass such an equitable decision as will relieve him from the double disability under which he now suffers, and permit him to count as staff service, either the period during which as a staff officer he was on leave, or that during which he performed the staff duties of another absent officer.

And your memorialist, as in duty bound, will ever pray.

(Military,—No. 327.)

To His Excellency the Right Honourable the Governor General of India
in Council.

My Lord, India Office, London, 8 September 1862.

1. YOUR letter dated 3d June last, No. 188, forwards a memorial from Captain C. E. Taylor, Madras Staff Corps, requesting to be permitted to reckon certain periods during which he officiated in staff situations, and was on leave, as staff service qualifying for promotion.

2. The Government of Madras, in transmitting the memorial, recommended that Captain Taylor may be allowed to reckon towards the staff service required for promotion the whole period he was actually performing staff duty.

3. To comply with the recommendation of the Madras Government would be, in effect, to abolish the distinction between temporary and permanent staff service, a distinction which it has been considered from the first necessary to maintain.

4. Captain Taylor must be informed that the Staff Corps rules cannot be departed from in his favour.

I have, &c.
(signed) C. Wood.

— No. 4. —

From Colonel *J. Fordyce*, of the Bengal Artillery, to the Secretary to the Government of India, Military Department, Calcutta; dated Blackheath, 20 August 1861.

WITH reference to the 27th para. of General Order by the Governor General of the 10th April 1861, detailing the operation for gradually reducing the number of commandants to the regiment of Her Majesty's Indian Artillery, "by promoting only three officers for every four vacancies in the number of those receiving colonel's allowances," until the supernumeraries have been absorbed, I do myself the honour to submit, for the consideration of his Excellency the Governor General in Council, the serious injury to my future prospects by carrying out this rule, based on no apparent principle, when the same object may be obtained in a manner which will give greater satisfaction to every officer in the junior ranks of the regiment.

The first point to be considered is the due proportion of colonels-commandant to the strength of officers in each regiment of Her Majesty's Indian Artillery, and this is found to be fourteen (14) to Bengal, eight (8) to Madras, and six (6) to Bombay. It is only after this number is fixed that any reduction of commandants can be entertained with justice to the whole body of officers of artillery at each Presidency.

The battalions of artillery having been reorganised, to place them on the same formation as Her Majesty's Royal Artillery, consisting of eight (8) batteries each, thus doubling up the commandants for each brigade, it is evident that instead of seven (7) there should be fourteen (14) commandants for the

Bengal Artillery, eight (8) for Madras, and six (6) for Bombay; and the present deficiencies should therefore be made good by promoting—

Colonel Horsford } in the Bengal Regiment.
 „ Alexander }
 „ Croggan „ Madras „
 „ Trevelyan „ Bombay „

to complete the proper establishment in this grade.

The reduction of commandants should follow by this rule, and agreeably to the principle established by the late Honourable Court of Directors in their letter to the Governor General, dated 25th November 1823, and General Order by the Governor General, 6th May 1824, and 31st March 1841, viz. :—

	Bengal.	Madras.	Bombay.
After 23 casualties in the General List to strike off - - -	1	1	1
„ 46 ditto - - - ditto - - - - -	1	1	1
„ 69 ditto - - - ditto - - - - -	1	1	1
„ 92 ditto - - - ditto - - - - -	1	1	—
„ 115 ditto - - - ditto - - - - -	1	—	—
„ 138 ditto - - - ditto - - - - -	1	—	—
„ 161 ditto - - - ditto - - - - -	1	—	—
TOTAL - - -	7	4	3

—all these casualties being filled up, according to the strength laid down in the 25th para., by the infusion of officers of the Royal Artillery, as detailed in para. 33.

Any delay that may be anticipated in the reduction of commandants by the process now submitted is clearly recognised and admitted by the 36th para. of General Order by the Governor General, No. 332.

(Military—No. 379.)

To His Excellency the Right Honourable the Governor General of India in Council.

My Lord,

India Office, London, 15 October 1862.

1. I HAVE received and considered in Council your letter No 241, of the 8th July 1862, forwarding a representation from Major General Fordyce, late Bengal Artillery, of the serious injury to his prospects caused by the gradual reduction of the number of colonel's allowances in the reorganised Artillery from 12 to 7, and suggesting what he submits would be a fairer mode of effecting the reduction.

2. You observe that the absorption of one of every four vacancies must be a serious disadvantage to officers similarly situated with Colonels Fordyce and Balfour, and you further remark, on the other hand, no reduction could be effected without pressing hardly on some; and it must be remembered that, though all losses entailed by it are gradual, all the benefits of assimilation have been allowed at once, and these have been enjoyed by a very large majority. Even Colonel Balfour, though the ninth on the list of regimental lieutenant-colonels, obtained in consequence of the assimilation the rank of full colonel regimentally on the 18th February 1861, or eight years earlier than he would otherwise have attained it.

3. I concur in the justice of these remarks. The reduction of the number of colonel's allowances is an unavoidable result of an assimilation which brought many advantages to the great body of officers of Indian Artillery.

4. A consideration for the interests of the officers concerned led to the determination that the reduction should be gradual, so gradual that in most cases the promotion in the other grades caused by the reorganisation of the corps has been such as to compensate in a great degree for that retardation.

5. Major

5. Major General Fordyce may be informed that the system already determined upon for the gradual reduction of the number of colonel's allowances in the Indian brigades of artillery cannot be departed from.

I have, &c.
(signed) C. Wood.

— No. 5. —

To the Right Honourable the Secretary of State for India in Council.

Poona, 17 October 1862.

THE memorial of Major General John Hobson, of Her Majesty's Bombay Army, respectfully sheweth :—

That your memorialist entered the army of the late East India Company in the year 1820, is now upwards of 42 years and 7 months in the service, and has served 39 years and 4 months in India.

That under the terms of the despatch, dated India Office, London, 10th August 1861, ten (10) lieutenant-colonels, regimentally senior to your memorialist, having accepted the annuity offered, placed him in a more favourable position for the obtainment of colonel's allowance ; but he regrets to find that the names of the lieutenant-colonels are to be retained in italics, to regulate the promotion of those who stood below them in the list.

Your memorialist begs respectfully to observe, such a measure is neither in accordance with the rules and customs that prevailed in the late Honourable East India Company's Service, nor is it in conformity with paragraph 23 of the General Order by his Excellency the Governor General in Council, dated Fort William, 10th April 1861 ; and it appears to your memorialist to invalidate part of the Parliamentary Guarantee of 1858, confirmed in 1860.

Your memorialist begs to bring to notice the very great injury that will thus be entailed on him, he having elected for "Local Service;" his promotion will be greatly retarded, thereby adding to his already almost unprecedented slow promotion.

Your memorialist further begs to observe, that officers who have joined the Staff Corps can obtain colonel's allowance in 38 years ; he has already served 42 years and 4 months, four years and four months a substantive lieutenant-colonel ; but for the ten (10) lieutenant colonels above alluded to having been italicised, your memorialist might reasonably have expected in five years and a half to have obtained his colonel's allowance, the last 20 lieutenant-colonels having obtained their promotion to regimental colonel on an average of nine years, ten months, and seven days.

Should the lieutenant colonels be continued on the list, contrary to your memorialist's vested rights, guaranteed to him by Acts of Parliament and General Orders, he sees but little hope of obtaining his colonel's allowance under the 12 years specified in paragraph 12 of the Secretary of State's letter, dated 31st July 1862, to his Excellency the Right Honourable the Governor in Council, thereby making a service of upwards of fifty (50) years.

Your memorialist, in bringing this grievance to your notice, most respectfully solicits your protection and favourable consideration, and earnestly prays :

That the names of the lieutenant-colonels who accepted the annuity may be erased from the Army List, in accordance with the usual custom and vested rights guaranteed by Acts of Parliament.

Should the number of colonels in receipt of colonel's allowance have to be reduced, your memorialist prays it may be done gradually, by making for the future three promotions to four casualties, as alluded to in the Secretary of State's Despatch, No. 320, of the 10th August 1861.

(signed) J. Hobson, Major General,
Her Majesty's Bombay Army.

EXTRACT MILITARY DESPATCH to His Excellency the Right Honourable the Governor of Bombay in Council, No. 29; dated India Office, London, 25th February 1863,

Para 21. The manner in which it has been determined to regulate in future, the promotion of officers to the colonel's allowance was laid down in my Despatch to the Government of India, No. 270, of 31st July 1862, and cannot be departed from.

— No. 6. —

From Captain *H. E. T. Williams*, 108th Regiment (late 3d Madras European Regiment), to the Adjutant General of the Forces, Horse Guards, London; dated Jaulnah, the 8th August 1862.

WITH reference to the recent posting to the new line regiment, Her Majesty's 108th Foot, of Captain Shuldham, late of the 26th Madras Native Infantry, I have the honour to request it may be submitted for the favourable consideration of His Royal Highness the Commanding in Chief, that I desire respectfully to protest against the same upon the following grounds:—

2. That Captain Shuldham volunteered for general service conditionally on being posted to the 108th regiment, but that belonging to a Native regiment, and not to one of the "older local European regiments," he was not by the Amalgamation Order permitted the privilege of so selecting the regiment he might be desirous of belonging to, but simply to volunteer for general service unconditionally.

3. By the Amalgamation Order, para. 55, officers of the Native Army volunteering for "General Service" "are eventually to receive new commissions from Her Majesty, bearing the same dates respectively as the commissions they now hold," but no reference is made to the position they may ultimately hold in the new corps; whereas to us, the officers of the "three older local European regiments," it is pledged by para. 53, "that we shall hold a position in the new regiments as far as possible the same as that which we held in the old ones." Captain Shuldham, by his condition, avails himself of the pledge to the officers of the "old local European regiments," finds his position in the three regiments by comparison of dates of commission, and, in the faith of the pledge of my not losing (and probably gaining) in position, chooses the 108th Regiment, as in taking precedence of me, the date of his commission being six months prior to that of mine, he at once secures himself several steps, his position in the list of Captains in the 26th Native Infantry being considerably lower than that of mine in the 3d Europeans. This, I would respectfully submit, is at variance with the letter and the spirit of the "Amalgamation Order," in giving an officer of the Native Army a most undue advantage over the officers of the local European regiments.

4. His Royal Highness will not fail to observe that by giving the officers of Native regiments the privilege of selecting the corps to which they were desirous of belonging, they thereby obtain the undue advantage of having an opportunity of ascertaining, with a tolerable degree of accuracy, what advantage they would gain in making their selection between three corps; whereas the officers of the old local European regiments, by para. 52 of the Order, had only the option of taking general service in their own corps, or the miserable alternative (to which Captain Shuldham was not subjected) of finding themselves in the local service without a regiment.

5. I accepted the conditions of general service after due consideration of the order in its every bearing; and when, on my return to India in February 1862, I heard that Captain Shuldham had volunteered *conditionally* on being posted to the 108th Regiment, I at once applied to the Adjutant General's Office, Fort St. George, for confirmation of the report, which was refused; and I was told by Lieutenant Colonel Cook, the Deputy Adjutant General of the Army, that

that I had no authority or grounds for supposing such to be the case, and that an appeal I suggested making would be premature, and not likely to be attended to. It has been accordingly deferred. The posting has now been duly gazetted, and I at once respectfully but most earnestly appeal to his Royal Highness against it, as a deviation from the literal interpretation of the order.

6. The "original" of this letter has been forwarded through the prescribed channel; and I therefore trust, as it is to obviate delay, his Royal Highness will not disapprove of my sending the "duplicate" of my letter direct.

(Military,—No. 62).

To His Excellency the Right Honourable the Governor General of India
in Council.

My Lord,

India Office, London, 9 February 1863.

1. YOUR letter, dated 22d November last, No. 446, transmits papers in the case of Captain H. E. T. Williams, Her Majesty's 108th Foot, who complains of having been superseded in that regiment by Captain A. J. Shuldham, late 26th Native Infantry.

2. I observe that Captain Williams is a regimental captain of 6th May 1859, Captain Shuldham a regimental captain of 5th November 1858. It was promised to the officers volunteering for the new line regiments that they should hold a position in those regiments as far as possible the same as that they held in their former regiments.

3. In the case of Captain Williams this promise has been more than fulfilled. He stood 6th on the list of Captains in the 3d Madras European Regiment; he is 2d Captain in the 108th Regiment.

4. I am of opinion that the complaint of supercession in this case is groundless. The Field Marshal Commanding in Chief agrees in this opinion.

5. I learn that Captain Williams, in reply to his letter addressed to the Adjutant General of the Army direct, has been informed that the Field Marshal Commanding in Chief saw no reason to interfere with the disposition made with regard to the postings to the new line regiments by the Commander in Chief as approved by the Government of India, in the absence of any communication from those authorities.

6. I approve of the notice taken by your Government of the tone of Captain Williams' appeal, and of the conduct of Lieutenant Colonel Halv, commanding the 108th Regiment, in forwarding the duplicate of Captain Williams' letter direct to the Adjutant General at the Horse Guards.

I have, &c.
(signed) C. Wood

— No. 7. —

To the Right Honourable the Secretary of State for India.

The Humble Memorial of Major *George Baldock*, of the Madras Staff Corps :

Humbly sheweth,

THAT your memorialist, previous to his admission to the Madras Staff Corps, on its formation in February 1861, held the appointment of Fort Adjutant of Fort Saint George, and that on being necessitated, in December 1855, to return to England on sick certificate, he was compelled, in order to retain his appointment, to elect for the New Furlough Regulations* as laid down in para. 2 of those regulations.

*General Order by the Governor General, No. 1156, 17th November 1854, page 461.

2. Para. 3 of the same regulations applies the General Order of the Governor General, quoted in the margin, to staff officers thus situated with retrospective effect; consequently all leave from date of admission to the service, on private affairs or on sick certificate, in India or beyond sea, excepting to the authorised extent as laid down in para. 30 of the above-quoted General Order of the Governor General, is deducted from their service in computing time for retirement; the result being that those officers of the Staff Corps who were in staff employ between the publication of the New Furlough Regulations in November 1854, and the formation of the Staff Corps in February 1861, who were so unfortunate as to have been compelled to take sick-leave during that period and elect those rules, are now unable to reckon service for retirement in the same way and under the same regulations as their brother officers. Moreover, since it has been ruled that officers of the Staff Corps shall be pensioned according to length of service only, the question submitted for consideration has increased greatly in importance as affects their prospects.

3. Officers joining the Staff Corps, although having no option as to Furlough Regulations, are permitted, in reply to Question 56, in General Orders of the Governor General, Nos. 584 and 606, of 9th and 11th July 1861, to reckon service for pension by whatever rules may have applied to them up to date of joining, thus setting aside the provisions of para. 3 of the New Furlough Regulations in their case, and granting them the benefits of both old and new regulations.

4. In conclusion, your memorialist respectfully prays to be placed on a more equal footing with his brother officers on the Staff Corps in computing service for retirement, and that he may therefore be permitted to count service for retirement, according to the Old Furlough Regulations, up to the 27th November 1855, on which date he was obliged to elect for the New Furlough Regulations.

And your memorialist, as in duty bound, shall ever pray.

Fort St. George,
20 November 1862.

(signed) G. Baldock, Major,
Madras Staff Corps.

(Not yet replied to).

— No. 8. —

From Lieutenant Colonel *John Stewart*, Retired List Madras Infantry, to the Secretary to Government, Military Department, Fort St. George; dated Boulogne, 4th August 1862.

PREVIOUSLY to leaving England for the Continent a few weeks ago, I received a communication from the Secretary Military Fund, informing me that as my promotion to Lieutenant Colonel in the Staff Corps had been cancelled by order of Government, I could no longer be allowed to subscribe to the fund as a Lieutenant Colonel.

2. Averse as I am to bringing anything like a personal grievance before the notice of Government, still as this is a penalty affecting not merely myself but my family, I trust his Excellency in Council may be pleased to refer my case for the reconsideration of the Right Honourable the Secretary of State for India, on the following grounds, should they appear to him sufficient to warrant such a step being taken :—

3. When I accepted the terms so liberally offered by the notification dated "India Office, 12th August 1861," to field officers of the Line and Staff Corps, I certainly never anticipated that they were in my case to be followed by any penalties. The order* itself is clear and unequivocal, admitting of no capricious

* The Regimental Lieutenant Colonels and Majors of Cavalry and Infantry who have elected for service with the new line regiments, or in the Staff, will have the option of retiring on the terms now offered.

capricious interpretation, as all orders affecting the rights and privileges of officers should be.

4. It is true an after-order was issued by the Home Government before I left the service, prohibiting officers from joining the Staff Corps for the purpose of retiring; I write from memory merely, having no means of referring to orders here.

5. I was anxious to ascertain whether this order could possibly be made applicable to me, who had joined the Staff Corps before the offer of extra retiring annuities had been received or heard of. Being unable to obtain any official information on the subject, I consulted several officers, who, from their experience, ability, and position, might be supposed able to read an order in the sense which it was intended to convey, and they all expressed their opinion that it did not and could not apply to my case.

6. I venture again respectfully to repeat that on joining the Staff Corps, I did so with the full intention of remaining in the service; and would submit that it is but scant justice to an old officer, who has served the State to the best of his ability for 31 years, to visit him with pains and penalties enacted by *ex post facto* rules after he had retired from the service.

7. So evenly was my mind balanced about taking or not taking the extra pension offered, that had I for a moment understood that my acceptance of it would be followed by my degradation from the rank to which I had been promoted, and the forfeiture of advantages for which I had subscribed in the Military Fund, I declare upon my honour that I would not have retired.

8. I was within a year of full-colonel's pension from length of service; I had health, I had a good appointment, the duties of which, I may perhaps be allowed on this occasion to state, I had always performed to the satisfaction of my official superiors. Whatever, therefore, may have been the temptation held out to old officers generally by the offer of extra pension to retire, to me, circumstanced as I was, the extra pension was a matter of very little moment, although my gratitude for it would not on that account have been diminished had I been left free to enjoy it, without the unpleasant reflection that I had, in accepting it, seriously affected my wife's claims on the Military Fund.

9. It is far from my wish or object to draw invidious comparisons; but I cannot be blind to the fact that Artillery and Engineer officers, who had been promoted to the rank of Lieutenant Colonel under the reorganization rules of their branch of the service, have been allowed to retire without any loss of privileges.

10. On the foregoing grounds, and considering my position in the Line when I retired, I should be greatly obliged by a reconsideration of my claims to retain the rank I held in the Staff Corps, and to the additional honorary step of rank usual on retirement. I trust his Excellency the Governor of Madras in Council will acquit me of presumption if I say that my services have not merited degradation on retiring.

P.S.—Any letter addressed to my agents, Messrs. Alexander, Fletcher & Co. (King's Arms Yard, Moorgate-street, London), will be forwarded to me.

EXTRACT MILITARY DESPATCH to the Government of Madras; dated India Office, London, 27th December 1862, No. 139.

Para. 13. The notifications of the 12th August, referred to by Lieutenant Colonel Stewart, were published before the Staff Corps was formed, and extended certain inducements to retire to Lieutenant Colonels and Majors of Cavalry and Infantry who might have "elected to join the Staff Corps." Though clearly not applying to Lieutenant Colonels and Majors of the Staff Corps, all chance of misunderstanding on the point was removed by the publication, in the "Fort St. George Gazette" of the 10th December 1861, of my Despatch to the Government of India, No. 399, of 16th October 1861.

14. Lieutenant Colonel Stewart had the opportunity of reconsidering his application to retire, and, under any circumstances, his present application, that his appointment to the Staff Corps may not be cancelled, cannot be complied with.

— No. 9. —

To the Right Honourable the Secretary of State for India.

THE humble Memorial of Alexander Tod, Major in the Madras Staff Corps, and Paymaster of the Nagpore Force, Kamptee,

Respectfully sheweth :

That a direct and serious injury has been inflicted upon him by the alteration of the conditions on which he elected to serve in the Madras Staff Corps.

2. That whereas under the Retiring Regulations of the Indian Service, alike those of 1796 as of 1836, both made applicable to the Staff Corps, when he was called upon to elect, as well by the Governor General's Order of the 10th April 1861, as by the Royal Warrant of the 5th February 1861, he was (and had been from the 1st January 1861) entitled to retire on the pension of the substantive rank he had attained, he will not, under the ruling of Despatch 799 of 1861, dated 10th September, be entitled to the same in the Staff Corps until the 1st January 1863.

3. That he is thereby placed in a worse position for retirement by entering the Staff Corps than if he had remained with his old regiment, the 42d Madras Native Infantry ; and in lieu of receiving any undue advantage, suffers a direct and serious injury.

4. That this could not possibly have been foreseen or anticipated by him when he made his election, under the distinct and explicit terms of para. 9 of the Royal Warrant, para. 95 of the Governor General's Order of 10th April 1861, and the Governor General's answer to Question 50, published in General Order of the Governor General, 11th July 1861.

5. That he was mainly influenced to elect the Staff Corps by the consideration that it would give him the rank of lieutenant-colonel, and the pension of the same on the 18th February 1863, a little earlier than he could have anticipated the same promotion if he had remained in his old regiment.

6. That this impression was almost, if not quite, universal in the Army, and appears to have been held by those in authority in India ; for your memorialist wrote privately to Colonel Woods, Adjutant General of the Madras Army, when he volunteered to enter the Staff Corps, to the effect that he did so under the full impression that his service, general and staff, was such as entitled him to promotion to the rank of major from the 18th February last, and that all the privileges as to pay and pension pertaining to that substantive rank belonged to it in the Staff Corps ; that otherwise he did not wish to enter it with his prospect of early regimental promotion.

7. That this title to promotion and pension in respect to rank obtained in the Staff Corps would not seem to confer any undue advantage upon an officer of 29 years' standing, as from the statement of service accompanying it will appear your memorialist will be on the 18th February 1863, if he lives.

8. That any benefit it may confer can but be justly viewed in the light of limited compensation for the injury amalgamation has inflicted upon officers of long service, whose promotion has been slow, through the destruction of their prospects of receiving a retiring bonus from their brother officers. Your memorialist's direct loss in this respect may be fairly estimated at 2,000 *l*.

9. That your memorialist has, through no fault of his own, but through the misfortune of having suffered in health, been twice compelled to resort to his native land in the course of his service, and so alone has failed to complete the period of actual Indian service required to entitle him to the pension of his present rank, irrespective of regimental promotion. He is thus peculiarly thrown upon the beneficent provision, in such cases, of the paragraph (32 New Furlough

Furlough Regulations), just now so unexpectedly excerpted from the regulations made generally applicable to officers going into the Staff Corps.

10. He does therefore earnestly pray—

1st. That the privilege he so unwittingly abandoned, viz., that of retiring on the pension of his substantive rank, may be restored to him in the Staff Corps, unconditionally, or,

2d. That he may be allowed to retire on the pension of the rank he has attained or may attain in the Staff Corps, so soon at least as his name appears posted to corresponding rank in the cadre of his old regiment, or,

3d. That he may be allowed to reconsider his election, and further,

4th. That his service as an orderly officer for two years and two months, in 1839-40, at the Military College, Addiscombe, may be allowed to count as service towards retirement, on the principle which is now accorded in respect to service out of India.

(signed) *Alexander Tod*, Major,
Madras Staff Corps, Paymaster,
Nagpore Force.

Kamptee, 28 October 1861.

STATEMENT of SERVICE.

Major *Alexander Tod*, Madras Staff Corps.

Date of First Commission, 15th February 1834. Admitted on the Establishment, 10th June 1834.

		Yrs.	mths.	dys.
Total period of Service, up to 31st December 1861, will be	- - - -	27	6	21
Leave:—England and India (all but two months of it on medical certificate), and of it two years and two months spent on duty as an orderly officer at the Military College, Addiscombe	- - - -	7	6	21
Of which counts for retirement	- - - -	3	-	-
Leaving to be deducted from service	- - - -	4	6	21
And to count for retirement on 1st January 1862	- - - -	23	-	-
Staff service in India	- - - -	11	-	-

Kamptee, 28 October 1861. (signed) *Alexander Tod*, Major,
Madras Staff Corps.

— No. 10. —

To the Right Honourable the Secretary of State for India, &c. &c. London.

The Humble Memorial of Major *C. C. McCallum*, Madras Staff Corps.

Sheweth —

1. THAT with reference to a military letter from the Right Honourable the Secretary of State for India, No. 296, dated 25th July 1861, promulgated by the Government of India in General Orders, dated Fort William, 10th September 1861, wherein it is decided that officers of the Staff Corps shall not be entitled "to claim the pension according to rank, in respect of rank obtained in the Staff Corps," your memorialist has the honour respectfully to solicit a reconsideration of this question, in as far as it affects your memorialist's future prospects and position, on the following grounds:—

2. That in Her Majesty's Royal Warrant of the 16th January 1861, in para. 9, after providing a scale of pensions for officers who may hereafter join the

the Staff Corps, it is explicitly stated that "Officers of Her Majesty's Indian Forces joining the Staff Corps will be entitled to pension under the Regulations of the Indian Service."

3. That in the "Old Furlough and Retiring Regulations" of the Indian Service, para. 9, it is stated, "Every officer who has completed 22 years' service in India is allowed to retire with the pay of the rank to which he has attained."

* Commonly known as the "Old Furlough Regulations," quoted above.

4. That in the "New Furlough and Retiring Regulations" of the Indian Service, it is stated, in para. 32, "Officers to be entitled to retire on the full pay of their regimental rank, under the Regulations of 1796,* must have served 22 years in India, out of which leave of absence for two years in the aggregate, and no more, will be allowed to count as service for the retiring pension."

5. That these are the rules and regulations under which officers of the Indian Service have been permitted to retire and claim their pension for the past 66 years, and are the only "Regulations of the Indian Service" referred to in the paragraph of Her Majesty's Royal Warrant above quoted.

6. That it was again announced to the Army, by the Viceroy and Governor General of India in Council, in the General Order of the 10th April 1861, para. 95, that "Officers of Her Majesty's Indian Forces joining the Staff Corps will be entitled to pensions under the Regulations of the Indian Service;" and the order then proceeds to lay down a scale of pensions for officers of the British Army hereafter entering the Staff Corps, thereby, as it seems to your memorialist, in accordance with Her Majesty's Royal Warrant, clearly establishing that officers of Her Majesty's Indian Service then joining the Staff Corps, were not to be placed in the same category as officers of Her Majesty's British Forces hereafter entering the Staff Corps as to the rules regarding claim to pension?

7. That the rank given to officers in the Staff Corps by Her Majesty's Royal Warrant is substantive and not brevet rank, and should therefore, your memorialist respectfully submits, under every interpretation of the "Retiring Rules" of the Indian Service, carry with it the right to retire on the pension of that rank, after 22 years' actual service in India?

8. That your memorialist has been 25 years in the Indian Army, and will shortly have completed 22 years' actual service in India. That your memorialist entered the Staff Corps as major; and his right to retire on a major's pension at any future period, should he elect to do so under the Regulations of the Indian Service, is annulled by the present decision of the Right Honourable the Secretary of State for India before quoted.

This decision is now for the first time made known to the Indian Army. Your memorialist begs most respectfully to submit that this decision sweeps away a most vital and essential part of the "Retiring Regulations" of the Indian Service, which Regulations have been in existence now for the past 66 years, and which, after the assurances given in Her Majesty's Royal Warrant, and the Orders of the Viceroy and Governor General of India in Council, published to the Army, your Memorialist never could have contemplated would now have been set aside.

9. That by paras. 4 and 5 of the Right Honourable the Secretary of State's letter before quoted, it is shown that the modified right still preserved to local officers of retiring under the "Indian Regulations" with that rank only which they may hold at the time of joining the Staff Corps, would operate favourably only for those very few officers who might have been unusually fortunate in their previous promotion.

Your memorialist submits that there is probably not one single officer in the Madras Staff Corps who would derive any advantage whatever from the above decision.

Your memorialist begs, therefore, respectfully to ask that the Right Honourable the Secretary of State for India may be pleased to extend some consideration towards your Memorialist, who hitherto has not been fortunate in his promotion.

Your memorialist begs most respectfully to represent that one of his chief
aims

aims in joining the Staff Corps was, if possible, to remedy in some degree the inequality of fortune in promotion; and one of the greatest incentives was the gracious and liberal boon, which your memorialist thought was conveyed in explicit and unmistakeable terms in Her Majesty's Royal Warrant, namely, that your memorialist would be allowed to retire on the pension of his rank, whenever he might elect to do so, after 22 years' actual service in India, in accordance with the "Pension and Retiring Regulations" of the Indian Service.

10. Your memorialist ventures to hope that it cannot be the intention of the Right Honourable the Secretary of State for India to place an officer joining the Staff Corps in a worse and more disadvantageous position, as to pension, than he would have been in had he remained with his regiment.

But this must be the effect of the Right Honourable the Secretary of State's present decision in your memorialist's case.

For your memorialist is senior captain of his former regiment, the 7th Regiment Madras Native Infantry; your memorialist may, therefore, at any moment become a major regimentally by the decease or retirement of the officer above him in the regiment; and your memorialist will most certainly be a major in his former regiment years before he is entitled, under the present decision of the Right Honourable the Secretary of State for India, to take his major's pension.

Yet, had your memorialist remained in his old regiment, and not joined the Staff Corps, your memorialist would have been entitled, directly he attained his majority, to take the pension of a major. As your memorialist has shown, this may occur immediately; but your memorialist is denied his right to pension by the present decision of the Right Honourable the Secretary of State for India, only because your memorialist has joined the Staff Corps.

11. The Right Honourable the Secretary of State for India has decided that officers should not be permitted to enter the Staff Corps, for the mere purpose of immediately retiring in the rank to which they might be promoted in the Staff Corps.

But your memorialist ventures to hope that this rule, just in itself, may not be made to operate with undue rigour against your memorialist, who may wish to claim his right to retire from the service in years to come?

12. On all the foregoing grounds, therefore, your memorialist most respectfully requests a reconsideration of this matter, and that the Right Honourable the Secretary of State for India, may be pleased to restore to your memorialist the right to retire, after 22 years' actual service in India, on the pension of whatever rank your memorialist may eventually attain to, in accordance with the "Pension Regulations" of the Indian Service, guaranteed by Her Majesty's Royal Warrant, by the Orders of the Viceroy and Governor General of India in Council, and by the repeated assurances of Her Majesty's British Government, and the decree of the High Court of Parliament, that all rights and privileges of the officers of Her Majesty's Indian Forces should be scrupulously preserved intact.

And, as in duty bound, your memorialist will ever pray.

(signed) *C. C. M'Callum*,
Major, Madras Staff Corps.

Ootacamund, 9 November 1861.

— No. 11. —

To the Right Honourable the Secretary of State for India, &c. &c., London.

The Humble Memorial of Major *J. E. Mayne*, Madras Staff Corps.

Humbly sheweth—

THAT, it having been decided by the Right Honourable the Secretary of State for India, "that officers of the Staff Corps shall not be entitled to claim the pension according to rank, in respect of rank obtained in the Staff Corps," your memorialist humbly solicits a reconsideration of that decision, as being, for the following reasons, most detrimental to your memorialist:—

1st. That in the Royal Warrant of 16th January 1861, para. 9, it is stated in so many words, that "Officers of Her Majesty's Indian Forces joining the Staff Corps will be entitled to pension under the Regulations of the Indian Service," in contradistinction to officers of the Royal Army so joining the Staff Corps, for whom, and for whom alone, a scale of pensions is laid down in the paragraph alluded to.

Para. 9.

Para. 32.

2dly. That in para. 9 of the Old and 32 of the New Furlough and Retiring Regulations respectively, it is provided, that "every officer who has completed 22 years' service in India, is allowed to retire with the pay of the rank to which he has attained," and "Officers, to be entitled to retire on the full pay of their regimental rank under the Regulations of 1796, must have served 22 years in India, out of which leave of absence for two years in the aggregate, and not more, will be allowed to count as service for the retiring pension," and that these are the "Retiring Regulations of the Indian Service" alluded to in para. 9 of the Royal Warrant above quoted.

3dly. That the rank held by officers of the Staff Corps is substantive, and may be said to be their *only* rank; for that held by them in the cadre of their former regiments, and on the full pay of which they would have been entitled to retire after 22 years' actual service, is not recognised after having joined the Staff Corps. Thus, were a major of the Staff Corps at the expiration of 22 years' actual service in India, to find himself a major in the cadre of his former regiment (with the late rapid promotion, consequent on so many retirements, by no means improbable) he would not be permitted to retire on the full pay of that rank, but only on that of a captain; because, according to the scale laid down in para. 9 of the Royal Warrant (intended solely for officers of the Royal Army), it is provided that they must serve 24 years to entitle *them* to a major's pension. This will in all probability be your memorialist's case.

4thly. That your memorialist humbly submits, that he could not with justice be asked, "Then why did you join the Staff Corps?" for the disadvantage in the matter of retirement, to which he has alluded, could not, from the wording of para. 9 of the Royal Warrant, have been foreseen by him, or any other officer joining the Staff Corps; on the contrary, it appeared to your memorialist that it guaranteed that the Retiring Regulations of the Indian Service, as applicable to him, were to be in no way changed by his having joined the Staff Corps, and that there was no possibility of his finding himself in a *worse* position, as regards retirement, than if he had remained in his regiment.

5thly. That it appears, that the Right Honourable the Secretary of State has been partly led to this decision by the apprehension that some officers had joined, or might join, the Staff Corps solely with a view to get a step in rank, and then immediately, or shortly afterwards, to retire on the full pay of that rank, or, so to speak, to make a convenience of the Staff Corps; that, had your memorialist had any intention of so acting, he would not now presume to address you: and he humbly trusts that a decision which has been published to prevent such an abuse, may not be permitted to act injuriously on your memorialist, who joined the Staff Corps in all good faith, and whose intention was and is, if health and strength are granted to him, to serve Her Majesty for years to come.

6thly. That, for the above reasons, your memorialist most respectfully begs a reconsideration of this question, and humbly trusts that thereon he may find himself enabled (should he wish to do so) to retire on the pension of his rank in the Staff Corps after 22 years' actual service (including two years' leave); a privilege granted to him by the Pension Regulations of the Indian Service, and further, he humbly submits, guaranteed to him by Her Majesty's Royal Warrant, and included, moreover, among those rights and privileges enjoyed by the officers of Her Majesty's Indian Forces, which the High Court of Parliament have decreed shall be faithfully preserved to them.

And, as in duty bound, your memorialist will ever pray.

(signed) J. E. Mayne, Major,
Madras Staff Corps, late 8th Regt. Light Cavalry.

Trichinopoly, 10 January 1862.

— No. 12. —

From Lieutenant *J. G. Lindsay*, Madras Engineers, to the Right Honourable Sir
C. Wood, Bart., Secretary of State for India.

Hallcraig House, Carlisle, N. B.,

19 May 1862.

Sir,

I HAVE the honour to bring the following circumstances to your notice, with a request that you will have the goodness to take the matter into consideration:—

When the order for the amalgamation of the Indian Army with Her Majesty's troops was issued, it was stated that the Indian Engineers would be assimilated *in every way* with the Royal Engineers; and, to a certain extent, this has been done.

The Indian corps of Engineers did not gain in promotion by these changes, because at the same time the number of battalions was reduced.

To complete the assimilation to the Royal Engineers, but one further change was wanted, and to that all officers in the Indian Engineers eagerly looked forward. It was the system of "seconding," which has long been carried out in the Royal Artillery and Engineers.

"Seconding" simply means that, when an officer is appointed to some duty of a nature foreign to the usual duties of engineer officers, his name is placed in "italics," and another officer is brought on the strength of the corps; thus, officers of the Royal Engineers, when employed as Consuls, are always "seconded," and other officers are placed on the Effective List.

I am unaware why the system of "seconding" has not been carried out in the Indian corps. The promotion it would give is but trifling, and would still leave the junior officers far behind their contemporaries in the Royal Engineers; it would, however, be a great boon, and would cause much satisfaction if conceded.

Officers in the Department of Public Works in India are in exactly the same position as district officers in the Royal Engineers. I have served in both, and am, therefore, qualified to speak of the similarity of the duties. It would be out of the question to consider appointments in the Department of Public Works as "staff" and to "second" all officers employed in it.

If it were ruled that officers employed on duties other than Public Works or Sappers should be seconded, it would cause just five steps in the Madras Engineers: three officers in civil employ, one the Principal of Civil Engineering College, and another in the railway department, would have their names put in "italics," and five junior officers would be promoted to take their places on the Effective List.

As officers of the Indian Engineers now belong to corps that are being allowed to die out, they cannot look to an augmentation or other occasional promotion; and as they are already so far behind their brother officers in the Royal Engineers, I respectfully submit that the benefit arising from the system of "seconding" might with justice be granted. I beg, therefore, that you will kindly take it into your consideration.

I have, &c.

(signed) *Jas. G. Lindsay*,

Lieutenant Royal (late Madras) Engineers.

— No. 13. —

3, Moira-place, Southampton,
30 August 1862.

Dear Sir,

I VENTURE to hope that an old soldier, who entered the Madras Cavalry so far back as the year 1811, may be excused the liberty he takes in respectfully soliciting the attention of the Right Honourable the Secretary of State for India to the very serious injury apparently impending over the Madras Cavalry officers by their almost total exclusion from the newly-formed Hussar regiments, for which, in common with the officers of the Bengal and Bombay Cavalry, they were invited to volunteer.

The Amalgamation Order, promulgated, after mature consideration, by Her Majesty's Government, provided for the officering of the intended new European Cavalry regiments on the following specific basis—namely, that two of those regiments should be officered by volunteers from the Bengal Cavalry, and the remaining one by volunteers from the Madras and Bombay Cavalry.

• Resolved into five European Cavalry Corps, consequent upon the Bengal Mutiny.

Considering that the conjoined Presidencies exhibit 11 cadres of cavalry corps to 10* of Bengal, a more equal division might not unreasonably have been anticipated; but Government having, on whatever grounds, determined otherwise, it only remained to hope that the arrangement ordered would be carried out in its integrity, and that the minor portion thereby assigned to the Madras and Bombay Cavalry would be secure to them intact, in accordance with the implied pledge of Government. Reference to the list of postings published in "Allen's Indian Mail" of the 22d instant, and stated to have been transmitted for the sanction of Her Majesty's Government, will show that, in so far at least as the Madras Cavalry officers are concerned, this expectation is not likely to be realised.

According to that list, the officering of the three Hussar regiments has been made over substantially to the Bengal Cavalry. Bombay from its three cadres of cavalry corps being, however, allowed to supply one lieutenant-colonel and two captains, the proportionate equivalent of three from Madras would be, at the lowest estimate, two field officers and five captains, or one field officer and seven captains; instead of which, Madras, from its eight cadres of cavalry corps and 18 volunteers (exclusive of the General List), has only had one captain and one lieutenant posted to the Hussar regiments, and this notwithstanding that, from the list, it would appear that four field officers and five captains are wanting to complete.

The apparent hardship of the case is not a little aggravated if considered with advertence to the damage already sustained by the Madras Cavalry consequent upon the reductions which have been found necessary. The summary disbandment of four out of the eight regiments of Madras Cavalry threw out of employ, with considerable loss of emoluments, a large body of officers, who, having no field for employment, as at the other two Presidencies, in corps of irregular cavalry, were posted to do duty with the remaining four regiments, to take position therein according to rank and relative dates of commission; thence of necessity depriving of command and its emoluments many officers belonging to those regiments who, in their own right as captains or by virtue of seniority, had become entitled to the same. That much of heartburning and unpleasant feeling would result from these circumstances might be naturally expected, and when to this be superadded the very serious inconvenience and discomfort to officers, married and single, from want of houses, caused by the sudden doubling of the commissioned ranks, it must be conceded that officers could not well be placed in a more disagreeable position. And here, where an opening had occurred for easing the pressure, and affording suitable provision for a few of these unfortunate officers, it is apparently closed against them.

But having brought the case to your notice, I feel sure that I have done all that

that is necessary, and that in completing the arrangements for officering the Hussars, the just claims of the officers of the Madras Cavalry will meet with due consideration. This will involve no interference with promotion to the grades of field officer, the volunteers from the Madras Cavalry being below the rank of major.

Trusting that my long connexion with this arm of the Service will plead an excuse for the liberty I have taken in trespassing thus largely upon your attention,

I beg to remain, &c.

(signed) *S. Bullock,*
Major General, Retired Service.

REPLY to Major General *S. Bullock*, Madras Retired List.

(Military,—No. 3239.)

Sir,

India Office, 5 September, 1862.

I AM directed to acknowledge the receipt of your letter, dated 30th ultimo, and to acquaint you, in reply, that the same has been duly laid before the Secretary of State for India in Council.

I have, &c.

(signed) *T. T. Pears,* Major General,
Military Secretary.

To Major General Bullock,
3, Moira-place, Southampton.

— No. 14. —

To the Right Honourable the Secretary of State for India in Council.

The Memorial of Major General *J. Swanson*, late of the Bombay Staff Corps.

Sheweth,

THAT Major General Swanson entered the military service of the late East India Company on the 13th February 1821. He arrived in Bombay on the 11th July 1821, and served in India, without intermission, until the 12th October 1859, a period of 38 years and 3 months, when he was compelled, by the loss of health, to return to England on medical certificate. He was absent on this account for 18 months, and again arrived in Bombay on the 13th April 1861. He had then been a regimental colonel for five-and-a-half years; and as the officers of this rank in the Infantry of the Bombay Army had seldom, if ever, been more than 10 years before being promoted to the rank of colonel regimentally, he had every reason to expect the same promotion and the colonel's allowance in the same period, or within a further period of about four-and-a-half years.

2. The General Order by the Government of India, No. 332, of the 10th April 1861, gave publicity to Her Majesty's Warrant, dated the 16th January 1861, for the formation of Staff Corps at each of the three Presidencies, and to the Despatches from the Secretary of State for India, announcing Her Majesty's gracious intentions regarding the officers and men of the Indian Forces, and the conditions prescribed and offers made to them on their amalgamation with Her Majesty's General Forces.

3. In the Royal Warrant it is laid down, in Rule 2, that "Promotion in the Staff Corps to be governed by length of service"; and in Rule 3, "Officers now

in staff employment in India, joining the Staff Corps on its formation, shall count their previous staff service towards promotion, to the following extent: One step of rank will be given to every officer whose period of service would qualify him for it, according to the above rules." No mention is made in the Royal Warrant of the substantive rank of colonel, or of colonel regimentally, and consequently no period of service is prescribed for such rank; but it is provided in the 8th Rule, that "Eventually a certain proportion of the senior officers of the Staff Corps will receive colonel's allowance"; and it is declared in the 11th Rule "That this Warrant shall be administered and interpreted by our Secretary of State for India in Council, who shall be the sole and standing authority upon the matters therein contained."

4. In the Despatch from the Secretary of State, No. 27, of the 18th January 1861, accompanying the Warrant, it is announced in the 30th paragraph, "The 8th Rule provides, that a certain proportion of the senior officers of the Staff Corps shall receive Colonel's allowance. Eventually the number will be fixed in the proportion of one for every 30 officers on the Staff Corps, but this number can only be filled up as the establishment of colonels on the old footing diminishes, so that the aggregate number of officers receiving colonel's allowance at one time shall never exceed the regulated number of Colonel's allowance for each Presidency." And in the 8th paragraph of the same Despatch, "The promotion of field officers (of the Indian Army) "will go on as usual, in separate lists of 'Majors,' 'Lieutenant-Colonels,' and 'Colonels Regimentally' of Cavalry and Infantry; but a gradual reduction will be made in the number of regimental colonels entitled to Colonel's allowances, in due proportion to the reduction in the number of regiments. The extent to which this reduction is to be carried will be determined hereafter; but it must be commenced at once in Bengal, by promoting only three Lieutenant-Colonels for every four vacancies in the rank of colonel regimentally."

5. A reduction of four regiments of infantry of the Bombay Army was then made, and Major-General (then Colonel) Swanson had every reason to apprehend that a corresponding reduction would be made in the number of colonels receiving colonel's allowance before it came to his turn to be promoted, by which his promotion would be retarded in the proportion of three to four, or from about four and a-half to at least six years; and as he expected to be one of the first of the senior officers in the Staff Corps to receive the Colonel's allowance he applied, and was appointed to the Bombay Staff Corps in the month of September 1861.

6. He was the senior Lieutenant-Colonel of all the officers appointed to the Bombay Staff Corps; and, as it was announced in paragraph 102 of the General Order by the Government of India, No. 332, of the 10th April 1861, that "Officers of the Staff Corps will succeed to Colonel's allowance, according to their seniority, as Lieutenant-Colonels in the Staff Corps," he would have been entitled to the first Colonel's allowance in the Staff Corps, had the reduction in the number of regimental colonels of cavalry and infantry been carried out as announced in paragraphs 8 and 30 of the Despatch No. 27; but another Despatch from the Secretary of State, No. 320, of the 10th August 1861, was afterwards published, in which annuities, according to a graduated scale, were offered to the regimental field officers of the three Presidencies; and it was announced in the 17th paragraph, "Considering the very liberal provision now offered to the senior effective officer of the Indian Army, and the very great expense that will be entailed upon the Government of India thereby, the most obvious and equitable mode of effecting the reduction, so as at once to make compensation for the severe strain that would otherwise be imposed upon our finances, will be to retain upon the list of Lieutenant-Colonels in the several Presidencies the names of such of their body as retire under the conditions now offered, and to regulate the succession to colonel and to Colonel's allowance thereby. This arrangement, therefore, will supersede that detailed in paragraph 8 of my Despatch, No. 27."

7. The reduction that had been ordered in the Despatch, No. 27, by making only three promotions for every four casualties in the rank of Regimental Colonels, would have retarded the promotion of Major-General Swanson in the

same proportions; and he therefore joined the Staff Corps, but the reduction as ordered in the Despatch No. 320, of the 10th August, by making no promotions, only when it came to the turn of a Lieutenant-Colonel to be promoted who had retired on an annuity, would have little or no effect in retarding the promotion of Lieutenant-Colonels for some years, and Major-General Swanson would have been promoted to colonel regimentally in the usual period, if he had not entered the staff corps. The provision contained in the 30th paragraph of the Despatch No. 27, for filling up the authorised number of Colonel's allowances in the Staff Corps "as the establishment of colonels on the old footing diminishes," was also rendered null by the Despatch of the 10th August, the saving by the reduction in the number of colonels being required to compensate the Government for the very great expense entailed by the grant of the annuities, Major-General Swanson therefore applied on the 30th November 1861, to have his appointment to the Staff Corps cancelled, the conditions in the Despatch No. 27, under which he had entered the corps, having been abrogated by the Despatch of the 10th August 1861, but to his application he received no reply,

8. The health of Major-General Swanson, which had not been completely re-established by a short residence of 16 months in England, after a continuous service of more than 38 years in India, again failed, and he was advised by the medical authorities in Bombay to return to England. If he had not been in the Staff Corps, he would have left India on medical certificate, and he would have been nearly certain to be promoted to colonel regimentally, within the period during which he might be absent without prejudice to this promotion; but according to paragraph 33 of the Despatch No. 27, "No unemployed Officer of the Staff Corps under the rank of Major-General, will be allowed to draw pay for a longer period than one year on the Indian scale, and three years on the lower scale, after which period he will be placed on half-pay;" and as he was then without any near prospect of being promoted to Major-General, if he had left India, he must not only return, but be again employed within a period of four years, or leave the service. Even the succession to colonel's allowance would not apparently have saved him from this contingency. As his health would not allow him to remain in India, and he had no certainty of being able to return and be again employed within the period of four years, during which he might be unemployed, he very reluctantly availed himself, on the last day on which it was open to him, of the offer of an annuity contained in the Despatch No. 320, of the 10th August 1861, and retired from the service on the 31st December 1861, on the very inadequate annuity of 280 £., after a service of nearly 41 years.

9. He left India on the 12th January 1862, and after his departure another Despatch from the Secretary of State, No. 467, of the 3rd December 1861, was published, the 12th to 14th paragraphs of which are as follows: "Her Majesty's Government have therefore decided that Colonel's allowances shall at once be assigned to the several Staff Corps in the proportion of one Colonel's allowance to every 30 officers who have actually joined the Staff Corps. To these allowances, officers who have attained the rank of Colonel in the Army, and have served not less than 12 years in the substantive rank of Lieutenant Colonel, will succeed according to seniority as Lieutenant-Colonels, until the proposed establishment is completed to the relative strength of one in 30 officers of all ranks. The necessity for a qualifying term of service will then cease, and officers will succeed by seniority as vacancies occur."

10. According to the Royal Warrant, promotion in the Staff Corps is to be governed entirely by length of service, and officers becomes Captains, Majors, and Lieutenant-Colonels respectively, after certain specified terms of service, but no service is required in any rank beyond an interval of two years between each succeeding step, except for the rank of Brevet-Colonel, for which a service of five years as Lieutenant-Colonel is required, this being the service required in all other branches of Her Majesty's Forces. A Lieutenant who joined the Staff Corps on its formation, may become a Lieutenant-Colonel in four years, if only he has been sufficiently long in the Army and a staff employment. But by the Despatch of the 3rd December, an officer in the Staff Corps must serve not less than 12 years as a Lieutenant-Colonel, before he is qualified to succeed to the

Colonel's allowance, until the full establishment of one to every 30 officers is completed, and this in a corps, the promotion in which is regulated entirely by length of service, and for a position which brings no increase of rank, and can cause no supersession. The rule will operate unequally on the officers of the Staff Corps, for while all officers entering the Staff Corps after its formation will be fully qualified after a service of 38 years, of which 20 will have been in the corps; those who entered the corps on its formation may have much longer to serve; for instance, Major-General Swanson would have had to serve 47 years and seven months to complete a service of 12 years as Regimental Lieutenant-Colonel. The only officers who derive no advantage from previous Staff Service, are the Lieutenant-Colonels who have entered the corps with the rank of Brevet-Colonel or General Officer. It would only be a fair application of the rule to add the service in the rank of Lieutenant-Colonel, required by the Despatch of the 3d December 1861, to qualify for the Colonel's allowance, to the periods of service required by the Royal Warrant to entitle to promotion to the rank of Lieutenant-Colonel. All officers in the Staff Corps would then be equally qualified for the Colonel's allowance after a service of 38 years, and of 20 in the Staff Corps or on Staff employment, and this is all that is necessary on the part of officers who have entered the Corps since its formation.

11. A Military Letter from the Secretary of State, No. 270, of the 31st July 1862, was published in India on the 12th September last, in which it is admitted that the rules laid down in the Despatch, No. 320, of the 10th August 1861, have given just cause of complaint, and it is announced in the 12th and 13th paragraphs of the Letter—"In order to remove any reasonable ground of complaint Her Majesty's Government have determined that all regimental Lieutenant-Colonels remaining on the General List of the local armies in the three Presidencies, whose Commissions as such date prior to the 1st January 1862, shall be considered entitled to promotion to the rank and allowances of Colonel, when they shall have been 12 years in the rank of regimental Lieutenant-Colonel; provided, however, that no promotion under this rule shall take place until those not in any way affected by the retention of the names of the retired officers on the list shall have received the step in ordinary course. All officers who may have held the rank of Lieutenant-Colonel, on the 1st January 1862, will also be entitled to promotion to the superior grade of Colonel, with Colonel's allowances, if the step come to them in ordinary course before the completion of 12 years' service as Lieutenant-Colonel; but when these Lieutenant-Colonels have been removed from the List, the promotion of those whose Commissions bear date on the 1st January 1862, or subsequently, will only be made, as in the Staff Corps, after 12 years' service in that grade." It appears to have been lost sight of, that it is laid down in the Despatch of the 3d December 1861, that the necessity for a qualifying term of service in the Staff Corps is to cease when the established proportion of Colonel's allowances in that corps has been completed, and that officers will then succeed by seniority as vacancies occur. Nothing more is required than what is contained in this Letter of the 31st July last, to show that the measures adopted for regulating the succession to Colonel's allowance, on the reorganisation of the Indian Army, were incomplete and unsatisfactory.

12. Major-General Swanson complains that he was induced by the announcements in paragraphs 8 and 30 of the Despatch, No. 27, of the 18th January 1861, to leave the local Army and to enter the Staff Corps, which inducements were afterwards annulled by the Despatch, No. 320, of the 10th August 1861, that he was not allowed to leave the Staff Corps and to revert to the position which he had previously occupied when the conditions under which he had joined the Staff Corps were abrogated, that he was then compelled, by the position in which he found himself, to retire from the service on a very inadequate annuity for his length of service, and that the modifications in the Rules which it has since been necessary to make by the Despatches, No. 467, of the 3d December 1861, and No. 270, of the 31st July 1862, were not adopted, in the first instance, and made known before he left the service.

13. He prays that he may be allowed to benefit by his past service, to qualify him

him for the Colonel's allowance in the same way that previous Staff service is allowed by the Royal Warrant to count for promotion: and as all officers who have joined the Staff Corps since its formation will be duly qualified for the Colonel's allowance, after a total service of 38 years, of which 20 will have been in the Staff Corps, that he may be considered qualified by the same periods of service, and thereby be entitled to one of the Colonel's allowances assigned to the Staff Corps by the Despatch, No. 467, of the 3d December 1861, he having been duly appointed to the Bombay Staff Corps on its formation, having been the Senior Lieutenant-Colonel, in the Staff Corps, and a Brevet-Colonel, and having completed a service of 40 years, when he entered the Staff Corps, of which 38 had been on Staff employment, and that the Colonel's allowance may be continued to him, instead of the annuity, from the 1st January 1862.

And he will ever pray.

Paris, 7 April 1863.

(signed) *J. Swanson,*
Major-General.

[Not yet replied to.]

— No. 15. —

To the Right Honourable Her Majesty's Principal Secretary of State for India
in Council.

THE Memorial of *Alexander Young Sinclair*, a Captain in Her Majesty's 26th
Regiment Bombay Native Infantry.

Most humbly sheweth,

THAT your memorialist was, by Act of Parliament, guaranteed his rights and privileges on the amalgamation of the European officers and men of the Indian Forces with Her Majesty's General Forces.

That your memorialist, however, most respectfully submits that such Act has not been strictly observed.

That on the amalgamation of the services, officers had the option, on certain conditions, of joining the Staff Corps, volunteering for general service, or remaining in the local Army in which your memorialist now is.

That the retention of those Staff Corps Officers, senior to your memorialist, on the cadre of his regiment, prevents his regimental rise, while his juniors (Staff Corps officers), must supersede him.

That, consequent on the officers of the Staff Corps being retained on the cadre, of your memorialist's regiment, all his contributions, to enable his seniors to retire, have been lost to him, as under existing circumstances no officer will contribute, and consequently promotion is rendered less speedy than heretofore.

That your memorialist most respectfully and earnestly prays, that his promotion may not be impeded, and that he may not be superseded by the retention of the officers of the Staff Corps in the cadre of his regiment.

And your memorialist will, as in duty bound, ever pray.

(signed) *A. Y. Sinclair*, Captain,
Her Majesty's 26th Regiment Bombay Native Infantry.

Camp Poona, 12 September 1862.

EXPLANATION how your Memorialist's Seniors (Staff Corps Officers) retained on the Cadre of his Regiment prevents his Regimental Rise.

		Probable time of obtaining the rank of Major in Cadre of Regiment.	
Captain J. S. Kemball	-	1864	} Though now that contributions to enable seniors to retire cannot be raised, the promotion will more than probable be subsequent to those dates.
" W. B. Gray	-	1869	
" J. T. Annesley	-	1874	
" A. Y. Sinclair	-	-	- Will be 20 years' service on the 13th March 1864, on which date he claims promotion to the rank of major, together with pay, allowances, and all other benefits accruing therefrom.
" G. L. Thomson	-	-	- A local corps officer, also.

Whilst the undermentioned officers of the Staff Corps retained on the cadre of his regiment supersede him, for it is next to impossible that he can be promoted (under the present rule) to the rank of major, before even the last mentioned officer, who is at present but second lieutenant on the cadre of your memorialist's regiment.

These officers will be majors in the Staff Corps on the following dates:—

Captain F. P. Mignon	-	-	} Captains in Staff Corps.	14 May	-	1866.
" C. A. Collier	-	-		7 September	-	1866.
Lieutenant C. F. F. Chamberlain	-	-		8 June	-	1866.
" L. M. Davies	-	-		31 May	-	1867.

Thereby infringing on your memorialist's rights and privileges as an officer in a seniority service.

(signed) *A. Y. Sinclair*, Captain,
Her Majesty's 26th Regiment Bombay Native Infantry.

Camp, Poona,
12 September 1862.

— No. 16. —

To the Right Honourable Her Majesty's Principal Secretary of State for *India*
in Council.

THE Memorial of *Alfred Becher*, a Captain in Her Majesty's 8th Regiment
Bombay Native Infantry.

Most humbly sheweth,

THAT your memorialist on the amalgamation of the Indian Army with Her Majesty's general forces was, by Act of Parliament, guaranteed his rights and privileges.

That your memorialist, however, most respectfully submits that this Act has not been observed in carrying out the amalgamation.

That on the amalgamation of the two services officers had, under certain conditions, to elect for general service the Staff Corps or remain local.

That the retention of the names of those officers senior to your memorialist now on the cadre of his regiment retard his regimental promotion, while several of his juniors in the Staff Corps must in a few years supersede him.

That in consequence of the names of the officers of the Staff Corps being retained on the cadre of your memorialist's regiment, all his contributions to enable his seniors to retire have been lost to him, as under existing circumstances no officer will contribute, and promotion has been much hindered in consequence.

Your

Your memorialist has been very nearly twenty (20) years in the Indian Army, and in a few years will be superseded by (four (4) at least) officers junior to him in his own regiment, and by several officers in every regiment in the Bombay Army, who were lucky enough to be eligible for, and joined the Staff Corps; this supersession is caused by no fault of your memorialist, and is not in accordance with the seniority system which obtained when he entered the Army.

That your memorialist most respectfully and earnestly prays that his promotion may not be impeded, and that he may not be superseded by the retention of the officers of the Staff Corps on the cadre of his regiment.

And your memorialist will, as in duty bound, ever pray.

(signed) *A. Becher*, Captain,
Her Majesty's 8th Regiment Bombay Native Infantry.

Sholapore, 2 October 1862.

— No. 17. —

To the Right Honourable Her Majesty's Principal Secretary of State for *India*
in Council.

THE Memorial of *George Leslie Thomson*, a Captain in Her Majesty's
26th Regiment Bombay Native Infantry.

Most humbly sheweth,

THAT your memorialist on the amalgamation of the European officers and men of the Indian forces with Her Majesty's general forces was, by Act of Parliament, guaranteed his rights and privileges.

That your memorialist, however, most respectfully submits that such Act has not been observed.

That on the amalgamation of the services, officers had the choice, on certain conditions, of volunteering for general service, of joining the Staff Corps, or of remaining in the local Army, in which your memorialist now is.

That the retention of those Staff Corps officers, senior to your memorialist, now on the cadre of his regiment, prevent his regimental rise, while his juniors in the Staff Corps must supersede him.

That consequent on the officers of the Staff Corps being retained on the cadre of your memorialist's regiment, all his contributions (which have been considerable) to enable his seniors to retire have been lost to him, as under existing circumstances no officer will contribute, and consequently promotion is rendered less speedy than it was before.

Your memorialist has been nearly nineteen (19) years in the Indian Army, and in about four years more will be superseded by four officers, his juniors, in his own regiment, besides many others of his juniors in the service who were fortunate enough to get into the Staff Corps; and this supersession is caused by no fault of your memorialist, and is contrary to what he was led to expect when he entered the Indian Army.

That your memorialist most respectfully and earnestly prays that his promotion may not be impeded in any way, and that he may not be superseded by the retention of the officers of the Staff Corps in the cadre of his regiment.

And your memorialist will, as in duty bound, ever pray.

(signed) *George Leslie Thomson*, Captain,
Her Majesty's 26th Regiment Bombay Native Infantry.

Camp, Poona,
25 September 1862.

To the Right Honourable the Secretary of State for India.

THE humble Memorial of *Herbert Henderson James*, a Captain in the 10th Regiment Bombay Native Infantry, Her Majesty's Indian Forces.

Humbly sheweth,

THAT your memorialist has served in the Indian Army for 17 years and 10 months (six years of that period on regimental and general staff).

That when the amalgamation scheme was carried out, he had no option given him of joining Her Majesty's Staff Corps, on the plea that he was at the time only filling a "temporary" staff situation, though in other respects he was qualified; consequently, your memorialist has been compelled to continue a "local" officer.

That by the formation of the Staff Corps, your memorialist will be subjected after 10th December 1864 (when he will have completed 20 years' service) to be superseded by every officer (now his juniors) of the Staff Corps, as each completes the same period of service, until your memorialist himself obtains his majority regimentally, and which can scarcely take place in less than (8) eight years from this time.

That by the system recently introduced of leaving the names of Staff Corps officers "in *italics*" on the cadres of their former regiments, the prospect of promotion to local officers is greatly diminished, such Staff Corps officers not now being liable to the same regimental and war risks as before, their names remaining on the lists, whilst the officers themselves form no longer part of the corps.

As now situated, even under very favourable circumstances, you memorialist cannot look for his promotion to major, regimentally, in less than six years. Had he been permitted to join the Staff Corps, he would have been sure of it in half that time. The consequence will be readily seen, viz.: all his juniors by three years in the Staff Corps (at least 60 in number) must supersede him, and this from no fault whatever of your memorialist. The injury he will thus suffer will not be confined to his next step in promotion only, but will cause him to rank below all these officers for future advantages, such as commands, &c.

Your memorialist feels sure that so serious a supersession as nearly all local officers must suffer sooner or later within a few years by the new system could never have been intended.

Your memorialist, therefore, respectfully solicits that the names of Staff Corps officers, now "in *italics*" on cadres of regiments, be removed, and promotion given in local corps in their place, as has hitherto been the custom in cases of officers being transferred from a regiment permanently; or, should this plan not now be feasible, that local officers may be placed on the same footing with regard to promotion as Staff Corps officers, viz., that their promotion may be regulated by *length of service*, which would effectually prevent the serious supersession to your memorialist, which he has shown will otherwise result in his whole after service, and which will have been solely caused by the amalgamation scheme.

And your memorialist will, as in duty bound, every pray, &c.

(signed) *H. H. James*, Captain,
Her Majesty's 10th Regiment Bombay Native Infantry.

Kolapore, 3 October 1862.

APPENDIX I.

LIST OF OFFICERS (alluded to in para. 5 of this Memorial) taken from the "Bombay Army List," published by authority, who, though junior to the Memorialist, will supersede him in attaining to the rank of Major regimentally, supposing him to be a Major by 10th December 1868, i.e., three years after Memorialist would have become a Major, had he been permitted to join the Staff Corps, as well as these officers.

First Commission.	Rank and Names.	First Commission.	Rank and Names.
1846	Captain Prescott.	1847	Captain Blowers.
"	" Beynon.	1846	" Naylor.
1846	" Miles.	"	" Milliss.
1847	" Ford.	"	" Atkins.
1848	" Leith.	1847	" Bingham.
1846	" Currie.	"	" Robinson.
1845	" Thomas.	1846	" Lester.
1846	" Laughton.	1847	" Elphinstone.
"	" Dods.	1846	" Collier (40).
"	" Macculey (10).	1848	" Watson.
1846	" Chitty.	1847	" Griffiths.
1844	" Law.	1846	" Chamberlain.
1846	" Scott.	1848	" Bainbridge.
"	" Bolton.	1846	" Mason.
"	" Bonnor.	1847	" Davies.
1846	" Haig.	1847	" Wallace.
1847	" Tyrwhitt.	"	" Waddington.
"	" Eales.	"	" Wodehouse.
"	" Harpur.	1848	" Barton (50).
"	" L'Estrange (20).	"	Heathcote.
1846	" Mignon.	"	Chapman.
1845	" Mackeson.	"	Gordon.
"	" Creagh.	"	Hobson.
1847	" Griffith.	"	" Nicholotts.
1846	" Shortt.	"	" Dickenson.
1845	" Beville.	1847	" Newall.
1846	" King.	1846	" Shepheard.
"	" Gordon.	1848	" Baigrie.
1845	" Weddington.	1847	" Plomer (60).
1846	" Disbrowe (30).	"	" Johnstone.
"	" Taverner.	1848	" Hogg.

(signed) *H. R. James*, Captain,
Her Majesty's 10th Regiment, Bombay Native Infantry.

— No. 19. —

THE Humble Petition of Captain *W. Walker*, First Bombay Grenadiers N. I. (Local), to the Right Honorable the Secretary of State for India.

1. Your petitioner humbly sheweth, that he entered the service of the late East India Company in 1843, and arrived in Bombay in May 1844; that the terms of agreement (as understood by petitioner), between the said Company and petitioner regarding promotion, was rising from grade to grade by seniority.

2. On the transfer to the Crown, Government undertook that our rights were not to be interfered with. Promotion by seniority was a right.

3. The amalgamation by forming a Staff Corps, has, your petitioner humbly submits, upset the terms of agreement originally entered into with the said late East India Company. Your petitioner, in the first instance, will be superseded, in 1864, by every cadet his junior of the season of 1844 (and by every succeeding year's cadet) who may have joined the Staff Corps.

4. The general service officers will also supersede your petitioner.

5. Your petitioner has paid for promotion (permitted by the late East India Company), close on 1,000*l.* This sum your petitioner had a right to look forward to receive when it became his turn to avail himself of pension. Now, on account of amalgamation, there is no such thing as purchase, and the above sum is lost to your petitioner's family for ever.

6. Promotion is stopped by the formation of the Staff Corps ; officers in that corps generally holding such appointments as save them from exposure in the field, the chances of war, and the hard work, wear and tear of the regimental officer. Your petitioner is fifth captain of his regiment, and all his seniors having joined the Staff Corps, he sees no hope of the promotion he had a right to expect (there being now no inducement in the shape of purchase for the seniors to retire), after having expended a sum so large, and that with the permission of the said East India Company. All chance of command of regiments or brigade is lost to the local officer of petitioner's standing, on account of the more rapid and certain promotion of the Staff Corps officers. Formerly, to hold either brigade or regimental command, it was not necessary to have passed in Hindostanee ; now they are to all intents and purposes staff appointments.

7. Your petitioner has set forth the above six paragraphs, not in the hope of Government altering the amalgamation, but merely to show the disadvantages the local officer suffers under.

8. Your petitioner would now humbly and respectfully venture to show how, in his estimation, Government, without in any way altering the amalgamation, may, at little cost to the State, make the position of the local officers more on a footing with the staff and general service officers :—

1st. Let the staff and general service officers' names be taken off the cadres of regiments, thereby giving the steps, and a general list of local officers formed by seniority.

2d. Let Government sanction a purchase scheme in the general list of local officers, to prevent the present stagnation in promotion ; this would, to a certain extent, prevent the wholesale supersession now going on by the staff and general service officers, and would give regimental officers a chance of recovering money paid for steps, and, at present, irretrievably lost. There would be nothing to the disadvantage of the staff and general service officers in this, as they might be allowed also by Government to form their own purchase-scheme.

3d. That corps be officered from the general local list by seniority of grades ; commands, &c., being as equally distributed as the good of the service would permit, between the local and Staff Corps officers.

That the above may be taken into favourable consideration, your petitioner will ever pray.

Camp Bhooj,
23 October 1862.

(signed) *Wm. Walker*, Captain,
First Grenadier Regiment, N. I., Bombay Army.

— No. 20. —

To the Right Honourable Her Majesty's Principal Secretary of State for India
in Council.

THE Memorial of *Francis Adam Ellis Loch*, a Captain and Brevet Major in
Her Majesty's 1st Regiment Bombay Light Cavalry "Lancers,"

Most humbly sheweth—

THAT your memorialist most gratefully acknowledges that when the Indian Army, a seniority service, was amalgamated with Her Majesty's Royal Army, all his rights and privileges were guaranteed to him by an Act of Parliament.

Your memorialist, however, begs most respectfully to submit that the said Act has not been strictly adhered to in Her Majesty's Indian Army.

That on the two services being amalgamated, officers of the Indian Army had the option of volunteering for general service, of joining the Staff Corps under certain conditions, or of remaining with their own regiments.

Your memorialist most respectfully begs to point out that his senior regimental officers, Lieutenant Colonel William Frederick Curtis, Captain and Brevet Major Edmund Armitage Hardy, and Captain Henry Erskine Forbes, elected general service, and were transferred to Her Majesty's 21st Hussars, and Captain and Brevet Major Edward Penfold Arthur, elected the Staff Corps, and was permitted to join it.

That the names of the said Lieutenant Colonel William Frederick Curtis, Captain and Brevet Major Edmund Armitage Hardy, Captain Henry Erskine Forbes, and Captain and Brevet Major Edward Penfold Arthur, have been kept on the cadre of the 1st regiment Bombay Light Cavalry, "Lancers," for the purpose of regulating promotion.

Your memorialist would therefore most respectfully beg to point out, that he has not gained the steps by these said officers voluntarily leaving their regiment and joining another service and corps, to which your memorialist considers himself entitled by the former rules of the service, guaranteed to him by this said Act of Parliament, and which is also the rule in Her Majesty's Royal Army in the case of an officer leaving his regiment for another service, or joining the Staff Corps.

That the names of Lieutenant Colonel William Frederick Curtis, Captain and Brevet Major Edmund Armitage Hardy, Captain Henry Erskine Forbes, and Captain and Brevet Major Edward Penfold Arthur being retained on the cadre of the 1st Regiment Bombay Light Cavalry, "Lancers," is the cause of very serious injury to the future prospects of your memorialist, as it will hereafter retard his promotion, and he will be superseded by officers of Her Majesty's Royal Army, because the names of officers who leave their regiments voluntarily for another service or join the Staff Corps are not kept on the cadre of their old regiment to regulate promotion.

Your memorialist most humbly and earnestly prays that his memorial be taken into consideration, and that the names of Lieutenant Colonel William Frederick Curtis, Captain and Brevet Major Edmund Armitage Hardy, Captain Henry Erskine Forbes, and Captain and Brevet Major Edward Penfold Arthur may be removed from the cadre of the 1st Regiment Bombay Light Cavalry "Lancers," and promotions made in their places, whereby your memorialist will enjoy the benefits of the rights and privileges guaranteed to him by the aforesaid Act of Parliament.

And for this act of justice your Memorialist, as in duty bound, will ever
pray.

(signed) *Francis Loch*, Captain and Brevet Major,
1st Regiment Bombay Light Cavalry "Lancers."

Sattara, 28 October 1862.

To the Right Honourable Her Majesty's Principal Secretary of State for India
in Council.

THE Memorial of *Alfred Butler Little*, a Captain and Brevet Major in Her
Majesty's 25th Regiment Bombay Native Light Infantry,

Most humbly showeth—

THAT the rights and privileges of your memorialist on the amalgamation of the Indian forces with Her Majesty's general forces, were by Act of Parliament guaranteed him.

That your memorialist, however, would most respectfully submit that notwithstanding such Act, that guarantee has not been observed.

That on the amalgamation of the services, officers had the option of joining the Staff Corps, of volunteering for general service, or of remaining in the local Army (in which your memorialist now is), on certain conditions.

That the retention of those officers of the Staff Corps senior on the cadre of his regiment to your memorialist prevents his regimental rise, and at the same time those junior to him on the cadre of his regiment (Staff Corps officers) must supersede him. As an instance of this latter point, your memorialist would beg to draw attention to the fact that the officer whose name on the cadre of his regiment stands immediately below that of your petitioner will, during the present month, obtain his substantive majority in the Staff Corps (which your memorialist would also have done had he been permitted to enter that corps); whereas from the position he now holds in his regiment, namely, that of third captain, he cannot expect to obtain that rank for more than six years, during which time, though in a "seniority service," he is liable to be commanded "regimentally" by one junior to him in his own regiment; and moreover at the expiration of that period the same officer will, by the performance of six years' staff service, be eligible for promotion to the higher grade of lieutenant-colonel, your memorialist still remaining a regimental captain.

That, consequent on the retainment of the officers of the Staff Corps on the cadre of the regiment to which your memorialist belongs, the contributions he has made for retirement of his seniors have been lost to him, as no officer will now, under existing circumstances, contribute, and consequently promotion is rendered less speedy than heretofore.

That your memorialist most respectfully and earnestly prays that his promotion be not impeded, and that by the retention of officers of the staff corps on the cadre of his regiment he may not be superseded.

And your Memorialist, as in duty bound, will ever pray.

(signed) *A. B. Little*, Captain,
Brevet Major Her Majesty's 25th Regiment
Bombay Native Light Infantry.

Sholapoor, 1 December 1862.

(Military, No. 30.)

India Office,

London, 25 February 1863.

Sir,

I HAVE received and considered in Council your letters noted in the margin, forwarding memorials from the following officers, viz. :—

No. 96, dated 2 Dec.
1862.

No. 97 " " "

102 " 8 "

107 " 22 "

108 " " "

109 " " "

No. 2, para 5, dated
7 Jan. 1863.

Captain A. Y. Sinclair, 26th N. I.,

" A. Becher, 8th N. I.,

" G. L. Thomson, 26th N. I.,

" H. H. James, 10th N. I.,

" W. Walker, 1st N. I.,

Brevet-Major F. A. E. Loch, 1st Lt. Cav.,

" A. B. Little, 25th N. I.,

complaining of the retardation of promotion in their regiments by retaining the
names

names of officers who have joined the new line regiments or Staff Corps on the cadres of their former regiments.

2. Similar memorials have been received from the Government of India, and I have, therefore, only to inform you of the reply given to that Government, viz. :—

“That promotion in succession to all the officers who have joined the Staff Corps cannot be supported on the grounds of either justice or expediency.

“The prospects of the officers who remain with their regiments, as regards promotion, are not in any degree affected by the removal of their seniors to the Staff Corps, and the retention of their names upon the regimental list. On the other hand, to make such promotions now would be to abandon a fundamental principle in the formation of the several Staff Corps, and to involve the Government in a large and uncalled-for increase of expenditure. Moreover, since the officers joining the Staff Corps from the several regiments will greatly vary, both in rank and number, promotion given in these regiments, by filling up vacancies so caused, would not only be quite uncalled for, either on the grounds of justice or policy, but would be so unequal as to give just grounds for dissatisfaction and remonstrance in many cases.

“In the promotion of officers into the Staff Corps, who were their regimental juniors, these officers have no just cause for complaint. Their own prospects of promotion have not been interfered with, nor is their position in the service affected thereby in any degree beyond that to which all officers in the service are liable by the promotion to a superior rank in the Army of officers regimentally their juniors.”

3. You will inform these officers that Her Majesty's Government do not consider they have any just cause for complaint, and can see in their several memorials no cause whatever for sanctioning a departure from the orders already passed upon this subject.

— No. 22. —

To the Right Honourable Sir *Charles Wood*, Bart., G.C.B., Secretary of State for India in Council.

THE MEMORIAL OF *W. H. C. Lye*, Colonel Retired List, Her Majesty's Bombay Army, Boxley, Maidstone, 9 April 1863,

Respectfully sheweth—

IN the year 1835, being 17 years of age, and having passed through the Military College at Addiscombe, I entered the Indian Army as a cadet of infantry on the Bombay establishment.

2. The terms on which I entered the service I understood to be these, that I should receive regimental promotion by seniority until I attained the rank of regimental colonel, when I should be permitted to reside in Europe upon full pay, and should also receive a share of off-reckoning, now called colonels' allowance.

In the year 1861, I had attained the rank of regimental lieutenant-colonel, and was then in command of H. M.'s 3d Bombay European Regiment. My prospects were good, as I was many years junior to the lieutenant-colonels on the list (with two or three exceptions), and if my life and health were spared, it appeared certain I should attain my regimental colonelcy and be able to leave India on colonel's full pay and allowance far under the average time of service, which in the Bombay Army rarely exceeded 10 years from the date of the lieutenant-colonelcy.

4. In May 1861, I received a circular letter (marked A and attached), asking me if it was my wish to remain in my regiment when it became the 109th Regiment of the Line, or in other words, to volunteer for Her Majesty's general service; requesting an early decision, as I had priority of choice. At the same

time I was given to understand, and it was so notified in the General Orders of the Army, that in the event of my volunteering, I should forfeit all claim to colonel's allowance (*vide* Question No. 15, India Army Amalgamation). Not having private means sufficient to enable me to live in England on these terms, and my future prospects by this proviso being rendered quite uncertain, I was most reluctantly obliged to decline.

5. I may be permitted to mention that in the year 1861, I was, according to the Regulations of the Army, entitled to retire upon the full-pay of my rank.

6. Having thus lost my chance of further command in the European branch of the Army, I made up my mind to remain in India on general duty until such time as I should attain my regimental colonelcy by seniority in the usual course. In this, also, I was disappointed.

7. About the middle of the year 1861, a scale of compensation or bonus was offered to the lieutenant-colonels to induce retirement, and at the same time it was declared in the Orders that the lieutenant-colonels who did not avail themselves of this offer, should not benefit, in any way, by the steps of those who did avail themselves of it, as the names of the officers taking the bonus should remain on the list to regulate promotion, or, as I may say in other words, till they died.

8. Being, at that time, low down on the list of lieutenant-colonels, and having heard that a larger proportion intended to avail themselves of the Government offer, I found my term of service in India would, by this arrangement, be prolonged to an indefinite period, and my chance of attaining my regimental colonelcy made more remote than ever. I, therefore, felt that retirement was the only course open to me, and I accepted the bonus of 200*l.* a year, in the hope of being able to obtain some employment at home; but in this I have not as yet succeeded.

9. I retired from the service, and had no reason to think that the Government arrangements, which caused me to do so, were not final until the latter part of the year 1862, when I received the copy of a letter, dated the 31st July 1862, from the Home Government to the Government of India, granting colonel's allowance after a period of 12 years' service in the rank of lieutenant-colonel, to all lieutenant-colonels, including those who had volunteered for the new Line Regiments.

10. By disallowing, in the first instance, my claim to colonel's allowance, in the event of my volunteering to remain in my regiment when it became the 109th Regiment of the Line, my prospects were blighted, and I declare that had I been told in proper time, that colonel's allowance would be granted to lieutenant-colonels volunteering for the new Line Regiment, I would have accepted the offer made in the Circular Letter above mentioned, and remained in my regiment as the 109th of the Line.

11. In conclusion, there is one other point, as bearing upon my case, that I beg leave most respectfully to bring to notice. A system of giving gratuities to senior officers on their retirement from the service, prevailed under authority in the Indian Army, the permission of the Home Government for the same having been granted and published in the General Orders of the Bombay Army in the year 1837. In accordance therewith, during the course of my service, I paid to senior officers on retirement, for the purpose of adding to their comfort, and hastening my own promotion, various sums amounting in the aggregate, to nearly 3,000*l.*, being the whole of my savings during a period of 26 years' service. This sum, as well as the benefit that would eventually have accrued to me, I have utterly lost, through the different causes mentioned in this memorial; and I therefore most earnestly solicit such relief or reconsideration of my case, as may be considered due.

And your Memorialist will ever pray,

(signed) *Henry Lye*, Colonel,
Retired List, Her Majesty's Bombay Army.

Not yet replied to.

— No. 23. —

91, Victoria-street, Westminster, S. W.,
21 March 1862.

Sir,

I RESPECTFULLY beg to submit, for the further information of the Right Honourable the Secretary of State, these additional notes of detail and explanation :

1. That I entered the service on the 22d July 1845 ; my lieutenant's commission dates from 29th July 1849, and that of brevet captain from the 22d July 1860. I am, exclusive of brevet rank, the senior lieutenant of the Bengal Army, unpromoted. There are a few officers, I believe six at most, who are subalterns of longer standing than myself, but who were promoted to lieutenant after I obtained that rank ; these also may since have been promoted in the Staff Corps or otherwise.

2. That in 1849-50 I accompanied my regiment, which formed part of the Sikhim Field Force, to Darjeeling, and for 18 days was detached in command of my company at the most advanced post on the Teesta River.

3. That in 1851, I passed the interpreter's examination in Persian and Hindustane, having the year previous passed the lesser examination in Hindustane..

4. That in 1854, at Mooltan, I was compelled, as stated, to resign the adjutancy of my regiment and proceed to England, by severe illness, the effect of climate aggravated by the very brackish water obtained on the line of march, particularly at the stages along the cross road from Ferozepore till it joins the dāk road between Lahore and Mooltan. The disease might not have assumed so severe a form had I earlier consented to place myself on the sick report ; but as the regiment had just completed a march of 3½ months' duration, from Dinapore to Mooltan, and was shortly to be inspected by the brigadier commanding at the latter station, I considered it very desirable not to deprive my commanding officer of my services as adjutant until that ordeal had been passed, and all papers returns, &c., connected therewith had been made out and forwarded to headquarters.

5. That, at this distance of time, and unable to refer to regimental records, I cannot state the exact time I held the appointment ; but, to the best of my belief, I officiated as acting adjutant and adjutant for upwards of two years. I have a distinct recollection of preparing the regimental rolls of the native officers and men for the General Annual Invaliding Committees of 1852, 1853, and 1854, which used to be held on the 1st April of each year. I here beg to state that the time I acted as adjutant would count as time for staff employ by the rules of the Staff Corps ; as, at the same time, the vacancy was a *bond fide* vacancy, my predecessor never rejoining the appointment.

6. That though the new furlough regulations came into force from 1st February 1854, yet they were not definitely promulgated in India (*vide* G. O. G. G., 17th November 1854) until I had quitted that country ; and though, like others, I had the option afterwards of abiding by the old or new rules, the chief, indeed the only inducement, the retention of appointment during furlough, was in my case impracticable, it being already filled up.

7. That also, for the first nine (9) months, from the time of introduction in 1853 until I left the corps, I prepared and compiled regimental pay abstracts, according to the new plan.

8. That in 1855 I served a short period with the Turkish Contingent, and whilst on leave in the Crimea, I was present as a volunteer with Her Majesty's 49th Regiment at the attack on the "Redan" on the 18th June, for which I have received the medal and clasps from Her Majesty's Government, also the Turkish medal. I was wounded, but very slightly, on that occasion.

9. That in 1856, I completed a term of instruction at the School of Musketry, Hythe, and obtained a first class certificate from that establishment.

10. That I also, during my furlough, voluntarily underwent a course of instruction under a civil engineer in London, with a view, on my return to India in 1857, of passing the examination in civil engineering and surveying ; but the events of

that year, and the severe wounds I received, prevented me carrying out that intention.

11. That on my return to India, I at once applied to be sent up to the front in any capacity, and that within a week of my landing in Calcutta, I was appointed interpreter to the 2nd battalion Rifle Brigade, and immediately proceeded up country, with a detachment of that corps. I was wounded, as stated, on the 29th November 1857, and thus a second time compelled to give up staff employment.

12. That the supersession I have experienced by the formation of the Staff Corps and other changes is and continues enormous. In the cadre of my old regiment (late 14th Native Infantry), four of my juniors have obtained the rank of captain in the Staff Corps; in the cadre of my present regiment (late 10th Native Infantry) the same thing has occurred, though not to so great an extent. In fact, I am liable to see any officer 4½ years my junior, who has been so fortunate as to complete the four years' staff service, pass over my head. I am longer standing in this service than all the 2nd captains of the Bengal Engineers and Artillery, except about the first ten (10) in the latter branch, who are my seniors by one month and eight days; while in the cavalry, 49 out of 70 captains, and in the infantry upwards of (200) two hundred captains, are of shorter service than myself. In the ordinary course of events, I cannot expect my promotion in the cadre of any corps, until in its turn it becomes entitled to the line step, which would be in two or perhaps three years, as the major of the corps stands about half way in the gradation list of majors of infantry.

13. That had I remained in India unwounded or less severely so, I may venture to state that by this time I should have more than completed six years' staff service, the full time to entitle me, on completing (20) twenty years' service, to promotion to the rank of major in the Staff Corps.

14. That as I am on furlough without pay, the promotion I seek would not necessitate increase of allowances until I had effected an exchange, or failing that returned to India. Even if back rank carried with it back pay, the difference would be for a few months only.

15. That the promotion in the Staff Corps would but give me my right standing in the service, and it would interfere with the interests of no one; as by the rules of that corps, any officer can enter it, subject to approval on fulfilling certain conditions, and his further promotion depends entirely on his own merits, and the opportunities afforded of fulfilling other conditions.

16. That I trust the objections to form a precedent will not be taken in any case, as a parallel one could scarce be found, considering the severity of my wounds, my length of service, and the manner in which on two occasions I unfortunately have had to relinquish staff employment.

I herewith beg to attach the accompanying extracts of sick certificates; also copies of letters, &c., from my commanding officer, certifying their opinion of the ability and zeal with which, I trust, I have ever performed my duties.

I have, &c.
(signed) C. Armstrong, Brevet Captain,
Late 10th Bengal Native Infantry,
and formerly late 14th Native Infantry.

EXTRACTS from Medical Statement of Case by Surgeon S. H. Batson, in Medical Charge
14th Native Infantry.

Mooltan, 22 April 1854.

On the march of the regiment from Dinapore to Mooltan, he (Lieutenant Armstrong) was attacked with derangement of the bowels, &c.

After his arrival at Mooltan, he consulted me, labouring under a diarrhœa. I gave him purgatives of rhubarb, &c. &c.; this checked the diarrhœa, and he continued to perform his duties.

On the 18th March he was attacked with acute dysentery, attended with severe griping, &c. &c.

On the 28th March Dr. Beatson was called in consultation, as Lieutenant Armstrong began to get worse, and the acute symptoms ran on to a decided tendency to sloughing of

of the mucous membranes, &c. &c. I was apprehensive for several days he would sink under the disease.

Lieutenant Armstrong is recovering; but after a severe attack of this nature, he must naturally be much exhausted, both from the effects of a severe disease as well as from treatment; and it is not only mine, but Dr. Beatson's opinion, that nothing but a thorough change to Europe will restore Lieutenant Armstrong to health. I therefore strongly recommend his being permitted to proceed to Europe for three years.

(signed) *S. H. Batson*, Surgeon,
In Medical Charge, 14th Native Infantry.

(True extract.)
(signed) *C. Armstrong*, Brevet Captain.

EXTRACT from the Proceedings of a Board on the Wounds of Lieutenant *C. Armstrong*, 14th Native Infantry, attached as Interpreter to 2d Battalion Rifle Brigade.

General Field Hospital, Cawnpore, 28 February 1858.

LIEUTENANT CHARLES ARMSTRONG, 14th Native Infantry, attached as Interpreter to 2d Battalion Rifle Brigade, received during the action at Cawnpore, on the 29th November 1857, two dangerous gun-shot wounds, one across the inside of the left knee-joint, and the other penetrating and opening the right knee.

The latter, after a period of a month spent in fruitless attempts to save the limb, necessitated the amputating of the thigh.

The former, after remaining an open suppurating wound for three months, has just healed. This wound, also, for some time threatened to open the left knee-joint, and its effects will probably leave the limb, though saved, permanently injured.

(signed) *Chas. Plank*, Assist. Surgeon,
Cawnpore General Field Hospital.

(True extract.)
(signed) *C. Armstrong*, Brevet Captain.

COPY of a LETTER from Major General *Innes*, then Commanding 14th Bengal Native Infantry.

My dear Armstrong,

Mooltan, 1 May 1854.

HERE is an order I issued on your departure, although you require no record to show the high position you have placed yourself in your regiment, for you have taken with you the esteem and attachment of your brother officers and the respect of the men. The sincere regret all have at your being obliged to give up the adjutancy evinces that you have performed your duty to the happiness of all grades, and I can sincerely say to the satisfaction of your commanding officer; and I know, from an experience of 30 years' service, 14 of which I was an adjutant, what was required of you.

I may not be with the regiment on your rejoining it; I therefore, in justice to those who may come after me in command, record my opinion of your zeal and of your attachment to your profession, and I am sure, Armstrong, if you are spared, you will be a credit to my opinion; and that you may be rewarded with advancement is the sincere wish of your friend and commanding officer.

(signed) *P. Innes*.

(True copy.)

(signed) *C. Armstrong*.

COPY of EXTRACT of Regimental Orders issued by Brevet Lieutenant Colonel *P. Innes*, Commanding 14th Regiment Native Infantry.

Mooltan, 25 April 1854.

LIEUTENANT COLONEL INNES sincerely regrets the loss of the services of Lieutenant Armstrong, who has so assiduously assisted in maintaining the discipline of the regiment, and has so zealously performed his duty as adjutant to his commanding officer's satisfaction, and Lieutenant Colonel Innes trusts that he may soon be completely restored to the enjoyment of his health.

(True extract.)

(signed) *Thomas Taylor*, Lieutenant,
Officiating Adjutant 14th Native Infantry.

COPY of Certificate of Service.

THIS is to certify that Lieutenant Charles Armstrong, of the 14th Regiment of the Infantry, Bengal Army, served as a volunteer with the grenadiers of Her Majesty's 49th Regiment at the assault on the Redan, at Sebastopol, on the 18th June 1855, with the sanction of the Major General Commanding Second Brigade, Second Division.

(signed) *J. P. Grant*, Lieut. Colonel,
Commanding 49th Regiment.
Camp, Shorncliffe, Kent,
30 September 1856.

EXTRACT from a LETTER from Major General *C. A. Windham*, C.B., Commanding Lahore Division.

Meean Meer, 11 July 1858.

I SHALL be delighted to write to any one you like, but you must remember that your commanding officer (who, I think, was Colonel Walpole) is the chief man for you to get hold of.

I can, however, say with truth that I have never heard either officer or men speak of you but in the most flattering terms; and when a private soldier really speaks out, I think his praise the highest an officer can have. I deeply regret the severity of your wounds; I was in hopes, when I saw you in bed at Cawnpore, that your limbs would have been saved.

It was about the hardest work the troops had anywhere.
Write, and let me know to whom I shall write.

(signed) *C. A. Windham*.

EXTRACT from a LETTER from Major General Sir *R. Walpole*, K.C.B., Rifle Brigade.

My dear Armstrong,

Bareilly, 26 July 1858.

I THINK you are quite right to endeavour to get some appointment in England connected with your profession; and, considering the severity of your wounds, I should hope your claims will be attended to.

As you served under me in the Rifle Brigade during those four severe days' fighting at Cawnpore, viz. 26th, 27th, 28th, and 29th of November, I shall always be happy to bear testimony of the zeal, capability, and courage you displayed on that occasion.

Whenever you have made up your mind, and have applied for any place, do not scruple to write to me; I shall at all times be ready to promote your interests, if in my power, and urge your strong claims upon the Government.

Believe me, &c.
(signed) *R. Walpole*.

COPY of a LETTER from Lieutenant Colonel *W. A. Fyers*, C.B., Rifle Brigade.

My dear Armstrong,

I AM delighted to hear from you, and that your health is so far restored, after the very great sufferings which your severe wounds have caused you. No one could have more powerfully regretted those sufferings and the loss you have sustained than I have done, and I have continued to feel a lively interest in your welfare and prospects.

At the time of receiving your wound, I was in command of the battalion with which you had been attached as interpreter; and on the occasion when I went out with two companies into the suburbs of Cawnpore, to drive the enemy from a position which had become exceedingly troublesome to our little garrison and to the sick, of whom we had so many in hospital, you at once volunteered to accompany me, and chiefly with the view of giving me the advantage of your voice, my own having quite failed me, when by my side you were severely wounded through both legs, much to my pain and loss.

Owing to my admiration of your gallant conduct, I proposed to you, should you recover, to recommend you to His Royal Highness the Commander in Chief, to be transferred into our own service and corps; your severe loss, however, of a limb has precluded the possibility of this; and it only remains for me now, in thus expressing my sense of your gallantry and ability in the field, and of my appreciation of your merit, to express in strong and earnest terms the high estimation in which I hold you, together with the hope that the highest authority and influential power of the Council of India may record the views and hopes of one so richly deserving and so able and willing in some departments to be of value to the public service.

Believe me, dear Armstrong, I wish you every success, both professionally and privately, in life; and I trust you will always believe me to be most sincerely yours.

(signed) *W. A. Fyers*,
Lieutenant Colonel Rifle Brigade.

REPLY to Captain *C. Armstrong*, Bengal Army, regarding his Memorial.

(Military,—No. 1409.)

Sir,

India Office, 8 April 1862.

I AM directed to acknowledge the receipt of your letter, dated 21st March, requesting, under the circumstances represented therein, that you may be transferred to the Bengal Staff Corps in the rank of captain.

2. In reply, I am directed to inform you that the selection of officers for the respective Staff Corps rests with the Government in India, the appointments being subject to the approval of the Secretary of State in Council, and that your application to be transferred to the Bengal Staff Corps should therefore be addressed to the Government of India.

3. I am directed to add, that in the event of your being appointed to the Staff Corps, Sir Charles Wood regrets that it would be out of his power to authorise a departure from the rules of the Service in your favour.

I am, &c.

(signed) *T. T. Pears*, Major General,
Military Secretary.

To Captain *C. Armstrong*,
91, Victoria-street, Westminster, S.W.

— No. 24. —

APPLICATION of Major *H. E. Walpole* for Brevet Promotion, dated
30 June 1862.

By the formation of the Staff Corps, Major Walpole has been superseded, not only indirectly, by many officers junior to him in the Madras Army, but also directly, by two officers junior to him in his own regiment, who happen to hold subordinate staff appointments, but who have never been employed on active service, nor distinguished themselves in any way. Officers in the Staff Corps are eligible to military commands, and Major Walpole may be placed under the immediate orders of a junior officer, who has not the soldier's first claim to promotion, service in the field. Before the changes made in the organisation of the Indian Army, Major Walpole was silent as to his claims to advancement on account of services rendered; but, now that he finds himself superseded by junior officers, who took no part in the crisis through which India has passed, he is emboldened to beg that his claims to a brevet lieutenant colonelcy, in recognition of his services in North Canara, may be taken into consideration.

STATEMENT of SERVICES of Major *H. E. Walpole*, 16th Regiment Madras Native Infantry.

Major Walpole entered the Service in 1837; served with the field force against Kurnool in 1839.

Appointed Interpreter to his regiment in 1846.

Appointed Acting Paymaster in Malabar and Canara in General Order of the Governor in Council, 20th April 1852.

Commanded, from March to December 1858, ten companies of Native Infantry, and (during a portion of that time) three companies of Her Majesty's 74th Highlanders, employed in the suppression of the rebellion in North Canara.

Received the thanks of the Governor in Council for his services on that occasion (General Order of the Governor in Council, 25th January 1859); received the Indian medal.

EXTRACT of a LETTER from Brigadier *Fitzgerald*, Commanding Malabar and Canara, to the Adjutant General of the Army, Fort St. George; May 1858.

"Para. 3. I would now take this opportunity of bringing Captain Walpole's position to his Excellency the Commander in Chief's most favourable notice, and trust his Excellency may see fit to recommend, as an especial case, that that officer should receive a suitable allowance for the laborious and responsible situation he holds. * * * He has in every way conducted himself entirely to my satisfaction. He has evinced considerable ability, conducted himself with judgment and with untiring energy under great labour and fatigue. * * * I trust, as this officer has had all the labour, he may not be superseded by a senior officer, but be allowed to reap the credit due to his exertions. This officer has at present under his command three companies of European and ten of Native Infantry."

EXTRACT from Minutes of Consultation, 5 June 1858.

"His Lordship in Council sanctions an allowance of 200 rupees per mensem to Captain Walpole while holding his present important command."

EXTRACT from Provincial Orders by Brigadier *Fitzgerald*, Commanding, Head Quarters, Malabar and Canara, 6 December 1858.

"Para. 1. Brigadier *Fitzgerald* cannot allow the troops composing the Madras Field Force to separate and proceed to their several destinations without putting on record his approbation of the conduct of the officers, non-commissioned officers, and men generally, and his appreciation of the energy, activity, and untiring perseverance evinced by all, when necessary, in the pursuit and destruction of the rebels during the period they have been employed in North Canara."

"Para. 3. Brigadier *Fitzgerald* takes this opportunity of recording his sense of the zeal, judgment, and energy evinced by Captain Walpole since assuming the command of the Madras Field Force. He attributes much of the general efficiency of the force, as above stated, the extreme general good health of the troops, and the cordiality and good feeling which has prevailed, to Captain Walpole's judgment and discretion, for which the Brigadier tenders his best thanks to that officer."

EXTRACT of a Semi-Official Letter from Captain *Falconer*, Commanding three Companies Her Majesty's 74th Highlanders.

"Should there be another campaign in North Canara, with even more to do than the present one, I shall be happy to find myself under your command."

"Major Walpole, though suffering from repeated attacks of jungle-fever, the effects of which he still feels, with the exception of a fortnight, remained at his post from March to December 1858. The command he held, as a captain on active service, was larger than that usually entrusted in garrison to a field officer. The native troops were out in the jungle during the whole of the south-west monsoon, and occupied posts on a line of ghauts, where even more rain falls than on the coast."

REPLY to Major *Walpole*, Madras Army, regarding his Memorial.

(Military,—No. 2502.)

Sir,

India Office, 5 July 1862.

I AM directed by the Secretary of State for India in Council to acknowledge the receipt of your letter dated 30th ultimo, and to acquaint you, in reply, that applications from officers for promotion cannot be considered, unless they are transmitted through the prescribed channel of the authorities in India.

I am, &c.

(signed) *T. T. Pears*, Major General,
Military Secretary.

To Major H. E. Walpole,
16th Madras Native Infantry.

— No. 25. —

From Lieutenant Colonel *W. Dickinson*, Engineers, to Colonel Commandant *W. B. Goodfellow*, Commandant of Engineers, Poona; dated Bombay, 19 March 1862.

IN many of the Government Gazettes lately published, have appeared questions and answers relative to the recent alterations in the Army. The questions have I imagine, to a great extent, been put by officers of the Army, and must have had reference to their own individual positions: that they have been guilty of no impropriety in asking the questions appears by their questions having been answered.

2. I trust, therefore, that I may be as kindly dealt with in submitting the following, for the final orders of the Right Honourable the Secretary of State for India.

3. Para. 83 of the General Order by his Excellency the Governor General of India in Council, No. 332, of the 10th April 1861, is to the effect that officers of the British Army, when permanently transferred to the Staff Corps, will be removed from the strength of the regiment to which they belonged.

4. From this I infer that an officer of the Royal Artillery or Royal Engineers, allowed to join either Staff Corps, would give an effective step in his regiment.

5. The several Ordnance Corps in India have been consolidated with those corps at home, and the officers composing them are, I believe, considered as portions of the British Army serving in India; an officer, therefore, from either of those corps joining one of the Staff Corps should, I very humbly and respectfully conceive, "be removed from the strength of the regiment to which he belonged."

6. This view of the case Her Majesty's Government of Bombay have apparently not taken, or the question may not have attracted their notice; for up to this date, no promotion has taken place in the corps to which I have the honour to belong, on Lieutenant Colonel Marriott's joining the Staff Corps, though he left us now upwards of 12 months ago.

7. Or perhaps the Government have been guided by para. 25 of Her Majesty's Secretary of State for India's Despatch, No. 319, dated the 10th August last; but if so, I would respectfully urge that that would appear to have no reference to officers of Artillery and Engineers who permanently join the Staff Corps. It disposes of the question whether officers of the Ordnance Corps in miscellaneous staff employ shall be seconded, but not whether those who select to join the Staff Corps permanently shall be removed from their regiments.

8. I therefore beg respectfully to hope, that the question I now put—namely, whether officers of either Her Majesty's Indian Ordnance Corps, on being permitted to join the Staff Corps, should be removed from the strength of the regiment to which they belong—may be favourably entertained by the Government, and recommended by them to the Honourable the Secretary of State for India, to be answered in the affirmative.

9. I have the honour to request that you will do me the favour to forward this letter.

— No. 26. —

To the Right Honourable Sir *Charles Wood*, Bart., M.P., Secretary of State for India in Council.

The Humble Memorial of *William Warden Anderson*, a Major in Her Majesty's 1st Regiment Bombay Light Cavalry (Lancers), in the Bombay Presidency:

Sheweth,

1. THAT your memorialist entered the military service of the Honourable East India Company, as a cornet, on the 4th of December 1840; attained his present rank of major by brevet, for service before Gwalior, on the 28th of July 1856, and regimentally on the 26th of November 1860; and is now the senior major on the Cavalry List of the Bombay Presidency.

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2. That

2. That on the transfer of the Army of the Honourable East India Company to the Crown, your memorialist elected to remain in Her Majesty's Local Indian Service.

3. That in coming to this determination your memorialist had full confidence that the Parliamentary Guarantee, expressed in the enactment which authorised the transfer of the Military Forces of the Honourable East India Company to Her Majesty's Service (21 & 22 Vict., c. 106, s. 56), that officers so transferred would be entitled to the like pay, pensions, allowances, and privileges, and the like advantages, as regards promotion and otherwise, as if they had continued in the service of the said Company, would be punctually observed; and this confidence was strengthened by the repetition of the same guarantee in a subsequent Act of Parliament (23 & 24 Vict., c. 100), and the assurance contained in Despatch No. 27 of 1861, from Her Majesty's Principal Secretary of State for India to His Excellency the Right Honourable the Governor General of India in Council, dated 18th January 1861, that "in the execution of the measures to be adopted in reference to the officers of Her Majesty's Indian Army, the pledge that due regard shall be paid to the rights and claims of the officers of Her Majesty's Indian Forces will be scrupulously adhered to," an assurance which was repeated in the General Order by his Excellency the Governor General of India in Council, dated 10th April 1861.

4. That a chief and undoubted privilege of officers in the military service of the Honourable East India Company was regimental promotion by seniority, provided no special reason existed for making an exception; and under this rule, whenever an officer was removed from his regiment by death, retirement, or any other cause, his next immediate junior succeeded to the rank thus vacated. So, too, on the raising of new regiments, all transfers to them made promotions in the old regiment. This was the case on the formation of the late 27th, 28th, and 29th Regiments of Bombay Native Infantry; and thus, in the case of your memorialist, who is regimental major on the cadre of the 1st Bombay Light Cavalry, the transfer of Lieutenant Colonel Curtis, his immediate superior, to the 21st Dragoons, would have led to the promotion of your memorialist to the lieutenant colonelcy of his own regiment, whereas, under the present system, he still remains a major.

5. That under paras. 58 and 59 of the Amalgamation Order, the name of Lieutenant Colonel Curtis is, notwithstanding his removal to another regiment, still retained on the cadre of the 1st Bombay Light Cavalry, and the regimental promotion of your memorialist thereby prevented; while at the same time, and under the same paragraphs, the rise of officers in new regiments and in the staff will be entirely irrespective of their position in their former cadres, but will depend, in the one case, on their promotion in their new regiments, and in the other on their length of service. Thus it is possible, nay probable, that your memorialist may remain a major for the rest of his service, and see his regimental juniors, who have joined the new regiments or the Staff Corps, one by one pass over his head, and take rank above him.

6. That your memorialist is informed that it has been declared, in order to effect a reduction in the number of officers, that in cases similar to his, two death vacancies or retirements must take place before promotion is allowed. Before the amalgamation, one death-vacancy or retirement would have given the step. Your memorialist will now have to wait for his promotion for a much longer period than he would have had to wait if there had not been any amalgamation.

7. That your memorialist respectfully submits that the operation of the Amalgamation Order is, in his case at least, an infraction of the Parliamentary Guarantee, inasmuch as he has not had "the like advantages, as regards promotion," which he would have been entitled to had he continued in the service of the Honourable East India Company.

8. That your memorialist has served in India for upwards of 20 years, and is able to point with pride to many gratifying recognitions of his service during that period; but his career in India is, under the circumstances above stated, deprived of advantages to which he was entitled to look forward; and the conditions on which he entered the Service will be practically set aside, if his future promotion is to depend solely on his position in the cadre of his regiment.

9. Your

9. Your memorialist, therefore, humbly solicits your favourable consideration of the circumstances of his case, and that he may be declared entitled to such promotion in the service of Her Majesty as he would have obtained in the service of the Honourable East India Company.

And your memorialist will ever pray,

Camp Rajcote,
24 January 1863.

(signed) *W. W. Anderson*, Major,
Her Majesty's 1st Light Cavalry (Lancers),
Bombay Presidency.

— No. 27. —

To the Right Honourable Sir *Charles Wood*, Bart., Secretary of State for India,
&c. &c. &c.

The Humble Memorial of Captain *John Bates*, Her Majesty's 8th Regiment of Bombay Native Infantry :

Humbly sheweth,

1. THAT your memorialist, who has served upwards of 20 years in India, having filled the appointment of adjutant to his regiment for nearly nine years, and acted in various staff situations, has not been permitted to join the Staff Corps.

2. More than three years having elapsed since your memorialist held the appointment of adjutant to his regiment (which he was obliged to vacate on promotion), he is debarred under the 73d rule, by the G. G. O. of the 10th April 1861, from entering the Staff Corps.

3. The appointment of Line Adjutant at Sattara, which your memorialist held within the three years required, and only vacated on the station being abolished, having been ruled to be a temporary appointment only, not entitling your memorialist to admission into the Staff Corps.

4. Your memorialist prays that this may be taken into consideration, viz., that he would have been appointed Brigade Major in 1859, but that his services were required as line adjutant at Sattara; and had your memorialist been allowed to take up the appointment of Brigade Major, but which the exigencies of the Service would not admit of, the doubt of his eligibility would have been removed, and he would not have had to make this appeal to the Secretary of State for India.

5. Your memorialist would further respectfully beg to be allowed to point out, that under Clause 2 of the Royal Warrant, and paragraphs 13 and 17 of the Despatch No. 27, from the Secretary of State for India, as well as Article 72 of G. G. O., dated 10th April 1861 (which say, "Officers of the Indian Army now holding staff appointments of any description will have the option of joining the Staff Corps," &c.), your Memorialist might be allowed to join the Staff Corps, as your memorialist held at that time the appointment of Staff Officer at Aurungabad, and which your memorialist prays may be taken into consideration.

6. That your memorialist has never quitted his duties during the above long term of service, and that he holds high testimonials from the officers he has served under.

7. The long service on the staff, upwards of 11½ years, your memorialist prays may, with the above circumstances, be also taken into favourable consideration in permitting him to join the Bombay Staff Corps from the 18th February 1861; and your memorialist, as in duty bound, will every pray.

(signed) *J. Bates*, Captain,
8th Regiment Bombay Native Infantry.

Camp near Decsa, 8 January 1863.

— No. 28. —

To the Right Honourable Sir *Charles Wood*, G. C. B., Her Majesty's Principal Secretary of State for India.

The Humble Memorial of Captain *James Turner Hill*, Her Majesty's 14th Regiment Bombay Native Infantry.

Sheweth,

THAT your memorialist recently memorialised regarding several points connected with the amalgamation of Her Majesty's and the late Honourable East India Company's Forces, which, however, were given against him; but your memorialist now most respectfully begs to bring forward, for favourable consideration, a point that he believes has not yet been touched upon in any of the memorials transmitted from India.

It is a fact beyond doubt that your memorialist will eventually be superseded in the rank of major by junior officers of his own regiment who have elected for the Staff Corps; your memorialist therefore prays that, when such an occurrence takes place (or after 20 years' service), he may be granted the brevet of major, which would prevent his supersession by his junior officers, and at the same time cause no extra expense to the Government.

And your memorialist, as in duty bound, will ever pray, &c.

(signed) *J. T. Hill*,
14th Regiment Native Infantry.

Camp Ahmedabad, 6 August, 1862.

— No. 29. —

From Lieutenant Colonel *H. B. Lumsden*, C. B., Commanding Corps of Guides, to the Military Secretary Punjab Government, Lahore (No. 387); dated Murdan, 23 November 1861.

I HAVE the honour respectfully to solicit that the following may be submitted for the favourable consideration of Government:—

2. Having been called on by General Order, No. 332 of 1861, dated Fort William, 10th April 1861, to select before the 21st October between Staff Corps, General Service, or the Local Army for the remainder of my service in India, on the 2d August I made an application to be admitted into the Staff Corps, on the understanding that "officers of Her Majesty's Indian Forces joining the Staff Corps will be entitled to pension under the Regulations of the Indian Service," as distinctly laid down in Her Majesty's Warrant. These regulations permit an officer of 22 years' service to retire on the pension of his rank.

3. Now, however, in letter No. 296 of the 25th July, published in General Order by the Governor General, No. 799, of 10th September 1861, it is stated that officers of Her Majesty's Indian Forces joining the Staff Corps do not retain this privilege of retiring on the pension of their rank, as it is supposed that some officers might enter the Staff Corps with a view to promotion and immediate retirement, thus securing an undue advantage.

4. As I have not entered the Staff Corps with any such intent, but, on the contrary, hope to serve Her Majesty for many years to come, I respectfully solicit a reconsideration of the case, and that I may be allowed to retain the privileges guaranteed by Her Majesty's gracious Warrant establishing the Staff Corps, more especially as by joining the Staff Corps I gain no advantages, but, on the contrary, have to pay increased subscriptions to all the funds.

— No. 30. —

From Lieutenant Colonel *A. Wilde*, c. b., Commanding 4th Punjab Infantry, to the Military Secretary, Government of India, Calcutta; dated Kohat, Punjab, 15 October 1861:—

I HAVE the honour to request you will bring the following case, in connexion with the amalgamation of the armies, to the notice of Her Majesty's Supreme Government, with a view to the provisions of letter No. 296, dated 25th July 1861, from the Right Honourable the Secretary of State for India, being favourably reconsidered by the Home Government.

2. On the 29th August 1861, I addressed the Adjutant General of the Madras Army, to which I belong, electing appointment to the Staff Corps. By this act I renounced all prospective advantages, either of accelerated promotion consequent on the retirement of my seniors with increased pensions, about to take place in the Local Army, or by sale of my commission should I have retired myself. I entered a corps which had no royal designation, and the position of which in the Army was still undetermined, and in which the substantive rank of colonel did not exist. In addition, the number of the senior officers of my new regiment who would become entitled to colonel's allowances was left to future arrangement, and the emoluments of its present appointments were still under discussion and readjustment.

3. In deciding upon this step, affecting in every way my future career in the Service, I was guided by the Warrants, Despatches, and Orders published under the authority of Her Majesty's Supreme Government. In the Royal Warrant, dated Windsor, the 16th day of January 1861, it was expressly stated "that officers of Her Majesty's Indian Forces joining the Staff Corps will be entitled to pensions under the Regulations of the Indian Service." The promise contained in the above-quoted clause of the Royal Warrant, together with the advantage of being allowed 20 instead of 15 months' furlough to Europe, induced me to abandon the Local Service, the rights and privileges of which were guaranteed by Acts of Parliament, and voluntarily to enter the Staff Corps, the future prospects of which were doubtful and uncertain.

4. In the Right Honourable the Secretary of State for India's military letter No. 296, dated 25th July 1861 (published to the Army in General Order by the Governor, No. 799 of 1861), the provisions and promises of Her Majesty's Warrant have been entirely abrogated and annulled; and I find that the Retiring Regulations of 1796, under the rules of which I entered the Army in 1838, have in my case been changed, and that I no longer retain the right to retire on the pension of the substantive rank I may hold at any future period of my service in India, although I have completed the prescribed period of 22 years' actual service in the Army.

5. In making this appeal, I beg to state that, in volunteering for the Staff Corps, it was not done with the view of obtaining a step of rank, and then immediately retiring from the Army. My intention is to serve the State as long as I am fit to perform its duties; still I respectfully claim the right, should sickness, wounds, or other causes compel the measure, of retiring under the provisions of the Pension Regulations, which I enlisted under in former years, and the full benefits of which Her Majesty's Warrant instituting the Staff Corps secured to me.

— No. 31. —

From Major *O. E. Rothney*, late 45th Regiment Bengal Native Infantry, Commandant Hazara Goorkha Battalion, to the Secretary to the Government of India, Military Department, Calcutta (No. 257); dated Abbottabad, Hazara, 14 October 1861.

WITH reference to letter No. 296, dated 25th July 1861, from the Right Honourable the Secretary of State for India, published in General Order by the
263. Governor

Governor General, dated 10th ultimo, I have the honour respectfully to request that the following may be submitted for the consideration of Government :—

2. On the 22d ultimo, I submitted my application for admission to the Bengal Staff Corps, being induced to the step by a consideration of certain advantages which were held out in the Royal Warrant. In making this election, I was aware that I was relinquishing many important rights and privileges which are guaranteed to the Local Service, as well as the hope of accelerated promotion, which my position in my former regiment warranted me to expect from the forthcoming retirements on the increased pension. I bore in mind also that I was entering a corps in which the emoluments are not only uncertain, but the principle on which they are regulated is unknown, and in which, moreover, so much affecting the ultimate prospects of officers is still left for subsequent adjustment. But to counterbalance these disadvantages and uncertainties, I looked to two prominent advantages, which, it appeared to me, the Royal Warrant clearly and unmistakeably held out—namely, promotion after fixed terms of service, and, in connexion with such promotion, the retention of my right of retiring under the Indian Regulations; and it was with this understanding that I elected for the Staff Corps.

3. I beg respectfully to point out that the Royal Warrant, in para. 9, after laying down the scale of pension for other officers, proceeds to declare that “Officers of Her Majesty’s Indian Forces joining the Staff Corps will be entitled to pensions under the Regulations of the Indian Service.” The Right Honourable the Secretary of State’s Despatch No. 27, in interpreting the Warrant, neither retracts nor limits this privilege; and in General Order by the Governor General, No. 332, dated 10th April 1861, para. 95, the privilege is again distinctly sanctioned.

4. It now appears from letter No. 296, from the Right Honourable the Secretary of State, that it is not intended that officers of Her Majesty’s Indian Service joining the Staff Corps should retain the privilege of retiring under the Regulations for the Indian Service, one clause of which provides that an officer after 22 years’ service can retire upon the pension of his rank. The reason for thus setting aside a privilege that had been accorded in the Royal Warrant, is apparent in the 6th paragraph of letter No. 296; but with reference to that para., I beg distinctly to state that I did not join the Staff Corps with the view of immediate retirement on promotion, but, on the contrary, with the *bonâ fide* view, should my health not fail me, of serving the Government for years to come.

5. Under these circumstances, I beg most respectfully to solicit that the question may be submitted for the reconsideration of Government, and that I may be permitted to enjoy the full benefits and privileges guaranteed in the Royal Warrant.

— No. 32. —

The Humble Memorial of *George Remington Cookson*, Major in Her Majesty’s 1st 4th Regiment Native Infantry, Major in the Bengal Staff Corps, to the Right Honourable the Secretary of State for India; dated Meerut, 27 January 1862.

Humbly sheweth,

THAT by para. 9 of Her Majesty’s Royal Warrant, dated 14th January 1861, it is ruled that officers of Her Majesty’s Indian Forces joining the Staff Corps will be entitled to pension under the Regulations of the Indian Service.

That your memorialist has, by Government General Order of 10th January 1862, been promoted to major in his former corps, and would, by the Regulations of 1796 for the Indian Service, have been entitled to retire in May next on the pension of that rank, having completed 22 years’ service.

But by the interpretation given in para. 3 of Despatch (No. 296), dated 25th July 1861, your memorialist finds he can only claim the benefit of those regulations as to the rank held by him on the date of joining the Staff Corps, 18th
February

February 1861, which deprives him of the benefit of that regulation, and will require another year's service to entitle him to retire upon a major's pension, though, by the context, it appears to him clear that future promotion under the rules of the Staff Corps was the promotion it was intended to debar.

Your memorialist therefore humbly prays, that the regulation of 1796, entitling an officer to retire on the pension of his rank after 22 years' service, may be considered applicable to the officers of Her Majesty's Indian Army who have joined the Staff Corps, in the rank they may attain in their regimental cadres, which will place officers electing for both local and Staff Corps service upon the same footing.

And your memorialist, as in duty bound, shall ever pray, &c. &c.

— No. 33. —

To the Right Honourable the Secretary of State for India in Council.

The humble Memorial of Captain *Francis George Hodgson*, Madras Staff Corps.

Showeth,

1. THAT with reference to a Military letter from the Right Honourable the Secretary of State for India (No. 296), dated 25th July 1861, promulgated by the Government of India in General Orders, dated Fort William, 10th September 1861, wherein it is decided that officers of the Staff Corps shall not be entitled "to claim the pension according to rank, in respect of rank obtained in the Staff Corps," your memorialist has the honour respectfully to solicit a reconsideration of this question, in as far as it affects your memorialist's future prospects and position, on the following grounds:—

2. That in Her Majesty's Royal Warrant of 16th January 1861, in para. 9, after providing a scale of pensions for officers who may hereafter join the Staff Corps, it is explicitly stated, that "officers of Her Majesty's Indian forces joining the Staff Corps will be entitled to pension under the Regulations of the Indian Service."

3. That in the "Old Furlough and Retiring Regulations" of the Indian service, para. 9, it is stated, "every officer who has completed 22 years' service in India, is allowed to retire with the pay of the rank to which he has attained.

4. That in the "New Furlough and Retiring Regulations" of the Indian service, it is stated in para. 32, "officers to be entitled to retire on the full pay of their regimental rank under the Regulations of 1796 (commonly known as the 'Old Furlough Regulations' above quoted), must have served 22 years' in India, out of which leave of absence for two years in the aggregate, and not more, will be allowed to count as service for the retiring pension."

5. That these are the rules and regulations under which officers of the Indian service have been permitted to retire and claim their pension for the past 66 years, and are the only "Regulations of the Indian Service" referred to in the paragraph of Her Majesty's Royal Warrant above quoted.

6. That it was again announced to the Army, by the Viceroy and Governor General of India in Council, in the General Order of 10th April 1861, para. 95, that "Officers of Her Majesty's Indian forces, joining the Staff Corps, will be entitled to pension under the Regulations of the Indian service." And the Order then proceeds to lay down a scale of pensions for officers of the British Army hereafter entering the Staff Corps, thereby, as it seems to your memorialist, in accordance with Her Majesty's Royal Warrant, clearly establishing that officers of Her Majesty's Indian service then joining the Staff Corps were not to be placed in the same category as officers of Her Majesty's British forces hereafter entering the Staff Corps, as to the rules regarding claim to pension.

7. That the rank given to officers in the Staff Corps by Her Majesty's Royal Warrant is substantive, and not brevet rank, and should therefore, your memorialist respectfully submits, under every interpretation of the "Retiring Rules of the Indian Service," carry with it the right to retire on the pension of that rank after 22 years' actual service in India.

8. That your memorialist entered the Staff Corps as captain, and his right to retire on the pension of his rank after 22 years' actual service in India, should he elect to do so under the Regulations of the Indian Service, is annulled by the present decision of the Right Honourable the Secretary of State for India, before quoted. This decision is now for the first time made known to the Indian Army. Your memorialist begs most respectfully to submit, that this decision sweeps away a most vital and essential part of the "Retiring Regulations" of the Indian Service; which Regulations have been in existence now for the past 66 years, and which, after the assurances given in Her Majesty's Royal Warrant, and the orders of the Viceroy and Governor General of India in Council, published to the Army, your memorialist never could have contemplated would now have been set aside.

9. Your memorialist ventures to hope that it cannot be the intention of the Right Honourable the Secretary of State for India to place an officer joining the Staff Corps in a worse and more disadvantageous position, as to pension, than he would have been in had he remained with his regiment.

10. The Right Honourable the Secretary of State for India has decided that officers should not be permitted to enter the Staff Corps for the mere purpose of immediately retiring, in the rank to which they might be promoted in the Staff Corps. But your memorialist ventures to hope that this rule, just in itself, may not be made to operate with undue rigour against your memorialist, who may wish to claim his right to retire from the service in years to come.

11. On all the foregoing grounds, therefore, your memorialist most respectfully requests a re-consideration of this matter, and that the Right Honourable the Secretary of State for India may be pleased to restore to your memorialist the right to retire after 22 years' actual service in India, on the pension of whatever rank your memorialist may eventually attain to, in accordance with the "Pension Regulations" of the Indian Service guaranteed by Her Majesty's Royal Warrant, by the Orders of the Viceroy and Governor General of India in Council, and by the repeated assurances of Her Majesty's British Government, and the decree of the High Court of Parliament, that all rights and privileges of the officers of Her Majesty's Indian forces should be scrupulously preserved intact.

And, as in duty bound, your memorialist will ever pray.

Trichinopoly,
25 January 1862.

(signed) *F. G. Hodgson*,
Captain Madras Staff Corps, late 39th Regiment
Madras Native Infantry.

— No. 34. —

To the Right Honourable the Secretary of State for India in Council.

The Memorial of Lieutenant *Edward Cave*, of the 7th Regiment Madras Native Infantry.

1. Your memorialist has the honour to submit for your consideration the following representation, and trusts that in so doing he will not lay himself open to any charge of impropriety by his very respectful but earnest appeal.

2. Your memorialist having entered the service of the late Honourable East India Company in the year 1849, with well understood rights and privileges as to rank and promotion, which rights and privileges were guaranteed to him by Mr. Henley's clause of the Amalgamation Act, feels that a wrong has been inflicted on him by the names of the officers of his regiment who have lately elected to join the Staff Corps being retained on the roll of his regiment, although transferred to a new corps.

3. Your memorialist feels injured by this new system, because it has ever been the practice hitherto to allow every promotion of officers which might occur in regiments up to the rank of major (inclusive) to give a step to their juniors in their

their respective ranks. When the late European regiments were raised, the officers appointed to them were struck off the strength of their old regiments, and thus gave promotion to their juniors.

4. Your memorialist's promotion in the Army is stopped indefinitely by the names of the officers who have gone into the Staff Corps being retained on the roll of his regiment, and also by the certain future slowness caused by the reduction in the number of lieutenant colonels, and the consequent decrease of line steps.

5. Your memorialist is third lieutenant; and three captains and two lieutenants, his seniors, being in the Staff Corps, his promotion to captain, to which he feels himself entitled, from the date which the officers joined the Staff Corps, is withheld from him, and a feeling of bitter disappointment is the result.

6. Your memorialist will point out one out of many cases which will show how injurious the present system may be to him, should his regiment be called into active service; four only of his seniors would be present with his corps, in consequence of the remaining seniors being in the Staff Corps, and three casualties out of the four officers must take place (a most unlikely contingency) before he could gain his promotion: formerly, when a regiment entered on foreign service, or entered on a campaign, the staff officers were obliged to leave their appointments for a time, and join their regiments; and thus all shared in the common danger, and participated in all promotion that might take place.

7. Your memorialist has seen it stated in Parliament that the (so called) amalgamation scheme, though it would not accelerate promotion, yet would not retard it.

8. Your memorialist cannot help considering this statement both erroneous and fatal to the cause of the Indian Army, as it has satisfied those who otherwise would have interested themselves in seeing that our just rights and privileges were not infringed.

9. Your memorialist has shown the serious check to promotion caused by the names of the officers of the Staff Corps being retained on the cadre of their regiments; and he now points out how this is still further increased by the very small chance existing of staff officers retiring as quickly as formerly, in consequence of the rapid promotion they now get in their new corps, their increased emoluments, their remaining stationary, and not having to join their old regiments in case of war; whereas formerly there were but few tenable appointments after attaining the rank of major, and the staff officers on rejoining their regiments on promotion after many years' absence, finding themselves unsuited to their new position, generally retired.

10. Your memorialist would most respectfully point out the invidious distinction that has been made between the Indian Army and Her Majesty's British regiments serving in India, by the rule that amongst the latter, officers going into the Staff Corps are struck off the strength of their regiments, thus giving promotion to their juniors; and this irregularity of operation in the two services he respectfully considers will cause envy and ill-will on the part of the less favoured.

11. Your memorialist, therefore, upon the grounds which he has now stated submits his earnest solicitation that the officers of his regiment who have gone into the Staff Corps may be struck off the return of the 7th Regiment from the date of their appointments to their new corps, so that your memorialist may obtain the position of captain in his regiment, to which he believes himself to be fairly entitled.

And your Memorialist has the honour to subscribe himself,

(signed) *E. Cave*, Lieutenant,
7th Regiment Madras Native Infantry.

E. Kamptee,
November 1861.

— No. 35. —

To the Right Honourable the Secretary of State for India in Council.

The Memorial of Lieutenant *William Wilson Mercer*, 7th Regiment
Madras Native Infantry.

1. Your memorialist has the honour to submit for consideration, the following representations :—

2. Your memorialist trusts that he will not lay himself open to any charge of impropriety by his very respectful but earnest representation of the wrong which he considers is inflicted on him by the retention of the names of Major M'Callum and Saunders in the list of captains of the 7th Regiment Madras Native Infantry, after their appointment and promotion in the Staff Corps, and of the name of Captain Campbell being retained in the list of captains of the 7th Regiment Madras Native Infantry, after his appointment to the Staff Corps; and also of the names of Captains Swanson and Harrison being retained in the list of lieutenants of the 7th Regiment Madras Native Infantry, after their promotion and appointment to the Staff Corps.

3. Your memorialist feels injured by this new system, because it has been the practice hitherto to allow every promotion of officers which might occur in the regiment to the rank of major (inclusive), to give a step to their juniors in their respective ranks.

4. It has now moreover been ruled that in cases of officers of Her Majesty's British regiments serving in India, who shall join the Indian Staff Corps, those officers are to be seconded, and their steps are to go in their respective regiments.

5. Mr. Henley's Clause Act, &c., all our rights and privileges are guaranteed. Your memorialist keeping such guarantee in view, and doubting how any change might possibly affect him; determined to retain for the present his position, with the rights and privileges so guaranteed, and elected to remain in the local service; but what has followed, your memorialist considers that his position instead of being the same as before, is considerably altered for the worse. Five officers senior to him, have been to all intents and purposes removed from the regiment; such removal under the rules of the service should cause vacancies and give steps to every junior officer in the regiment, whereas the names of the officers so removed, are retained in the cadre of the regiment, preventing the regular steps and promotions taking place. The retention of such names in the cadre of the regiment, your memorialist respectfully submits, is no legal bar to the regular promotion which should take place on the removal from any cause of an officer from his regiment if a vacancy be not caused thereby, it is prejudicial to promotion, and to the interest of his junior officers for the following reasons :—

1st. An officer so removed, ceases to share the risks to life and health, inseparable from the field service, because he is not required as before to rejoin his regiment whenever it proceeds on field service.

2d. An officer who has been on the staff the best part of his service, would generally lose his appointment on promotion to a regimental majority, and must either join his corps, or proceed on furlough, or retire; in many instances such officers have preferred the furlough, following by retirement to rejoining their regiments.

6. Your memorialist submits that it cannot be justly urged that the formation of the Indian Staff Corps involves a new arrangement from which he, as an officer of the late Honourable East India Company's service, has no right to derive the benefits contingent thereon, nor is it a fair mode of argument to say that he is in no worse position than he would have been had the Amalgamation Act not existed.

7. Your memorialist submits also that the India Army being strictly a seniority service, each vacancy even carrying with it *by right* an accompanying step; any rule by which only one major shall be promoted for every two vacancies among the lieutenant colonels will greatly impede your memorialist's promotion, be most injurious

injurious to his prospects, and will interfere, he ventures to believe, with the rights and privileges secured to him by Act of Parliament.

8. It is because your memorialist's brother soldiers of the regimental branches of Her Majesty's British Army in India are to be promoted under the operation of the new system, that he feels acutely the wrong under which it makes him suffer.

9. And it is because your memorialist has been led to believe that the Act of Amalgamation has been purposely constituted as to retain for him all the rights and privileges, which he acquired as an officer of the Indian Army when he joined it, that he feels that he is entitled to make this his most respectful appeal.

10. Your memorialist, therefore, upon the grounds which he has now stated, submits his earnest solicitation that Major M'Callum, Saunders, Captains Campbell, Swanston, and Harrison, may be struck off the returns of the 7th Regiment Madras Native Infantry from the date of their appointments to their new corps, that your memorialist may thereby at least obtain the promotion in his regiment to which he believes himself to be fairly entitled.

And your Memorialist has the honour to subscribe himself,

(signed) *W. W. Mercer*, Lieutenant,
7th Regiment Madras Native Infantry.
Kamptee, 21 October 1861.

— No. 36. —

To the Right Honourable Sir *Charles Wood*, Bart., Secretary of State for India.

The Memorial of Captain *T. C. Ansley*, of the 9th Regiment, Madras Native Infantry,

Respectfully sheweth,—

1. THAT your memorialist is a captain in the 9th regiment of Madras Native Infantry; that he joined the late East India Company's Service in the year 1839, the service being then and ever since he has been it a purely seniority service.

2. That whenever a new regiment has been raised and an officer removed on that account, your memorialist has always been granted the benefit of the promotion according to the rules and usages of the service.

3. That in the month of February 1861, his seniors, Captains Dobbs and Shakespear were removed, never to rejoin the 9th regiment, into the new Staff Corps, but your memorialist has not received the benefit of the promotion consequent on their removal, as has hitherto on every former occasion been granted, when a permanent removal of any officer from the regimental roll has taken place.

4. That your memorialist most respectfully, and, he trusts, with no improper motives, begs to lay what he conceives to be a grievance, before his superiors for their kind consideration, feeling that a just expectation of promotion, grounded on the usages of the service from time immemorial, is set aside by the retention of the names of Major Dobbs and Captain Shakespear on the regimental roll of officers of the 9th regiment, when they will never rejoin it, and are forever separated from all its interests.

5. Your memorialist would also respectfully bring to notice that whenever a regiment has been ordered on service in the field, it has always been the practice for all officers on the staff to join their regiments, thus giving equal duty in the field and chance of casualty to each regimental officer; but under present regulations, your memorialist would endure the risk of service in the field, whereas other officers, whose names are simply retained in the regimental roll, endure no risk whatever; your memorialist would therefore submit that he is not now in

the same position he was in before the late order on amalgamation and formation of the Staff Corps was issued, but that one officer enjoys immunity from duty in the field and risk, whereas the other is subjected to it.

6. Your memorialist begs also to bring to notice that, by a late General Order, officers who have been removed to the Staff Corps are exempted from payments to the mess and band funds of their regiments, on the rolls of which their names are still borne, thereby entailing an additional burden of support on your memorialist though receiving inferior pay.

7. Your memorialist would further respectfully represent that, by the present Staff Corps rules, he is subject to be commanded and has been superseded by his juniors in the Army, not from any fault of his own, and which has hitherto been inflicted on officers by the sentence of a court martial, but simply from the fact of their having enjoyed for many years a position on the staff, on which account they have been promoted over his head.

8. In conclusion, your memorialist having been led to believe, by the late Act of Parliament, that not only all advantages as to pay, pensions, allowances, privileges, promotion, and otherwise, but even his expectations, are guaranteed to him, is bitterly disappointed to find that, after 22 years of uninterrupted performance of regimental duty, in a less favoured position as regards health and emoluments than his brother officers on the staff, his promotion is indefinitely stopped, he is superseded, and additional burdens are thrown on him; he therefore begs most respectfully to request that his case may be taken into consideration, And

Your Memorialist will ever pray.

(signed) *Thomas Comyn Ansley*, Captain,
Jaulnah, 6 November 1861. 9th Regiment Madras Native Infantry.

— No. 37. —

To the Right Honourable Sir *Charles Wood*, Bart., Secretary of State for India.

The Memorial of Captain *Augustus Frederick Williams*, of the 9th Regiment of Madras Native Infantry.

Respectfully sheweth,—

1. THAT your memorialist entered the service of the Honourable East India Company in the year 1846; that he has risen to his present rank of captain in accordance with the principles established for the promotion of officers belonging to the service of the late East India Company, viz., by regimental seniority, and that it is with feelings of bitter disappointment that your memorialist now finds, that, although his advantages as to pay, pension, allowances, privileges, promotion, and otherwise, were secured to him by an Act of Parliament, the system of promotion, which has hitherto been most faithfully adhered to, is now no longer in force.

2. Your memorialist would most respectfully observe, that it has ever been the invariable rule in the service of the late East India Company, on the permanent removal of an officer from the regiment, either by transfer to another corps or otherwise, to give a step to the officers below him in his former corps, but that under the recent Act for the Amalgamation of Her Majesty's British and Indian Forces, two officers, Captains Dobbs and Shakespear, have been promoted to the rank of major, and removed from the regiment, to which your memorialist belongs, to the Staff Corps. These two officers cease to pay to either regimental mess or band funds, are not liable to incur the risks of field service when the regiment may be so employed, and cease to have any connexion with the regiment in the slightest degree, yet the names of the two officers in question are ordered to be retained in italics in cadres of the corps to "regulate," as is stated in the Amalgamation Act, the promotion of their juniors.

3. Your memorialist would here most respectfully observe that a double grievance is imposed upon him by the retention of these officers' names, as above stated,

stated ; for not only is his promotion indefinitely stopped, but he finds that the promotion of certain officers, junior to him in the regiment, is in no way regulated by the retention of these officers' names, and that they may by joining the Staff Corps (which some have already done) supersede, and at some future time be placed in command over your memorialist. In fact, that in the same regiment two different systems of promotion exist, by which your memorialist is liable to supersession by his juniors, to which he was formerly at no time liable, except by sanction of court martial.

4. Your memorialist would also beg most respectfully to bring to notice, that, should an officer serving in one of Her Majesty's British regiments in India be allowed to join the Staff Corps, his position in his regiment becomes vacant, and promotions are made in his room. This difference of operation in the two services cannot but be acutely felt by all officers in Her Majesty's Indian army.

5. Your memorialist would, therefore, most respectfully and earnestly trust, that, on the grounds he has mentioned, the names of Majors Dobbs and Shakespear, who no longer belong to the 9th Regiment, may be removed from the rolls of the same, that your memorialist may thereby obtain the position in the regiment to which he believes himself fairly entitled, a position he would have attained had those officers been promoted and removed, as they now are, prior to the recent Amalgamation Act.

Your Memorialist will ever pray.

Janlnah,
19 November 1861.

(signed) *A. F. Williams*, Captain,
9th Regiment of Madras Native Infantry.

— No. 38. —

To the Right Honourable the Secretary of State for India in Council.

The Memorial of Lieutenant *James Best Taylor*, 9th Regiment, Native
Infantry,

Showeth,

1. YOUR memorialist has the honour to submit for consideration, the following representations :—

2. Your memorialist trusts that he will not lay himself open to any charge of impropriety, by his respectful, but earnest representation of the wrong which he feels is inflicted on him (not from any fault of his own) by the retention on the roll of officers of the 9th Regiment, of the names of Major Dobbs, Captains Shakespear, Sanders, and Lieutenant Johnson, after they have ceased for ever to be connected with the regiment and its interests save in name, and appointed to the Staff Corps.

3. Your memorialist would also respectfully submit, that he feels injured by this new system, because it has ever been the practice hitherto, to allow every promotion of officers up to the rank of major (inclusive) which might occur either by casualty, or removal of officers to other corps, to give a step to their juniors in their respective grades.

4. On the 26th July 1860, Sir Charles Wood in reply to Mr. Henley's amendment in the debate in the House of Commons, on the subject of the amalgamation of the armies, stated that, "he was perfectly willing to accept the amendment of the Right Honourable gentleman, also to re-affirm what the Government had never attempted to deny, namely, that they had the firm resolution, strictly and scrupulously of maintaining faith with the officers of the Indian Army ;" and this was reiterated in a Despatch No. 27, paragraph 3, 18th January 1861, to the Governor General of India in Council, but notwithstanding these assurances on the subject of the amalgamation of the armies, from such high authority, your memorialist is now a daily witness of officers being superseded by their regimental juniors, who elect to be appointed to the Staff Corps, and he has learned with much concern in answer to a query forwarded by an officer of this Army, to Army head quarters, that the juniors of his own regiment who have elected for the Staff Corps, and will most probably supersede him on obtaining the important rank of major, will be

Vide Paragraphs
23, 62, 70, and 101,
of G. O. G. G., No.
392, dated 10th
April 1861.

available for the command of his own regiment. Your memorialist even now sees the senior captain of his regiment (but for the retention of the names of officers who have joined the Staff Corps, on the roll of officers of his regiment) superseded by (17) seventeen officers who have joined the Staff Corps, who were junior to him in the service, and who at any day may assume the command over him.

5. Your memorialist submits that it cannot be justly urged that the formation of the Staff Corps involves a new arrangement, from which he as an officer of the late Honourable East India Company's Service has no right to derive the benefits; but on the contrary, he feels that it is diametrically opposed to the hitherto regulations of the service, and to those "rights and privileges" which have been guaranteed to all officers who entered the service previous to the assumption of the Government of India by Her Most Gracious Majesty, and to every assurance which has emanated from the highest authority.

6. Your memorialist would also observe that, had Major Dobbs, Captains Shakespear, Sanders, and Lieutenant Johnson been removed into any other new corps, before the Amalgamation Act, his position would, at this moment have been, that of senior lieutenant of his regiment; but according to the new rules by which the names of Major Dobbs, Captains Shakespear, Sanders, and Lieutenant Johnson, have been retained on the roll of officers of the 9th Regiment, not as in any way belonging to the regiment, but solely to "regulate" as it is denominated, the promotion of the officers who remain "local" the promotion of your memorialist is stopped indefinitely, leaving a feeling of utter disappointment as the result.

7. It may be urged that the promotion of local officers will not be more impeded by the staff rule than hitherto, as staff officers were always retained in their regimental positions; but your memorialist respectfully suggests that there is no analogy between the staff as formerly and as now constituted. By the old regulations, officers on staff employ were remanded to their regiments on promotion, either to the rank of captain or major, excepting when they belonged to head-quarter offices or were in certain political situations, which admitted of their being retained in them, but even from these they were ordered to join their corps on service; they were then part and parcel of their regiments, and shared alike with their brother officers the dangers and accidents of war. But now he will see the officers of his regiment, who have elected for the Staff Corps, comfortably located in well-paid appointments, and retarding (as they do not now run the same risks of war as formerly) his promotion, it may be for years. They have also ceased to pay mess and band subscriptions. But how different is the effect on officers of the British Army who may elect for the Indian Staff Corps; for by G.O.G.G., 10th April 1861, para. 83, "Officers of the British Army when permanently transferred to the Staff Corps, will be removed from the strength of the regiments to which they belonged."

8. It is because your memorialist has been led to believe, that the Act of Amalgamation has been purposely so constituted as to retain for him all those "rights and privileges" which he acquired as an officer of the Indian Army on joining it, that he feels that he is justified in making this, his most respectful, appeal.

9. Your memorialist, therefore, for the reason which he has now stated, submits his earnest solicitation, and confidently trusts that the names of Major Dobbs, Captains Shakespear, and Sanders, and Lieutenant Johnson, may be removed from the regimental roll of officers of the 9th Regiment, Native Infantry, from the date of their appointment to the Staff Corps, thereby enabling your memorialist to obtain the position in his regiment to which he believes himself to be fully entitled, and also that steps may be taken to prevent his supersession at a future date.

For which your Memorialist, as in duty bound, will ever pray.

(signed) *J. B. Taylor,*
Lieutenant, 9th Regiment, Native Infantry.

Jaulnah,
16th December 1861.

— No. 39. —

To the Right Honourable the Secretary of State for India in Council.

Memorial of Lieutenant and Brevet Captain *Edward Dunbar*, of the 12th Regiment of Her Majesty's Madras Native Infantry.

Your petitioner begs most respectfully to memorialize you regarding what he conceives to be a grievance, in having been superseded by junior officers of the Madras Army generally, and in his own regiment particularly.

2. By various General Orders of the Governor in Council, Fort St. George, lately promulgated under the new Amalgamation Order, long lists of names of officers who have been appointed to the Staff Corps, many of those officers have obtained, on removal to the Staff Corps a rank they did not hold in their regiments, and they have superseded their seniors. I have been superseded by two junior lieutenants of my own regiment, who stood immediately below me, by their being promoted over my head to captains in the Staff Corps; and those two officers, if they serve for a few years more in the Staff Corps, will become majors, and long before I have any chance of reaching that rank; and they may possibly, in after years, become my commanding officers.

3. These officers being your memorialist's juniors in the list of lieutenants, as they stand in the 12th Regiment Native Infantry for promotion, as such, cannot, as your memorialist respectfully submits, supersede him in a seniority service, as the Indian Army is, or in conformity with para. 23* of the General Order by his Excellency the Governor General in Council, dated Fort William, 10th April 1861. Such supercession appears to your memorialist to invalidate part of the Parliamentary Guarantee of 1858 itself confirmed in 1860.

4. For these officers, your memorialist's juniors, by being appointed to the Madras Staff Corps, have obtained the substantive rank of captain respectively, while your memorialist, their senior in the list, still remains lieutenant and brevet-captain.

5. And your memorialist begs further to state, that although these officers, your memorialist's juniors, have been advanced to substantive rank above him, yet he has derived no advantage or advancement himself from officers, his seniors, having been promoted and transferred to the Staff Corps; for it has been ordered that the names of officers removed to the Staff Corps shall remain in the Army List in italics, in their previous position, thus presenting a grievous barrier to promotion, both present and prospective.

Your memorialist, who is of 16½ years' standing, and second from the top of the list of lieutenants in his regiment, respectfully submits this to be a great grievance and not in accordance to precedent and the most ancient and surely-vested rights of the service, positively guaranteed by Acts of Parliament in 1858 and 1860, and also totally opposed to para. 23 of General Order of the Governor General in Council of the 10th April 1861.

6. Considering that the supercession of your memorialist by the promotions in the Staff Corps is a violation of his vested rights, as strictly guaranteed by Acts of Parliament and General Orders on the subject, your memorialist, in bringing these grievances of supercession and non-promotion to your notice, most respectfully implores your protection and favourable consideration and adjustment of the same.

And your petitioner will, as in duty bound, ever pray.

(signed) *E. Dunbar*,
Lieutenant and Brevet Captain, Her Majesty's
12th Regiment Madras Native Infantry.

Masulipatam, 24 December 1861.

* 23. In the execution of the measures to bring about the proposed amalgamation, it is the intention of Her Majesty's Government that the pledge that due regard shall be paid to the rights and claims of the officers of Her Majesty's Indian Forces shall be scrupulously adhered to.

— No. 40. —

To the Right Honourable the Secretary of State for India in Council

The Humble Memorial of Lieutenant *William Mellish Parratt*, of the 12th Regiment of Her Majesty's Madras Native Infantry,

Showeth,

1. THAT your memorialist conceives himself aggrieved by having been superseded by junior officers of the Madras Army generally, and in his own regiment in particular.

2. That by the possibility of officers junior to your memorialist in his own regiment becoming, by virtue of their superior rank (not obtained by gallantry in the field), your memorialist's commanding officers, which your memorialist most respectfully submits is not in conformity with a seniority service, in which he has been paying for his promotion, or with para. 23 of the General Amalgamation Orders by his Excellency the Governor General of India in Council, dated Fort William, 10th April 1861, such supersedure appearing to your memorialist to invalidate part of the Parliamentary Guarantee of 1858, itself confirmed in 1860.

3. That the names of the officers appointed to the Staff Corps being retained on the cadres of regiments, present a grievous barrier to promotion both present and prospective.

4. That your memorialist's vested rights, as guaranteed by Act of Parliament and General Orders before mentioned, have been infringed by the promotion of two juniors over his head in his own regiment.

5. That your memorialist has served in the Madras Army for 13 years and 10 months; that he will not be promoted to the brevet rank of captain till he has served another year and two months. He therefore most respectfully implores your Excellency's protection, and a favourable consideration of his case, and prays that as his juniors in the Army are promoted to superior rank on appointment to the Staff Corps after 12 years' service, that he may be allowed a similar indulgence, and a commission granted him antedated to 25th February 1860, when your memorialist completed 12 years' service.

And your memorialist, as in duty bound, will ever pray.

(signed) *W. M. Parratt*,

Lieutenant, 12th Regiment

Madras Native Infantry.

Masulipatam, 1 January 1862.

— No. 41. —

To the Right Honourable Sir *C. Wood*, Bart., Secretary of State for India in Council.

The Memorial of Lieutenant *Wigram Arthur Cheke*, of the 13th Regiment of Madras Native Infantry.

YOUR petitioner begs most respectfully to memorialize you with reference to the following grievance:—

2. Several officers senior to your memorialist in his regiment have been removed by order of Government to the Staff Corps; these officers so posted not only cease to belong to their old regiment, but cease to subscribe to the mess, band, &c.; in point of fact, they no more belong to their regiment than officers who have retired from it on their pension. Yet your memorialist has derived no advantage whatever in promotion from those senior officers having been transferred from his corps, for their names still remain "by order" in their regiments in the Army

Army List in italics, thus presenting great grievance, and a bar to promotion both present and prospective. Your memorialist respectfully submits that this is not in accordance with precedent or so-called "vested rights" of the service, positively guaranteed by an Act of Parliament, and in direct opposition to paragraph 23 of the General Order of his Excellency the Governor General of India in Council, dated 10th April 1861.

3. Your memorialist, in bringing this grievance to your notice, most respectfully implores your protection and favourable consideration, and solicits that he may be allowed the benefit, as heretofore, of all vacancies created in his corps by the removal of senior officers from it.

And your petitioner, as in duty bound, will ever pray.

(signed) *Wigram Arthur Cheke,*
Lieutenant, 13th Regiment,
Madras Native Infantry.

Madras, 26 November 1861.

— No. 42. —

To the Right Honourable Sir *C. Wood*, Bart., Secretary of State for India in Council.

The Memorial of Lieutenant *Frederick Thomas Miller*, of the 16th Regiment of Madras Native Infantry.

Your petitioner begs most respectfully to memorialise you with reference to the following grievance:—

Since the promulgation of the order for the formation of the Staff Corps, six officers senior to your memorialist in his regiment have been removed to this newly-constituted body, ceasing to subscribe to the mess and band and all other institutions in the regiment, and virtually ceasing (as your memorialist can but see it) to belong to their old regiment in any way whatever—the advancement and promotion which would accrue to your memorialist in accordance with the usage of the service of the late East India Company being withheld by the retention in italics of the officers' names so removed to the Staff Corps in their old regimental rolls in the Army List.

Your memorialist most respectfully submits his case for consideration, conceiving that unless promotion is given in his regiment for each vacancy, according to its date, created by the removal of the above-named six officers to the Staff Corps, the advantages as to "privileges, promotion, and otherwise," secured by Act of Parliament 21 & 22 Vict. to the military forces of the East India Company, are disallowed, and the Act itself rendered null and void. Your memorialist also conceives the present plan of retaining the names of the officers removed to the Staff Corps (to his great detriment, both as regards his present and future prospects) in the rolls of their old regiments, to be contrary to the intention conveyed to him as an officer of Her Majesty's Indian Forces, in paragraph 23 of the General Orders by his Excellency the Governor General of India in Council, dated 10th April 1861.

Your memorialist, in bringing this his grievance to your notice, most respectfully entreats your protection and consideration, and solicits that, as heretofore, so in the present case, he may be allowed the benefit of all vacancies created in his corps by the removal of senior officers therefrom; and your petitioner will, as in duty bound, for ever pray.

(signed) *F. T. Miller,*
Lieutenant, 16th Regiment,
Madras Native Infantry.

Hurryhur, 19 December 1861.

— No. 43. —

To the Right Honourable Sir *Charles Wood*, Secretary of State for India.

The Humble Memorial of *John Charles Hay*, Lieutenant in the 16th Regiment of Madras Native Infantry :

Showeth,

1. THAT in 1852, your memorialist entered the Madras Army as a seniority service, in which his only chances of promotion were successively by casualties among his brother officers senior to him in your petitioner's regiment, from whatever cause arising, whether from death, retirement or removal.

2. That the usage and practice of the Madras Army always has been, that officers removed to other regiments should give vacancies in their former regiments, as has always been shown on every occasion of the addition of new Native or European regiments to the strength of that Army; that this is a fundamental rule * in the organization of the Staff Corps, which is held in abeyance † to the obstruction of your memorialist's promotion.

3. That the officers removed to the Staff Corps are transferred to a distinct corps, in which alone they obtain their promotion, is proved by the Governor-General's Order in Council, ‡ exempting such officers from payment of mess and band subscriptions to the regiments "to which they formerly belonged."

§Capt A.J.P.Ewart.
Capt. R. H. Bolton.
Lieut. Geo. de la P.
Beresford.
Lieut. S. Galbraith.
Lieut. H. H. Foord.

4. That Captain Thomas Craufurd Longcroft and five other officers, § senior to your memorialist in the 16th Regiment of Madras Native Infantry, have been transferred to the Staff Corps, but no promotion has been made in their room; and thus, though holding the rank of majors and captains in the Staff Corps, they are as captains and lieutenants obstructing promotion in a regiment which they never will rejoin in garrison or in the field, and in contravention of usage and practice, and of your memorialist's rights and privileges, as guaranteed by an Act of Parliament.

5. Your memorialist, therefore, prays that the names of Captain Longcroft and the other officers transferred to the Staff Corps, be removed from the list of the 16th Regiment of Madras Native Infantry; and your memorialist, as in duty bound, will ever pray.

(signed) *J. Charles Hay*, Lieutenant,
Hurryhur, 11 January 1862. 16th Madras Native Infantry.

— No. 44. —

To the Right Honourable Sir *C. Wood*, Bart., Secretary of State for India in Council.

The Memorial of Lieutenant *Llewelyn Owen*, of the 16th Regiment of Madras Native Infantry.

Your petitioner begs most respectfully to memorialize you with reference to the following grievance:—

Up to the present date, six officers, senior to your memorialist in his regiment, have been removed by order of Government to the Staff Corps; these officers, so posted to the Staff Corps, not only cease to belong to their old regiment, but, as a sequence, cease to subscribe to the mess, band, or other institutions in the corps; in point of fact, they no more belong to the regiment than officers who have retired therefrom upon a pension; yet your memorialist has derived no advancement nor promotion from those senior officers having been transferred from his corps,

* Despatch of Secretary of State, No. 27, of 18th January 1861, and G. O. G., No. 332, of 10th April 1861.

† Despatch of Secretary of State, No. 27, of 18th January 1861, para. 14, and G. O. G. of 10th April 1861, paras. 58, 59.

‡ Despatch of Secretary of State, No. 27, of 18th January 1861, paras. 6 & 14, and G. O. G., No. 312, dated Fort Saint George, 13th September 1861.

corps, for their names still remain by order in their old regiment in the Army List, in italics, thus presenting a great grievance, and a bar to promotion, both present and prospective.

Your memorialist respectfully submits that this is not in accordance with precedent, nor the so-called vested rights of the service, positively guaranteed by an Act of Parliament, and in direct opposition to para. 23 of the General Order by his Excellency the Governor General of India in Council, dated 10th April 1861.

Your memorialist, in bringing this grievance to your notice, most respectfully implores your protection and favourable consideration, and solicits that he may be allowed the benefit, as heretofore, of all vacancies created in his corps by the removal of senior officers therefrom; and your petitioner will, as in duty bound, for ever pray.

(signed) *Llewelyn Owen,*
Lieutenant, 16th Regiment,
Madras Native Infantry.

Hurryhur, 13 December 1861.

— No. 45. —

To the Right Honourable the Secretary of State for India in Council.

The Humble Memorial of *William Hornidge*, Lieutenant and Brevet Captain in the 24th Regiment Madras Native Infantry.

Showeth,

1. THAT on the 27th August 1861, Captain and Brevet Major R. T. Snow, the senior captain of your memorialist's regiment, was removed in General Orders in the Madras Staff Corps, but that his name is still borne on the roll of the 24th Regiment Madras Native Infantry; and your memorialist, being the senior lieutenant of his regiment, has not been advanced to the superior grade.

2. That para. 83 of the Amalgamation Order, dated 10th April 1861, directs that an officer of the British Army, when posted to the Staff Corps, shall be removed from his former regiment; and no reason is assigned for making a distinction in this respect between the two branches of the amalgamated service.

3. That under the Government of the late East India Company, your memorialist would, on the removal, from whatever cause, of an officer senior to him in the regiment, have had the benefit of a step of promotion.

4. That the Act of Parliament passed in the year 1858 to transfer the Government of India to the Crown, contains a clause guaranteeing to the officers of the Indian Army the same privileges in the matter of promotion as they enjoyed under the Government of the late East India Company, and as they would have continued to enjoy had the aforesaid Act never been passed.

5. That therefore to transfer Captain and Brevet Major R. T. Snow to the Madras Staff Corps, and at the same time to retain his name in the 24th Regiment Madras Native Infantry, thereby barring the advancement of your memorialist, is (he would most respectfully observe) an infringement of the aforesaid Act of Parliament.

6. That your memorialist therefore prays that the Madras Government may be authorised to promote your memorialist to the rank of regimental captain from the 28th August 1861.

And your memorialist, as in duty bound, will ever pray.

(signed) *W. Hornidge,*
Lieutenant (Brevet Captain) 24th Regiment
Madras Native Infantry.

Vizianagram,
5 October 1861.

— No. 46. —

To the Right Honourable Sir *Charles Wood*, Secretary of State for India.

The Memorial of Lieutenant *Quintin Shaw Awdry Jamieson*, of the 22d Regiment of Madras Native Infantry.

1. Your petitioner begs most respectfully to memorialize you with reference to the following grievance:—

2. Up to the present date, four officers senior to your memorialist in his regiment have been removed by order of Government to the Staff Corps. These officers, so posted to the Staff Corps, not only cease to belong to their old regiment, but, as a sequence, cease to subscribe to the mess and other institutions in the corps; in point of fact, they no more belong to the regiment than officers who have retired therefrom upon a pension; yet your memorialist has derived no advancement or promotion from these senior officers having been removed from his corps, for their names remain by order in their old regiment in the Army List, in italics, thus presenting a great grievance and bar to promotion, both present and prospective.

3. Your memorialist respectfully submits that this is not in accordance with precedent, nor the so-called vested rights of the service positively guaranteed by an Act of Parliament, and in direct opposition to para. 23, of the General Order by his Excellency the Governor General of India in Council, dated 10th April 1861.

4. Your memorialist, in bringing this grievance to your notice, most respectfully implores your favourable consideration of his case, and solicits that he may be allowed the benefit, as heretofore, of all vacancies in his corps by the removal of senior officers therefrom.

And your petitioner will, as in duty bound, forever pray.

(signed) *Q. S. A. Jamieson*,
Lieutenant, 22d Regiment,
Madras Native Infantry.

Madras, 5 December 1861.

— No. 47. —

To the Right Honourable Sir *Charles Wood*, Secretary of State for India.

The Memorial of Lieutenant *Nathaniel Alexander*, of the 22d Regiment of Madras Native Infantry.

1. Your petitioner begs most respectfully to memorialise you with reference to the following grievance:—

2. Up to the present date, four officers senior to your memorialist in his regiment have been removed by order of Government to the Staff Corps; these officers, so posted to the Staff Corps, not only cease to belong to their old regiment, but as a sequence cease to subscribe to the mess and other institutions in the corps; in point of fact, they no more belong to the regiment than officers who have retired therefrom upon a pension. Yet your memorialist has derived no advancement or promotion from these senior officers having been transferred from his corps; for their names still remain by order in their old regiment in Army List, in italics, thus presenting a great grievance and a bar to promotion, both present and prospective.

3. Your memorialist respectfully submits that this is not in accordance with precedent nor the so-called vested rights of the service, positively guaranteed by an Act of Parliament, and in direct opposition to para. 23 of the General Order by his Excellency the Governor General of India in Council, dated 10th April 1861.

4. Your

4. Your memorialist, in bringing this grievance to your notice, most respectfully implores your protection and favourable consideration, and solicits that he may be allowed the benefit, as heretofore, of all vacancies in his corps by the removal of senior officers therefrom; and your petitioner will, as in duty bound, ever pray.

(signed) *Nathaniel Alexander,*
Lieutenant, 22d Regiment
Madras Native Infantry.

Madras, 25 November 1861.

— No. 48. —

To the Right Honourable the Secretary of State for India in Council.

The Humble Memorial of Lieutenant and Brevet Captain *Vincent John Shortland,*
of the 24th Regiment of Madras Native Infantry.

Showeth,

1. THAT your memorialist stands third in the list of lieutenants of the 24th Regiment of Madras Native Infantry, and that although two of the officers* in the roll of captains of his regiment, his seniors, have been transferred by the Government to the Madras Staff Corps, no consequent promotion has taken place in the regiment thereon, though the Act of Parliament, passed in 1858, guaranteed to the officers of the late Indian Army all their rights and privileges, and which, had the Act been carried out, would have secured your memorialist's advancement by two steps.

* Capt. and Brevet
Major R. T. Snow.
Capt. H. Hoseason.

2. Your memorialist humbly begs to point out that the Madras Staff Corps is a newly-raised regiment, and perfectly disconnected with the regiment to which your memorialist belongs; and that after a service of upwards of 19 years as a subaltern, your memorialist trusts that the promotions consequent on the transfer of the two captains from your memorialist's regiment may be made, which would secure your memorialist's advancement, according to the rules on which he entered the service, and in accordance with the guarantee of the Act of Parliament.

And your memorialist, as in duty bound, will ever pray.

(signed) *Vincent Shortland,*
Brevet Captain, 24th Regiment,
Madras Native Infantry.

Vizianagram 10 October 1861.

— No. 49. —

To the Right Honourable Her Majesty's Secretary of State for India in Council.

The Humble Memorial of *Edwin Gardner Ingram,* Lieutenant in the 24th Regiment Madras Native Infantry.

Showeth,

THAT Lieutenant Edward Lewis Hankin, your memorialist's regimental junior, has been promoted to the rank of captain, to the grievous supercession of your memorialist, and in contravention of his rights and privileges as an officer of the late Indian Army, which have been guaranteed to him by Act of Parliament. That Captain Raymond Torin Snow and three other officers,† senior to the memorialist in the 24th Regiment Native Infantry, have been transferred to the Staff Corps, but no promotion has been made in their room, their names being retained in the list, to the obstruction of all promotion; that the usage and practice of the Madras Army has been, that officers permanently removed to other regiments should create vacancies in their former regiments, and these five officers have been so transferred to a distinctly separate regiment; that all connexion with the 24th Regiment Native Infantry has entirely ceased, and that

† Captain Hoseason.
Lieutenant and Brevet
Capt. Browne.
Lieut. and Brevet
Capt. Clephane.

never again will they be called on to share with the remaining officers of that regiment the danger or chances of camp or garrison; and that, consequently, the retention of their names on the list of the 24th Regiment is in direct contravention of the rights and privileges of your memorialist, established by usage and practice, and guaranteed by Act of Parliament. That having no service on the staff to count towards promotion, your memorialist is unable to enter the Staff Corps on equal terms with Lieutenant Hankin, his regimental junior; but your memorialist prays that the names of Captain Snow and the three officers* who, though transferred to the Staff Corps, still obstruct his promotion, be removed from the list of the 24th Regiment Native Infantry.

* Captain Hoseason.
Lieut. and Brevet
Capt. Browne.
Lieut. and Brevet
Capt. Clephane.

And your memorialist, as in duty bound, will ever pray.

(signed) *E. G. Ingram,*
Lieutenant, 24th Regiment
Native Infantry.

Vizianagram, 4 November 1861.

— No. 50. —

To the Right Honourable Her Majesty's Secretary of State for India in Council.

The Humble Memorial of *Tudor Lavie*, Lieutenant in the 24th Regiment Madras Native Infantry.

Showeth,

1. THAT your memorialist entered the Madras Army as a seniority service, in which his only chances of promotion were successively by casualties among the officers senior to him in his regiment, from whatever cause arising, whether from death, retirement, or removal.

2. That the usage and practice of the Madras Army always has been, that officers removed to other regiments should give vacancies in their former regiments, as has been shown on every occasion of the addition of new Native or European regiments to the strength of that Army; that this also is a fundamental rule † in the organization of the Staff Corps, which is temporarily held in abeyance ‡, to the obstruction of your memorialist's promotion.

3. That officers removed to the Staff Corps are transferred to distinct corps, in which alone they obtain their promotion, is proved by the Governor General's Order in Council §, exempting such officers from payment of mess and band subscriptions to the regiments "to which they belonged."

4. That Captain Raymond Torin Snow and five other officers, senior to your memorialist in the 24th Regiment Native Infantry, have been transferred to the Staff Corps, but no promotion has been made in their room; and thus, though holding the rank of major and captains in the Staff Corps, they are, as captain and lieutenants, obstructing promotion in a regiment which they will never again join in garrison or in the field, and in contravention of usage and practice, and of your memorialist's rights and privileges as guaranteed by Act of Parliament.

¶ Captain Henry Hoseason.
Lieutenant G. F. S. Browne.
" A. R. Clephane.
" E. L. Hankin.
" J. W. W. Osborne.

5. Your memorialist, therefore, prays that the names of Captain Snow and of the other officers ¶ transferred to the Staff Corps, be removed from the list of the 24th Regiment Native Infantry.

¶ Captain Henry Hoseason.
Lieutenant G. F. S. Browne.
" A. R. Clephane.
" E. L. Hankin.
" J. W. W. Osborne.

And your memorialist, as in duty bound, will ever pray.

(signed) *Tudor Lavie,*
Lieutenant, 24th Regiment
Madras Native Infantry.

Vizianagram, 27 October 1861.

† Despatch of Secretary of State, No. 27, of 18th January 1861, para. 21, and G. O. G. G., No. 332, of 10th April 1861, para. 63.

‡ Despatch of Secretary of State, No. 27, of 18th January 1861, para. 14, and G. O. G. G., No. 332, of 10th April 1861, paras. 58, 59.

§ Despatch of Secretary of State, No. 27, of 18th January 1861, paras. 6 & 14, and G. O. G., No. 312, dated Fort St. George, 18th September 1861.

— No. 51. —

To the Right Honourable Her Majesty's Secretary of State for India in Council.

THE humble Memorial of *Charles John Rose*, Ensign in the 24th Regiment, Madras Native Infantry,

Showeth,

THAT your memorialist's commission as an ensign dates from the 14th June 1856, that he entered the Army as a seniority service, and that he now stands first ensign in his regiment, having attained that position by the ordinary casualties that regulate promotion by seniority; and that his rights and privileges as heretofore existing have been strictly* and scrupulously guaranteed to him by Act of Parliament.

That six officers, as enumerated in the margin, have been removed to the Madras Staff Corps, the two first with the superior rank of major, and the three next with that of captain, and they never again will share with their former brother officers of the 24th Regiment Native Infantry the dangers and vicissitudes of field or garrison; that, though these officers have been removed to a distinctly separate regiment, in which alone they will receive their promotion according to a newly organised system, their names have, contrary to former usage and practice, and in opposition to our guaranteed rights and privileges, been retained on the Regimental List of the 24th Regiment Native Infantry to the prejudice and obstruction of all promotion.

24th Regiment, Native Infantry.		
Captain R. T. Snow	-	-
" H. Hoseason	-	-
Lieutenant G. F. S. Browne	-	-
" A. R. Clephane	-	-
" E. L. Hankin	-	-
" J. W. W. Osborne	-	-
		} as Majors.
		} as Captains.

Your memorialist therefore solicits that the names of the officers above mentioned be removed from the List of the 24th Regiment Native Infantry.

And your Memorialist, as in duty bound, will ever pray.

(signed) *Charles John Rose*, Ensign,
24th Regiment Native Infantry.

Vizianagram,
28 November 1861.

— No. 52. —

To the Right Honourable Sir C. Wood, Bart., Her Majesty's Secretary of State for India.

THE Memorial of Captain *Blackett Revell*, Her Majesty's 31st Light Infantry, Madras Army,

Showeth,

THAT, on the 17th February 1861, the Roll of Major and Captains in Her Majesty's 31st Light Infantry, Madras Army, stood as follows:—

Major:—William Henry Budd.

Captains:—Stephen Charles Briggs.
Blackett Revell.
Henry Dyett Abbott.

Your memorialist's regimental seniors, Major Budd and Captain Briggs, were promoted to the rank of Regimental Lieutenant Colonel and Regimental Major respectively, and removed to a new corps, the Madras Staff Corps, on the 18th February 1861; on which date also your memorialist's regimental junior, Captain Abbott, was promoted to a regimental majority, and removed to the same corps.

Your memorialist begs most respectfully to refer Her Majesty's Secretary of State

* *Vide* Sir C. Wood's reply to Mr. Henley in Parliament, 26 July 1860.

State for India to section 27,* paragraphs 1, 2, and 3, General Regulations of the Madras Army, and to request that he, Captain Blackett Revell, may be promoted to a regimental majority from the 18th February 1861, the date on which his seniors, Major Budd and Captain Briggs were promoted and removed to a new corps. Your memorialist cannot believe that it is the intention of Her Majesty's Government to promote his regimental seniors and juniors, and leave him *in statu quo*.

Your memorialist has signified to the Adjutant General, Madras Army, by letter dated 12th November 1861, his willingness to accept the offer of an annuity of 120 *l.* per annum made to captains of 25 years' service, if granted the pension of a major, the rank your memorialist now claims. Your petitioner having served upwards of 22 years is entitled to the pension of his rank. Your petitioner requested that, if his claim was objected to, his case might be referred to Her Majesty's Secretary of State for India; and that in the meantime he might be permitted to serve until the 14th March 1862, when, having completed 24 years' service for pension, he would be entitled, by the Regulations of 1854, to the pension of a major.

Your petitioner prays that he may be granted the promotion he claims respectfully as a right, and the annuity, which he would gratefully receive as a favour.

And your Petitioner, as in duty bound, will ever pray, &c.

(signed) *B. Revell*, Captain,
Her Majesty's 31st Light Infantry, Madras Army.

Aucacole,
3 December 1861.

— No. 53. —

To the Right Honourable Sir *Charles Wood*, Secretary of State for India.

THE humble Memorial of Lieutenant *Arthur Mears*, of the 36th Regiment of Madras Native Infantry,

Showeth,

THAT up to the present date, four officers senior to your memorialist in his regiment, have been removed by order of Government to the Staff Corps; these officers so posted to the Staff Corps, not only cease to belong to their old regiments, but as a sequence, cease to subscribe to the mess, band, or other institutions in the corps; in point of fact, they no more belong to the regiment than officers who have retired therefrom upon a pension; yet your memorialist has derived no advancement nor promotion from these senior officers having been transferred from his corps, for their names still remain "by order" in their old regiment in the Army List, in italics, thus presenting a great grievance, and a bar to promotion, both present and prospective.

Your memorialist respectfully submits that this is not in accordance with precedent, nor the so-called "vested rights" of the Service, positively guaranteed by an Act of Parliament, and in direct opposition to para. 23 of the General Order by his Excellency the Governor General of India in Council, dated 10th April 1861.

Your memorialist in bringing this grievance to your notice, most respectfully implores your protection and favourable consideration, and solicits that he may be allowed the benefit, as heretofore, of all vacancies created in his corps by the removal of senior officers therefrom.

And your Petitioner will, as in duty bound, ever pray.

(signed) *A. Mears*, Lieutenant,
36th Regiment Madras Native
Infantry.

Madras, 9 December 1861.

* 1. All officers shall be promoted by seniority in their respective regiments up to the rank of major, and afterwards by seniority in their respective branches of the Service.

2. All promotions are to bear date from the day on which the vacancies occur.

3. Promotions or removals, on augmentations, are to be made on the principle of removing to new corps the senior officers of each rank who may, by such removal, be promoted to a superior rank, or be advanced to a higher grade in the same rank.

— No. 54. —

To the Right Honourable Sir *Charles Wood*, Bart., Secretary of State for India.

THE Memorial of Captain *James Robert Fulton*, of the 46th Regiment of Madras Native Infantry.

YOUR Petitioner begs most respectfully to memorialise you regarding what he conceives to be a grievance, namely, in having his prospective promotion marred by three of his senior officers being transferred to the Madras Staff Corps, without their names being removed from the list of the 46th Regiment, Madras Native Infantry.

2. By General Orders of the Governor in Council, Fort St. George, dated 10th September 1861, 13th August 1861, and 8th October 1861, respectively, Captains Alexander John Greenlaw, Thomas Greenaway, and Alexander Kennedy Clarke Kennedy, were appointed to the Madras Staff Corps, and have been promoted to substantive majors in that corps, yet these officers still remain in your memorialist's regiment in italics, as captains, thus presenting a grievous barrier to his future promotion. Your memorialist (who is 21 years' service, and only fifth captain in his regiment,) respectfully submits this to be a very great grievance, and not in accordance with precedent, and the so-called vested rights and privileges of the service, positively guaranteed to him by Act of Parliament, and totally opposed to para. 23 of General Order of the Governor in Council of 10th April 1861.

3. Your memorialist in bringing this grievance to your notice most respectfully implores your protection and favourable consideration, and adjustment of the same, by removing the names of Captains Alexander John Greenlaw, Thomas Greenaway, and Alexander Kennedy Clarke Kennedy, from your memorialist's regiment.

And your Petitioner will, as in duty bound, ever pray.

Vizianagram, 2 December 1861. (signed) *J. R. Fulton*, Captain,
46th Regiment, Madras Native
Infantry.

— No. 55. —

To the Right Honourable Her Majesty's Secretary of State for India in Council.

THE humble Memorial of *Robert Belford Cummins*, Lieutenant in the 46th Regiment of Madras Native Infantry.

Showeth,

THAT your memorialist entered the Madras Army as a seniority service, in which his only chances of promotion were successively by casualties among those officers senior to him in his regiment, from whatever cause arising, whether from death, retirement, or removal.

2. That the usage and practice of the Madras Army always has been that officers removed to other regiments should give vacancies in their former regiments, as has been shown on every occasion of the addition of new native or European regiments to the strength of that army; that this also is a* fundamental rule in the organisation of the Staff Corps, which is temporarily held in abeyance† to the obstruction of your memorialist's promotion.

3. That

* Despatch of Secretary of State, No. 27, of 18th January 1861, para. 21, and G. O. G. G., No. 332, of 10th April 1861, para. 83.

† Despatch of Secretary of State, No. 27, of 18th January 1861, para. 14, and G. O. G., No. 332, of 10th April 1861, paras. 58 and 59.

3. That officers removed to the Staff Corps are transferred to a distinct corps, in which alone they obtain their promotion,* is proved by the Governor General's Order in Council exempting such officers from payment of mess and band subscriptions "to the regiments to which they belonged."

† Captain A. J. Greenlaw.

" T. Greenway.

" A. K. C. Kennedy.

Captain and Brevet Major W. Murray.

Lieutenant and Brevet Captain J. W. Stubbs.

A. C. McNeill.

" Lieutenant H. Fraser."

" H. T. Duncan.

" C. W. Street.

" R. Houghton.

4. That Captain Alexander John Greenlaw, and nine† other officers, senior to your memorialists in the 46th Regiment of Madras Native Infantry, have been transferred to the Staff Corps, but no promotion has been made in their room, and thus, through holding the ranks of major and captain in the Staff Corps, they are as captains and lieutenants obstructing promotion, in a regiment which they will never again join, either in garrison or in the field,

and in direct opposition to usage and practice, and to your memorialist's rights and privileges, which are guaranteed by Act of Parliament.

5. Your memorialist therefore prays that the names of Captain Alexander John Greenlaw and nine other officers transferred to the Madras Staff Corps be removed from the list of officers of the 46th Regiment of Madras Native Infantry.

And your Memorialist, as in duty bound, will ever pray.

(signed) *Robert Belford Cummins*, Lieutenant,
46th Regiment, Madras Native Infantry.
Vizianagram,
7 November 1861.

— No. 56 —

To the Right Honourable Her Majesty's Secretary of State for India.

THE respectful Memorial of Captain *John Wellwood Rutherford*, of Her Majesty's 47th Regiment of Madras Native Infantry,

Humbly showeth,

THAT your memorialist was appointed to the Madras Army in 1841, the date of his first commission being the 11th of August in that year; that he has consequently served (not excluding furlough) for upwards of 20 years; that when your memorialist entered the Service its fundamental principles were based upon regimental promotion by seniority, and the following is the first clause of section 27 of the General Regulations for the guidance of the Madras Army,—Head, "Promotion of officers." "All officers shall be promoted by seniority in their respective regiments up to the rank of major, and afterwards by seniority in their respective branches of the Service."

2. On the 26th July 1860, Sir Charles Wood, in reply to Mr. Henley's amendment in the Debate in the House of Commons on the subject of the amalgamation of the armies, stated that "he was perfectly willing to accept the amendment of the right honourable gentleman, and also to re-affirm what the Government had never attempted to deny, namely, that they had the firm resolution, strictly and scrupulously, of maintaining faith with the officers of the Indian Army; and this was reiterated in a Despatch, No. 27, para. 3, 18th January 1861, to the Governor General of India in Council; but notwithstanding these assurances on the subject of the amalgamation of the armies from such high authority, your memorialist is now a daily witness of officers being superseded by their regimental juniors who elect to be appointed to the Staff Corps, and he has heard it has been declared by authority that the juniors of his regiment who have elected for staff may possibly hereafter supersede him in attaining the important rank of major, and be available for the command of his regiment in supersession of your memorialist.

3. Your

* Despatch of Secretary of State, No. 27, of 18 January 1861, paras. 6 and 14, and G. O., G., No. 312, dated Fort St. George, 13 September 1861.

3. Your memorialist humbly conceives that such a measure is diametrically opposed to the Regulations of the Service, and to those "rights and claims" which have been guaranteed to all officers who entered the Service previously to the assumption of the Government of India by her most gracious Majesty, and to every assurance which has emanated from the highest authority.

4. Your memorialist would also observe that although officers who elect to remain in the Local Service not only do not obtain any advantage by the seniors of their regiments who elect for the Staff Corps being removed, but the latter have been constituted a retarding element to the ordinary progress of promotion, for they who are now, in most instances, virtually civilians, unexposed to the vicissitudes and dangers of military life, are retained nominally on the rolls of the regiment to regulate, as it is denominated, the promotion of the officers who remain "local." It may be urged that the promotion of "local" officers will not be more impeded by the staff rules than hitherto, as staff officers were always retained in their regimental position; but your memorialist respectfully suggests that there is no analogy between the staff as formerly and as now constituted. The former staff were retained as "effective" in the complements of their regiments, and were liable to be remanded to them on promotion either to captain or major, according to the requirements of the Staff Regulations, but to the latter grade it was a general rule that they should return to regimental duty, excepting only when they belonged to head-quarter offices, or were in certain political situations which admitted of majors being retained in them; but even from these they were liable to be called upon to join their corps on service; they were then part and parcel of their regiments, and usually assisted their brother officers towards regimental subscriptions and purchase of steps; now, alas! it is true they are retained on the rolls of their regiments nominally only, as far as they are concerned, but most substantially as respects their juniors, who will now see officers comfortably located for the remainder of their career in well-paid unexposed appointments retained on the list to regulate their promotion. How different will be the effect on officers of the British Service who may elect for the Indian Staff Corps, for, by a Despatch No. 27, para. 21, 18th January, 1861, from the Secretary of State for India to the Governor-General, officers of the British Army transferred to the Staff Corps will be removed from the strength of the regiments to which they belonged; the same is repeated in General Order of Governor General, 10th April 1861, para. 83.

Your memorialist therefore confidently trusts that, on reconsideration, such steps will be adopted as will protect him from the ruinous consequences of such an unexpected regulation as retaining officers (many of them virtually civilians) on the list of regiments to regulate military promotions.

For which your Memorialist, as in duty bound, will ever pray.

(signed) *J. W. Rutherford*, Captain,
Secunderabad, 1 Nov. 1861. 47th Regiment, Madras Native Infantry.

— No. 57. —

To the Right Honourable Her Majesty's Secretary of State for India in Council.

THE respectful Memorial of Lieutenant *S. F. M. T. Grant*, of Her Majesty's
47th Regiment, Madras Native Infantry,

Humbly showeth,

1. THAT your memorialist was appointed to the Madras Army in 1851, his first commission bearing date the 20th January 1851, that he has served for a period of nearly eleven years; that when your memorialist entered the Service, its fundamental principles were based upon the system of regimental promotion by seniority, the following being the first clause of Section XXVII. (head, "Promotion of Officers") of the General Regulations for the guidance of the Madras Army: "All officers shall be promoted by seniority in their respective regiments up to the rank of major," and afterwards by seniority in their respective branches of the Service.

2. On the 28th July 1860, Sir Charles Wood in reply to Mr. Henley's amendment, stated, in the Debate on the subject of the amalgamation of the armies, in the House of Commons, that he was perfectly willing to accept the amendment of the right honourable gentleman, and also to re-affirm what the Government had never attempted to deny, viz.: "that they had the firm resolution, strictly and scrupulously of maintaining faith with the officers of the Indian Army," and this was reiterated in Despatch, No. 27, of the 18th January 1861, para. 3, to the Governor General of India in Council; but notwithstanding these assurances on the subject of the amalgamation of the armies from such high authority, your memorialist is now a daily witness of officers being superseded by their regimental juniors who elect to be appointed to the Staff Corps in consequence of the latter obtaining their substantive rank as captain, after serving a period of 12, and as major of 20 years, while by a Despatch addressed to the Governor General in Council, bearing date the 23d August 1815, the brevet rank of captain is granted to subalterns of the Indian Army, but not till they have served for a period of 15 years from the date of appointment; thus subalterns will be placed in an anomalous position by the names of officers of their regiments who have joined the staff corps being retained on the "cadre" as regimental lieutenants, whilst they have obtained their substantive rank of captain in the Staff Corps. Your memorialist humbly submits the above proposition, as he lately learned with great surprise that "brevet promotion to subalterns who were unfortunate in substantive promotion is a boon, and that an officer promoted in the Staff Corps can return to his regiment;" these two points more particularly affect your memorialist, as from three of his juniors (who entered the Service years after him) having joined the Staff Corps, he is liable to supersession by his regimentally junior officers, though in the language of Lord Derby, when Prime Minister, "not only their pay, promotion, and pension were guaranteed to Indian officers, but likewise their expectations."

3. Your memorialist humbly conceives that such a measure would be diametrically opposed to the Regulations of the Service, and his "rights and claims," which have been guaranteed to all officers who entered the Service prior to the assumption of the Government of India by Her most gracious Majesty, and to every assurance which has emanated from the highest authorities.

4. Your memorialist would also observe, that although officers who elect to remain in the Local Service not only do not obtain any advantage by the seniors of their regiments who elect for the Staff Corps, but the latter have been constituted a retarding element to the ordinary course of promotion; for they, who are now in most instances virtually civilians, unexposed to the dangers and vicissitudes of military life, are retained nominally on the rolls of the "cadres," to regulate, as it is denominated, the promotion of officers who remain "local." Your memorialist humbly requests attention to this point the more earnestly, that he has been unable to obtain any authentic information on this subject. He would also point to the fact of the names of officers who elect for "general service" being retained on the list of the "cadres" of their former corps, thereby permitting these officers, who may be called upon to serve in the most salubrious climates, to retard the promotion of their former brother officers, who from having elected to remain on their original terms of service, or, as it is styled "local," continue exposed to the malaria and epidemics so prevalent in tropical countries.

5. It may be urged that the promotion of local officers will not be more impeded by the new staff rules than hitherto, as staff officers were always retained in their regimental lists; but your memorialist respectfully submits that there is no analogy between the staff as formerly and as now constituted; the former staff were retained as "effective" in the list of their regiments, and were liable to be remanded to them on promotion either to captain or major, according to the enactment of the Staff Regulations; and it was a rule that they should return to regimental duty on promotions to the latter grade, excepting when they were employed in head-quarter offices or political situations; but even from those they were liable to be recalled to join their regiments when on active service; they were then part and parcel of their regiments, and usually assisted their brother officers when called upon in regimental subscriptions and purchase of steps. To quote the words of Colonel Durand, "The hard-earned savings of many officers have
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been invested in purchasing out senior officers, with the reasonable expectation of profiting in their turn when they retired; to many the obliteration of such vested rights must prove ruinous, and where not ruinous, it will deprive many officers and their families of a provision which they would have enjoyed but for the change now introduced by Government without the due notice promised to the Indian Armies." (With reference to the above subject, your memorialist begs to observe that since he has been in the Service, a sum of no less than 92,500 rupees has been paid by the captains and subaltern officers of his regiment in the shape of bonuses to those retiring.) Now it is true that officers in the Staff Corps are retained on the strength of their original regiments, nominally only so far as they are concerned, but most substantially as respects their juniors, who will now see officers comfortably located for the remainder of their career in well-paid and unexposed appointments retained on the regimental list to impede, or as it is called to regulate, their promotion; and hereafter when they may wish to retire from the Service, should their "cadre" name not have been removed from the rank of major, whatever rank they may have obtained in the staff corps, what is to prevent them from appealing to their former brother officers for a pecuniary inducement to retire, with the alternative of remaining in their comfortable appointments, till their names are removed from the list of majors, being themselves liberated from all appeals on behalf of others above them in the regiment?

6. Your memorialist begs to submit that the same conditions do not exist in the line regiments of Her Majesty's Army, from which, should any officer join the Staff Corps, his name is at once removed and gives a substantive vacancy, and he begs to draw attention to the anomaly of officers entering the same corps (*i.e.*, the Staff Corps) on precisely the same conditions, but in the one case all former connexion being completely severed, while in the other they are retained, or to again quote Colonel Durand: "The former (*i.e.*, officers of the line) when they obtain commissions in the Staff Corps are not to bar promotion in the regiments they leave, whereas Indian officers given commissions in the Staff Corps are to remain in the roll of their regiments," thus retarding the promotion of their juniors until they would have been promoted in turn by seniority to the rank of lieutenant colonel in the line.

7. Your memorialist therefore confidently trusts that on reconsideration such steps will be adopted as will protect him from the ruinous consequences of such an unexpected regulation as retaining officers (virtually civilians) on the list of regiments to regulate promotions.

Your Memorialist will ever pray.

(signed) *S. Grant*, Lieutenant,
H.M. 47th Regiment, Madras Native Infantry.

Secunderabad, 25 November 1861.

— No. 58. —

To the Right Honourable Her Majesty's Secretary of State for India in Council.

THE respectful Memorial of Lieutenant *Joseph Beauchamp Leggett*, of Her Majesty's 47th Regiment, Madras Native Infantry,

Humbly sheweth,

1. THAT your memorialist was appointed to the Madras Army in 1856, his first commission bearing date the 16th August 1856; that he has served for a period of five years and three months; that when your Memorialist entered the Service its fundamental principles were based upon the system of regimental promotion by seniority, the following being the first clause of Section XXVII. (head "Promotion of Officers") of the General Regulations for the guidance of the Madras Army: "All officers shall be promoted by seniority in their respective regiments up to the rank of major, and afterwards by seniority in their respective branches of the Service."

2. On the 26th July 1860, Sir Charles Wood, in reply to Mr. Henley's amendment, stated, in the Debate on the subject of the amalgamation of the armies, in the House of Commons, that he was perfectly willing to accept the amendment of the right honourable gentleman, and also to re-affirm what the Government had never attempted to deny, viz., "that they had the firm resolution strictly and scrupulously of maintaining faith with the officers of the Indian Army;" and this was reiterated in Despatch, No. 27, of the 18th January 1861, paragraph 3, to the Governor General of India in Council; but, notwithstanding these assurances on the subject of the amalgamation of the armies from such high authority, your memorialist is now a daily witness of officers being superseded by their regimental juniors who elect to be appointed to the Staff Corps, in consequence of the latter obtaining their substantive rank as captain, after serving for a period of 12, and as major of 20 years, while, by a Despatch addressed to the Governor General in Council, bearing date the 23d August 1815, the brevet rank of captain is granted to subalterns of the Indian Army, but not till they have served for a period of 15 years from date of appointment; thus subalterns will be placed in an anomalous position by the names of officers of their regiments who have joined the Staff Corps being retained on the "cadre" as regimental lieutenants, whilst they have obtained their substantive rank of captain in the Staff Corps. Your memorialist humbly submits the above proposition, as he has lately learnt that brevet promotion to subalterns who are unfortunate in substantive promotion is a boon, and also that officers promoted in the Staff Corps can return to their regiments; these two points more particularly affect your memorialist, as from one of his juniors, whose service is within a few months of his own, and about to join the Staff Corps, he is liable to supersession by his regimentally junior officer, though, in the language of Lord Derby when Prime Minister, "not only their pay, promotion, and pension were guaranteed to Indian officers, but likewise their expectations."

3. Your memorialist humbly conceives that such a measure would be diametrically opposed to the Regulations of the Service, and his "rights and claims," which have been guaranteed to all officers who entered the Service prior to the assumption of the Government of India by Her most gracious Majesty, and to every assurance which has emanated from the highest authorities.

4. Your memorialist would also observe, that although officers who elect to remain in the Local Service not only do not obtain any advantage by the seniors of their regiments who elect for the Staff Corps, but the latter have been constituted a retarding element to the ordinary course of promotion; for they, who are now in most instances virtually civilians, unexposed to the dangers and vicissitudes of military life, are retained nominally on the rolls of the cadres, to regulate, as it is denominated, the promotion of officers who remain "local." He would also point to the fact of the names of officers who elect for "general service" being retained on the list of the cadres of their former corps, thereby permitting these officers who may be called upon to serve in the most salubrious climates, to retard the promotion of their former brother officers, who from having elected to remain on their original terms of service, or, as it is styled, "locals," continue exposed to the malaria and epidemics so prevalent in tropical countries; this, in his humble opinion, being directly opposed to the spirit of the numerous Parliamentary guarantees, though the wording of the various paragraphs may appear to a superficial observer to respect them.

5. It may be urged that the promotion of local officers will not be more impeded by the new staff rules than hitherto, as staff officers were always retained in their regimental lists, but your memorialist respectfully submits that there is no analogy between the staff as formerly and as now constituted. The former staff were retained as "effective" in the lists of their regiments, and were liable to be remanded to them on promotion either to captain or major, according to the enactment of the Staff Regulations; and it was a rule that they should return to regimental duty on promotion to the latter grade, excepting when they were employed in head-quarter offices or political situations; but even from those they were liable to be recalled to join their regiments when on active service. They were then part and parcel of their regiments, and usually assisted their brother officers, when called upon, in regimental subscriptions and purchase of steps. To quote the words of Colonel Durand, "The hard-earned savings of many
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many officers have been invested in purchasing out senior officers, with the reasonable expectation of profiting, in their turn, when they retired. To many the obliteration of such vested rights must prove ruinous, and where not ruinous it will deprive many officers and their families of a provision which they would have enjoyed but for the change now introduced by Government, without the due notice promised to the Indian Armies." Now, it is true that officers in the staff corps are retained on the strength of their original regiments nominally only so far as they are concerned, but most substantially as respects their juniors, who will now see officers comfortably located for the remainder of their career in well-paid and unexposed appointments, retained in the regimental list to impede, or, as it is called, to regulate, their promotion; and hereafter, when they may wish to retire from the Service, should their cadre name not have been removed from the rank of major, whatever rank they may have attained in the staff corps, what is to prevent them from appealing to their former brother officers for a pecuniary inducement to retire, with the alternative of remaining in their comfortable appointments till their names are removed from the list of majors, being themselves liberated from all appeals on behalf of others above them in the regiment?

6. Your memorialist begs to submit that the same conditions do not exist in the line regiments of Her Majesty's Army, from which, should any officer join the staff corps, his name is at once removed, and gives a substantive vacancy, and he begs to draw attention to the anomaly of officers entering the same corps (*i. e.* the staff corps) on precisely the same conditions, but in the one case all former connexion being completely severed, while in the other they are retained, or, to again quote Colonel Durand, "the former (*i. e.* officers of the line), when they obtain commissions in the staff corps, are not to bar promotion in the regiments they leave, whereas Indian officers given commissions in the staff corps are to remain in the roll of their regiments," thus retarding the promotion of their juniors until they would have been promoted in turn by seniority to the rank of lieutenant-colonel in the line.

7. Your memorialist therefore confidently trusts that on reconsideration such steps will be adopted as will protect him from the ruinous consequences of such an unexpected regulation as retaining officers (virtually civilians) on the list of regiments to regulate promotions.

Your Memorialist will ever pray.

(signed) *Joseph Beauchamp Leggett,*
Lieutenant, 47th Regiment, Madras Native Infantry.

Secunderabad 29 November 1861.

— No. 59. —

To the Right Honourable Her Majesty's Secretary of State for India in Council.

THE respectful Memorial of Lieutenant *Robert Stewart*, of Her Majesty's 49th Regiment of Madras Native Infantry,

Humbly sheweth,

1. THAT your memorialist was appointed to the Madras Army in 1856, his first commission bearing date the 20th November 1856; that he has served for a period of nearly five years; that when your memorialist entered the service its fundamental principles were based upon the system of regimental promotion by seniority, the following being the first clause of Section XXVII. (head, "Promotion of officers") of the General Regulations for the guidance of the Madras Army: "All officers shall be promoted by seniority in their respective regiments up to the rank of major, and afterwards by seniority in their respective branches of the service."

2. On the 26th July 1860 Sir Charles Wood, in reply to Mr. Henley's amendment stated in the debate on the subject of the amalgamation of the armies in the House
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of Commons, "that he was perfectly willing to accept the amendment of the right honourable gentleman, and also to re-affirm what the Government had never attempted to deny, viz., that they had the firm resolution strictly and scrupulously of maintaining faith with the officers of the Indian Army." And this was reiterated in Despatch, No. 27, of the 18th January 1861, paragraph 3, to the Governor General of India in Council; but notwithstanding these assurances on the subject of the amalgamation of the armies, from such high authority, your memorialist is now a daily witness of officers being superseded by their regimental juniors, who elect to be appointed to the staff corps, in consequence of the latter obtaining their substantive rank as captain after serving for a period of 12, and as major of 20 years, while by a Despatch addressed to the Governor General in Council, bearing date the 23rd August 1815, the brevet rank of captain is granted to subalterns of the Indian Army, but not till they have served for a period of 15 years from date of appointment; thus subalterns will be placed in an anomalous position by the names of officers of their regiments who have joined the staff corps being retained on the cadre as regimental lieutenants whilst they have obtained their substantive rank of captain in the staff corps. Your memorialist humbly submits the above proposition, as he lately learned, with greatest consternation, in answer to a question on the above subject, forwarded by his commanding officer to army head quarters, that "brevet promotion to subalterns who are unfortunate in substantive promotion is a boon," and moreover, in answer to another question regarding whether an officer promoted in the staff corps can return to his regiment, that this also may occur. These two points more particularly affect your Memorialist, as from one of his juniors,* whose service is within a few months of his own, having joined the staff corps, he is liable to supersession by his regimentally junior officer, though, in the language of Lord Derby when Prime Minister, "not only their pay, promotion, and pension were guaranteed to Indian officers, but likewise their expectations."

* This officer has recalled his election at present, though he may hereafter again resolve to join the staff corps.

3. Your memorialist humbly conceives that such a measure would be diametrically opposed to the regulations of the service, and his "rights and claims," which have been guaranteed to all officers who entered the service prior to the assumption of the Government of India by Her most gracious Majesty, and to every assurance which has emanated from the highest authorities.

4. Your memorialist would also observe, that although officers who elect to remain in the local service not only do not obtain any advantage by the seniors of their regiments who elect for the staff corps, but the latter have been constituted a retarding element to the ordinary course of promotion; for they, who are now, in most instances, virtually civilians unexposed to the dangers and vicissitudes of military life, are retained nominally on the roll of the cadres, to regulate, as it is denominated, the promotion of officers who remain "local." Your memorialist humbly requests attention to this point, the more earnestly that he has been unable to obtain any authentic information on this point, as a query on the subject submitted amongst others by his commanding officer for transmission to army head-quarters was directed to be expunged. He would also point to the fact of the names of officers who elect for "general service" being retained on the list of the cadres of their former corps, thereby permitting these officers, who may be called upon to serve in the most salubrious climates, to retard the promotion of their former brother officers, who from having elected to remain on their original terms of service, or, as it is styled, "locals," continue exposed to the malaria and epidemics so prevalent in tropical countries; this, in his humble opinion, being directly opposed to the spirit of the numerous Parliamentary guarantees, though the wording of the various paragraphs may appear to a superficial observer to respect them.

5. It may be urged that the promotion of local officers will not be more impeded by the new staff rules than hitherto, as staff officers were always retained in their regimental lists; but your memorialist respectfully submits that there is no analogy between the staff as formerly and as now constituted; the former staff were retained as "effective" in the list of their regiments, and were liable to be remanded to them on promotion either to captain or major, according to the enactment of the staff regulations, and it was a rule that they should return to regimental duty on promotion to the latter grade, excepting when they were employed

employed in head-quarter offices or political situations, but even from those they were liable to be recalled to join their regiments when on active service; they were then part and parcel of their regiments, and usually assisted their brother officers, when called upon, in regimental subscriptions and purchase of steps. To quote the words of Colonel Durand, "The hard-earned savings of many officers have been invested in purchasing out senior officers, with the reasonable expectation of profiting in their turn when they retired; to many the obliteration of such vested rights must prove ruinous, and, where not ruinous, it will deprive many officers and their families of a provision which they would have enjoyed but for the change now introduced by Government, without the due notice promised to the Indian Armies." With reference to the above subject, your memorialist begs to observe that, within the last six years, a sum of no less than 83,174 rupees has been paid by the captains and subaltern officers of his regiment, in the shape of bonuses to those retiring. Now, it is true that officers in the staff corps are retained on the strength of their original regiments, nominally only, so far as they are concerned, but most substantially as respects their juniors, who will now see officers comfortably located for the remainder of their career in well-paid and unexposed appointments, retained on the regimental list to impede, or, as it is called, to regulate, their promotion; and, hereafter, when they may wish to retire from the service, should their cadre names not have been removed from the rank of major, whatever rank they may have attained in the staff corps, what is to prevent them from appealing to their former brother officers for a pecuniary inducement to retire, with the alternative of remaining in their comfortable appointments till their names are removed from the list of majors, being themselves liberated from all appeals on behalf of others above them in the regiment?

6. Your memorialist begs to submit that the same conditions do not exist in the line regiments of Her Majesty's Army, from which, should any officer join the staff corps, his name is at once removed, and gives a substantive vacancy, and he begs to draw attention to the anomaly of officers entering the same corps (*i.e.* the staff corps) on precisely the same conditions; but in the one case all former connexion being completely severed, while in the other they are retained; or, to again quote Colonel Durand, "the former (*i.e.* officers of the line) when they obtain commissions in the staff corps are not to bar promotion in the regiments they leave, whereas Indian officers given commissions in the staff corps are to remain in the roll of their regiments," thus retarding the promotion of their juniors until they would have been promoted in turn by seniority to the rank of lieutenant-colonel in the line.

7. Your memorialist, therefore, confidently trusts that, on reconsideration, such steps will be adopted as will protect him from the ruinous consequences of such an unexpected regulation as retaining officers (virtually civilians) on the list of regiments to regulate promotions.

And your Memorialist will ever pray.

(signed) *Robert Stewart*, Lieutenant,
49th Regiment, Madras Native Infantry.

Secunderabad, 24 October 1861.

— No. 60. —

To the Right Honourable the Secretary of State for India in Council.

THE respectful Memorial of Captain *Arthur Noel Hill Lynch*, of Her Majesty's
19th Regiment Madras Native Infantry,

Humbly showeth,

1. THAT your memorialist was appointed to the Madras Army in 1840, the date of his first commission being 16th September in that year; that he has consequently served, not excluding furlough, for a period of upwards of 21 years; that when your memorialist entered the service, its fundamental principles were based

upon regimental promotion by seniority, and the following is the first clause of Section XXVII. of the General Regulations for the guidance of the Madras Army, heading, "Promotion of officers:" All officers shall be promoted by seniority in their respective regiments up to the rank of major, and afterwards by seniority in their respective branches of the service.

2. On the 26th of July 1860, Sir Charles Wood, in reply to Mr. Henley's amendment in the debate in the House of Commons on the subject of the amalgamation of the armies, stated that "he was perfectly willing to accept the amendment of the right honourable gentleman, and also to affirm what the Government had never attempted to deny, namely, that they had the firm resolution strictly and scrupulously of maintaining faith with the officers of the Indian Army," and this was reiterated in a Despatch, No. 27, para. 3, 18th January 1861, to the Governor General of India in Council; but notwithstanding these assurances on the subject of the amalgamation of the armies from such high authority, your memorialist is now a daily witness of officers being superseded by their regimental juniors who elect to be appointed to the staff corps; and he has learned with the greatest consternation, in answer to a query forwarded to army head-quarters, that the juniors of his own regiment who have elected for the staff (and will most probably hereafter supersede him in attaining the important rank of major), will be available for the command of his regiment in supersession of your memorialist.

3. Your memorialist begs to annex* copy of the question to which he has alluded, and of the answer which has been received from the head-quarters of the Madras Army. It will be observed that in answer to that part of the question, whether an officer of the staff corps obtaining accelerated promotion over his former regimental seniors, can be remanded to the corps from which he has been removed, to their prejudice, it is stated that "the position assumed is not a new one," but it is one that now obtains when an officer who has risen in one regiment attains to command "of a regiment in which are officers who have been his seniors in the service." Your memorialist, however, humbly submits that the cases are not analogous; the mortifying grievance of which he complains is, that the juniors of his regiment are promoted by a hitherto unheard-of action foreign to that of regimental promotion; to which, however, your Memorialist is still restrained, and may then, as he is informed, be re-introduced into the regiment to the prejudice of your memorialist's prospects.

4. Your memorialist humbly conceives that such a measure is diametrically opposed to the regulations of the service, and to those "rights and claims" which have been guaranteed to all officers who entered the service previously to the assumption of the Government of India by Her most gracious Majesty, and to every assurance which has emanated from the highest authority.

5. Your memorialist would also observe that although officers who elect to remain in the local service, not only do not obtain any advantage by the seniors of their regiment who elect for the staff corps being removed, but the latter have been constituted a retarding element to the ordinary progress of promotion; for they who are now in most instances virtually civilians, unexposed to the vicissitudes and dangers of military life, are retained nominally on the rolls of the regiment to regulate, as it is denominated, the promotion of the officers who remain "local." It may be urged that the promotion of local officers will not be more impeded by the staff rules than hitherto, as staff officers were always retained

* *First Question.*

Paragraphs 23, 62, 70, and 101, of G. O., G. G., No. 332, dated 10th April 1861.

Can an officer who has qualified for and obtained promotion in the Staff Corps be temporarily appointed to command his former or any other corps in which there may be officers who were originally his regimental seniors?

Answer.

On whatever duty an officer of the Staff Corps may be placed, the rank to which he may have attained in that corps will undoubtedly carry with it the same position and advantage as now obtains in the army. The position assumed in the question is not a new one, but is one which now obtains when one officer who has risen in one regiment attains the command of a regiment in which are officers who have been his seniors in the service.

retained in their regimental positions ; but your Memorialist respectfully suggests that there is no analogy between the staff as formerly and as now constituted. The former staff were retained as "effective" in the complement of their regiments, and were liable to be remanded to them on promotion either to captain or major, according to the requirements of the staff regulations ; but to the latter grade it was a general rule that they should return to regimental duty, excepting only when they belonged to head-quarter offices or in certain political situations which admitted of majors being retained in them, but even from these they were liable to be called upon to join their corps on service ; they were then part and parcel of their regiments, and usually assisted their brother officers towards regimental subscriptions and purchase of steps. Now, alas ! it is true, they are retained on the roll of their regiments nominally only as far as they are concerned, but most substantially as respects their juniors, who will now see officers comfortably located for the remainder of their career in well-paid unexposed appointments retained on the list, to regulate promotion, and hereafter when these officers may wish to retire from the service, should their "cadre" names not have been removed from the rank of major in their original regiments, whatever rank they may have attained in the staff corps, what is to prevent them from appealing to their former brother officers for pecuniary assistance, or the alternative of remaining on the staff till their names are removed from the list of majors and their regiments ? On the contrary, how different will be the effect on officers of the British service, who may elect for the Indian staff corps, for by General Order of the Governor General, 10th April 1861, paragraph 83, "Officers of the British Army when permanently transferred to the staff corps, will be removed from the strength of the regiments to which they belonged ;" the same is also repeated in a Despatch, No. 27, paragraph 21, 18th of January 1861, from the Secretary of State for India to the Governor General.

6. Your memorialist, therefore, confidently trusts that, on reconsideration, such steps will be adopted as will protect him from the ruinous consequences of such an unexpected regulation as retaining officers (many of them virtually civilians) on the list of regiments to regulate military promotions.

For which your Memorialist, as in duty bound, will ever pray.

(signed) *A. N. H. Lynch*, Captain,
19th Regiment, Madras Native Infantry.

Geo. Nott, Colonel,
Commanding 19th Regiment Native Infantry.

Secunderabad, 21 October 1861.

— No. 61. —

To the Right Honourable the Secretary of State for India in Council.

THE respectful Memorial of Captain *Arthur Evan Bowen*, of Her Majesty's
19th Regiment, Madras Native Infantry,

Humbly sheweth,

1. THAT your memorialist was appointed to the Madras Army in 1845, the date of his first commission being 19th March in that year ; that he has consequently served for a period of upwards of 16 years ; that when your memorialist entered the service its fundamental principles were based upon regimental promotion by seniority, and the following is the first clause of section 27 of the General Regulations for the guidance of the Madras Army, head, "Promotion of officers :—" "All officers shall be promoted by seniority in their respective regiments, up to the rank of major, and afterwards by seniority in their respective branches of the service."

2. On the 26th July 1860, Sir Charles Wood, in reply to Mr. Henley's amendment in the debate in the House of Commons, on the subject of the amalga-

mation of the armies, stated that "he was perfectly willing to accept the amendment of the right honourable gentleman, and also to re-affirm what the Government had never attempted to deny, namely, that they had the firm resolution, strictly and scrupulously, of maintaining faith with the officers of the Indian Army;" and this was reiterated in a Despatch, No. 27, para. 3, 18th January 1861, to the Governor General of India in Council; but notwithstanding these assurances on the subject of the amalgamation of the armies from such high authority, your memorialist is now a daily witness of officers being superseded by their regimental juniors, who elect to be appointed to the staff corps, and he has learned with the greatest consternation, in answer to a query forwarded by an officer to army head-quarters, that the juniors of his own regiment, who have elected for the staff (and will most probably hereafter supersede him in attaining the important rank of major) will be available for the command of his regiment in supersession of your memorialist.

3. Your memorialist begs to annex* a copy of the question to which he has alluded, and of the answer which has been received from the head-quarters of the Madras Army. It will be observed that, in answer to that part of the question whether an officer of the staff corps obtaining accelerated promotion over his former regimental seniors, can be remanded to the corps from which he has been removed to their prejudice, it is stated that "the position assumed is not a new one," but it is one that now obtains, when an officer who has risen in one regiment attains to command "of a regiment in which are officers who have been his seniors in the service." Your memorialist, however, humbly submits that the cases are not analogous; the mortifying grievance of which he complains is, that the juniors of his regiment are promoted by a hitherto unheard-of action, foreign to that of regimental promotion, to which, however, your Memorialist is still restrained, and may then, as he is informed, be re-introduced into the regiment to the prejudice of your memorialist's prospects.

4. Your memorialist humbly conceives that such a measure is diametrically opposed to the regulations of the service, and to those "rights and claims" which have been guaranteed to all officers who entered the service previously to the assumption of the Government of India by Her most gracious Majesty, and to every assurance which has emanated from the highest authority.

5. Your memorialist would also observe, that although officers who elect to remain in the local service, not only do not obtain any advantage by the seniors of their regiment, who elect for the staff corps, being removed, but the latter have been constituted a retarding element to the ordinary progress of promotion, for they who are now in most instances virtually civilians, unexposed to the vicissitudes and dangers of a military life, are retained nominally on the rolls of the regiment, to regulate, as it is denominated, the promotion of the officers who remain "local." It may be urged that the promotion of local officers will not be more impeded by the staff rules than hitherto, as staff officers were always retained in their regimental positions, but your memorialist respectfully suggests that there is no analogy between the staff as formerly and as now constituted; the former staff were retained as "effective" in the complement of their regiments, and were liable to be remanded to them, on promotion either to captain or major, according to the requirements of the staff regulations; but to the latter grade it was a general rule, that they should return to regimental duty, excepting only when they belonged to head-quarter offices, or were in certain political situations which admitted of majors being retained in them; but even from these they were liable to be called upon to join their corps on service; they were then part and parcel

* *Question.*

Paragraphs 28, 62, 70, and 101, of G. O., G. G., No. 332, dated 10th April 1861.

Can an officer who has qualified for and obtained promotion in the Staff Corps, be temporarily appointed to command his former or any other corps in which there may be officers who were originally his regimental seniors?

Answer.

On whatever duty an officer of the Staff Corps may be placed, the rank to which he may have attained in that corps will undoubtedly carry with it the same position and advantage as now obtains in the army; the position assumed in the question is not a new one, but is one which now obtains when one officer who has risen in one regiment attains the command of a regiment in which are officers who have been his seniors in the service.

parcel of their regiments, and usually assisted their brother officers towards regimental subscriptions and purchase of steps. Now, alas! it is true, they are retained on the roll of their regiments, nominally only, as far as they are concerned, but most substantially as respects their juniors, who will now see officers comfortably located for the remainder of their career in well-paid, unexposed appointments, retained on the list to regulate their promotion, and hereafter when these officers may wish to retire from the service, should their "cadre" names not have been removed from the rank of major in their original regiments, whatever rank they may have attained in the staff corps, what is to prevent them from appealing to their former brother officers for pecuniary assistance or the alternative of remaining on the staff till their names are removed from the list of majors and their regiments? On the contrary, how different will be the effect on officers of the British service who may elect for the Indian staff corps, for by the General Order of the Governor General, 10th April 1861, paragraph 83, "Officers of the British Army, when permanently transferred to the staff corps, will be removed from the strength of the regiments to which they belonged; the same is also repeated in a Despatch, No. 27, paragraph 21, 18 January 1861, from the Secretary of State for India to the Governor General.

6. Your memorialist, therefore, confidently trusts that, on reconsideration, such steps will be adopted as will protect him from the ruinous consequences of such an unexpected regulation as retaining officers (many of them virtually civilians) on the list of regiments to regulate military promotions.

For which your Memorialist, as in duty bound, will ever pray.

(signed) *A. E. Bowen*, Captain,
19th Regiment, Madras Native Infantry.

Secunderabad, 21 November 1861.

— No. 62. —

To the Right Honourable Her Majesty's Secretary of State for India in Council.

THE humble Memorial of *Molyneux Capel Spottiswoode*, Captain in the 24th Regiment, Madras Native Infantry,

Showeth,

1. THAT your memorialist entered the army of the late Honourable East India Company as a seniority service, and that his rights and privileges have been guaranteed to him by Act of Parliament.

2. That Captain Henry Hoseason, your memorialist's regimental junior, together with very many others junior to your memorialist, has been promoted to a majority; and thus, after more than 27 years' continuous and faithful service, has your memorialist been superseded by a large number of officers, from no merit of theirs, and from no fault of his.

3. That Captain Raymond Torin Snow, senior captain of your memorialist's regiment, has been transferred to the staff corps, but his name retained on the regimental list, thus obstructing promotion, contrary to former practice and usage, and so infringing the guaranteed rights and privileges of your memorialist. That on the formation of the 51st and 52d regiments of Native Infantry, and of the 2d and 3d regiments of European Infantry, in the Madras Army, officers transferred to those regiments created substantive vacancies in their former regiments; that similarly, officers now transferred to the staff corps, have *bonâ fide* joined another regiment, and ceased to have any connexion with their former regiments, as is shown by the General Order of the Governor General in Council, exempting officers so transferred from payment of mess or band subscriptions to the regiments "to which they belonged."

No. 312, dated
Fort St. George,
18 Sept. 1861.

Para. 21. Despatch of Secretary of State, No. 27, of 18 Jan. 1861. G. O., G. G., No. 332, of 10 April 1861, para. 83.

Despatch of Secretary of State, No. 27, of 18 January 1861, para. 14, and G. O., G. G., No. 332, of 10 April 1861, para. 58.

4. That a fundamental rule in the organization of the staff corps is, that officers transferred to it shall cause substantive vacancies in their former regiments; that this fundamental rule has been specially and exceptionally set aside to the detriment and injury of your Memorialist, and to the obstruction of his promotion, as guaranteed to him on entering the army.

5. That grievous as is to a military officer supersession by his juniors, your memorialist accepts the organization of the staff corps as a measure in which his individual rights and privileges must be sacrificed to the public good; but the same reasoning cannot apply to the retention of the names of officers of the staff corps on the list of their former regiments, by which exceptional measure no individual derives advantage, and the prospects of your memorialist are seriously injured.

6. Your memorialist therefore prays that the name of Captain Raymond Torin Snow, now a major in the staff corps, be removed from the list of officers of the 24th Regiment, Madras Native Infantry.

And your Memorialist, as in duty bound, will ever pray.

(signed) *M. C. Spottiswoode*, Captain,
24th Regiment, Madras Native Infantry.
Vizianagram,
9 October 1861.

— No. 63. —

To the Right Honourable the Secretary of State for India in Council.

THE humble Memorial of Captain *C. J. Bradley*, of the 24th Regiment, Madras Native Infantry,

Showeth,

* Major Snow.
Major Hoseason.

1. THAT your memorialist, after a service of 22 years, stands in his regiment junior captain; that although two* senior to him (captains) have been virtually removed from the regiment and transferred to the staff corps, no promotion, according to the rules of the service hitherto obtaining, has accrued to your memorialist, this being (your memorialist would respectfully urge) an infringement of the rights and privileges guaranteed to the officers of the late Indian Army by Act of Parliament.

Captain Browne.
Captain Clephane.
Lieut. Hankin.
Lieut. Osborne.

2. Your memorialist would further bring to your notice the fact of lieutenants of much junior standing to him in the service, and in the same regiment, are by the rules of the staff corps entitled to the rank of major within a period of a few years, thereby entailing direct supersession to your memorialist; and that further, the probabilities are that the said lieutenants will obtain the rank of lieutenant-colonel, whilst your memorialist remains in his present rank; the system of promotion by seniority, a right guaranteed as abovesaid, will thereby be entirely one away with.

Your Memorialist, as in duty bound, will ever pray.

(signed) *Chs. J. Bradley*, Captain,
24th Regiment, Madras Native Infantry.
Vizianagram,
29 October 1861.

— No. 64. —

To the Right Honourable the Secretary of State for India in Council.

The Memorial of Captain *Arthur James Shuldham*, of the 26th Regiment of Madras Native Infantry.

1. YOUR memorialist humbly sheweth that he has served in the Indian Army for the space of 20 years and five months, during which period it has been the invariable custom that when an officer, has been appointed to any other regular corps of the Service, his name has been removed from the cadre of his regiment, thereby giving a step to his juniors; that this custom has been departed from under the recent warrants for the Staff Corps, to which Captains Shakespear and Stevenson, your memorialist's seniors in the grade of captain, have been removed; and that your memorialist's interests have sustained an injury, which he had not contemplated, by their names remaining in the cadre of the regiment to keep back his, your memorialist's, promotion.

2. That your memorialist's position in the Service has been injured, moreover, by his having been superseded in rank by several officers his juniors in the Service, who have entered the Staff Corps, and that he will be superseded next year by an officer of his own regiment, 15 months junior to him, and who has rendered no particular service to the State which would justify such a supersession; that your memorialist has passed for the staff in Hindustani; that he served during the Burmese and latter part of the Crimean campaigns, in the latter as aide de camp to the late General Neill; that he has served in various staff appointments, but that, from the unfortunate fact of his not having been permanently on the staff for the last three years, although he has acted in three different appointments, he has not been permitted to enter the Staff Corps.

3. Your memorialist in showing, as above, how grievously his interests have suffered by the changes which have taken place under the amalgamation of the two armies, would earnestly and respectfully beg that the Right Honourable the Secretary of State for India, will adopt such measures as he may deem expedient with a view to placing your memorialist in such a position as his previous services and expectations may have fairly led him to contemplate.

And your Memorialist has the honour to subscribe himself,

Kamptee, 20 October 1861. (signed) *A. J. Shuldham*, Captain,
26th Regiment Madras Native Infantry.

— No. 65. —

To the Right Honourable the Secretary of State for India in Council.

Memorial of Major *George Thomas Haly*, of the 41st Regiment, Madras Native Infantry.

1. YOUR petitioner begs most respectfully to memorialise you regarding what he conceives to be a grievance in having been superseded by junior officers of the Madras Army particularly and the Indian Army generally.

2. By various General Orders of the Governor in Council, Fort Saint George, lately promulgated under the new Amalgamation Order, several officers of the Madras Army, being majors and his juniors, have been promoted over your memorialist's head to be lieutenant colonels in the Madras Staff Corps.

3. These officers, being your memorialist's juniors in the list of majors, as they stand in the infantry for promotion, as such cannot, as your memorialist respectfully submits, supersede him, either in accordance with the rules and customs that prevailed in the late Honourable East India Company's Service, or in conformity

formity with paragraph 23 of the General Order by his Excellency the Governor General in Council, dated Fort William, 10th April 1861. Such supersession appears to your memorialist to invalidate part of the Parliamentary guarantee of 1858, itself confirmed in 1860.

4. For these officers, your memorialist's juniors, by being appointed to the Madras Staff Corps, have obtained the substantive rank of lieutenant colonels respectively, while your memorialist, their senior in the list, still remains a major.

5. And your memorialist begs further to state that, although these officers, your memorialist's juniors, have been advanced to substantive rank above him, yet he has derived no advantage or advancement himself from officers his juniors having been promoted and transferred to the Staff Corps from the list of majors, for it has been ordered that the names of officers removed to the Staff Corps shall remain in the Army List in italics in their previous position, thus presenting a grievous barrier to promotion, both present and prospective. Your memorialist, who is of 35 years' standing and 19th major in the list, respectfully submits this to be a great grievance, and not in accordance with precedent and the most ancient and surely vested rights of the Service, positively guaranteed by Act of Parliament in 1858 and 1860, and also totally opposed to paragraph 23 of General Order of the Governor General in Council on the 10th April 1861.

6. Considering that the supersession of your memorialist, by the late promotions into the Staff Corps, is a violation of his vested rights, as strictly guaranteed by Acts of Parliament, General Orders, &c., &c., on the subject, your memorialist has the honour, most decidedly yet respectfully, to protest against the injustice done him by the promotions above alluded to. And, finally, your memorialist has been himself for many years employed on the staff in various important military, political, and civil appointments, in the performance of which duties it has always been acknowledged that he has done good service to the State, and he has more than once had the honour to receive the special commendation of Government. It therefore now falls very severely upon him, that, because he does not at the present moment happen to be employed on the staff, he should be precluded as he is, from the advantages now guaranteed to the more lucky present incumbents, and likewise superseded by his juniors.

Your memorialist, in bringing these grievances of supersessions and non-promotion to your notice, most respectfully implores your protection and favourable consideration and adjustment of the same.

And your Petitioner will, as in duty bound, ever pray.

(signed) *Geo. T. Haly*, Major,
41st Regiment M. Native Infantry.

Arcot, 10 December 1861.

— No. 66. —

To the Right Honourable Her Majesty's Secretary of State for India.

The respectful Memorial of Captain *William Roche Broome*, of Her Majesty's
49th Regiment Madras Native Infantry.

Humbly sheweth,

1. THAT your memorialist was appointed to the Madras Army in 1840, the date of his first commission being 30th September in that year; that he has consequently served, not excluding furlough, for a period of upwards of 21 years; that when your memorialist entered the Service its fundamental principles were based upon regimental promotion by seniority, and the following is the first clause of Section XXVII. of the General Regulations for the guidance of the Madras Army:—Head, "Promotion of Officers:"—"All officers shall be promoted by seniority in their respective regiments, up to the rank of major, and afterwards by seniority in their respective branches of the Service."

2. On

2. On the 26th July 1860, Sir Charles Wood, in reply to Mr. Henley's amendment in the Debate in the House of Commons, on the subject of the Amalgamation of the Armies, stated that "he was perfectly willing to accept the amendment of the right honourable gentleman, and also to reaffirm what the Government had never attempted to deny, namely, that they had the firm resolution, strictly and scrupulously of maintaining faith with the officers of the Indian Army; and this was reiterated in a Despatch No. 27, paragraph 3, 18th January 1861, to the Governor General of India in Council; but notwithstanding these assurances on the subject of the amalgamation of the armies from such high authority, your Memorialist is now a daily witness of officers being superseded by their regimental juniors, who elect to be appointed to the Staff Corps. And he has learned with the greatest consternation, in answer to a query forwarded by his commanding officer, to Army Head Quarters, that the juniors of his own regiment, who have elected for the staff (and will most probably hereafter supersede him in attaining the important rank of major), will be available for the command of his regiment in supersession of your memorialist.

3. Your memorialist begs to annex* copy of the question to which he has alluded, and of the answer which has been received, from the Head Quarters of the Madras Army. It will be observed, that in answer to that part of the question, whether an officer of the Staff Corps obtaining accelerated promotion over his former regimental seniors, can be remanded to the corps from which he has been removed to their prejudice; it is stated that "the position assumed is not a new one, but is one that now obtains when an officer who has risen in one regiment attains to command of a regiment in which are officers who have been his seniors in the service." Your memorialist, however, humbly submits that the cases are not analogous, the mortifying grievance of which he complains is that the juniors of his regiment are promoted by a hitherto unheard of action, foreign to that of regimental promotion, to which, however, your Memorialist is still restrained, and may then, as he is informed, be reintroduced into the regiment, to the prejudice of your memorialist's prospects.

4. Your memorialist humbly conceives that such a measure is diametrically opposed to the Regulations of the Service, and to those "rights and claims" which have been guaranteed to all officers who entered the Service previously to the assumption of the Government of India by Her Most Gracious Majesty, and to every assurance which has emanated from the highest authority.

5. Your memorialist would also observe, that although officers who elect to remain in the local service not only do not obtain any advantage by the seniors of their regiments who elect for the Staff Corps being removed, but the latter have been constituted a retarding element to the ordinary progress of promotion, for they who are now in most instances virtually civilians, unexposed to the vicissitudes and dangers of military life, are retained nominally on the rolls of the regiment, to regulate, as it is denominated, the promotion of the officers who remain "local." It may be urged that the promotion of local officers will not be more impeded by the staff rules than hitherto, as staff officers were always retained in their regimental positions; but your memorialist respectfully suggests that there is no analogy between the staff as formerly and as now constituted; the former staff were retained as "effective" in the complement of their regiments, and were liable to be remanded to them on promotion, either to captain or major, according to the requirements of the Staff Regulations; but to the latter grade it was a general

* Question.

Paragraphs 23, 62, 70, and 101 of G. O. G. G., No. 332, dated 10th April 1861.

Can an officer who has qualified for and obtained promotion in the Staff Corps, be temporarily appointed to command his former or any other corps in which there may be officers who were originally his regimental seniors?

- Answer.

On whatever duty an officer of the Staff Corps may be placed, the rank to which he may have attained in that corps will undoubtedly carry with it the same position and advantage as now obtains in the Army; the position assumed in the question is not a new one; but is one which now obtains when an officer who has risen in one regiment attains to the command of a regiment in which are officers who have been his seniors in the service.

general rule that they should return, to regimental duty, excepting only when they belonged to head quarter offices or were in certain political situations which admitted of majors being retained on them; but even from these they were liable to be called upon to join their corps on service; they were then part and parcel of their regiments, and usually assisted their brother officers towards regimental subscriptions and purchase of steps; now, alas! it is true they are retained on the roll of their regiments, nominally only, as far as they are concerned, but most substantially as respects their juniors, who will now see officers comfortably located for the remainder of their career in well paid, unexposed appointments, retained on the list to regulate their promotion, and hereafter, when these officers may wish to retire from the Service, should their cadre names not have been removed from the rank of major in their original regiments, whatever rank they may have attained to in the Staff Corps, what is to prevent them from appealing to their former brother officers for pecuniary assistance, or the alternative of remaining on the staff till their names are removed from the list of majors and their regiments?

On the contrary, how different will be the effect on officers of the British Service who may elect for the Indian Staff Corps, for by General Order of the Governor General, 10th April 1861, paragraph 83, "Officers of the British Army when permanently transferred to the Staff Corps will be removed from the strength of the regiments to which they belonged." The same is also repeated in a Despatch, No. 27, paragraph 21, 18th January 1861, from the Secretary of State for India to the Governor General.

6. Your memorialist therefore confidently trusts that on reconsideration such steps will be adopted, as will protect him from the ruinous consequences of such an unexpected regulation as retaining officers (many of them virtually civilians) on the list of regiments to regulate military promotions.

For which your Memorialist, as in duty bound, will ever pray.

(signed) *William Roche Broome*, Captain,
49th Regiment Madras Native Infantry.

Secunderabad, 11th October 1861.

— No. 67. —

To the Right Honourable Her Majesty's Secretary of State for India in Council.

The respectful Memorial of Captain *Francis Pictet* of Her Majesty's 49th Regiment of Madras Native Infantry,

Humbly showeth,

1. THAT your memorialist was appointed to the Madras Army in 1847, the date of his first commission being 11th December in that year; that he has consequently served, not excluding furlough, for a period of nearly 14 years; that when your memorialist entered the Service its fundamental principles were based upon regimental promotion by seniority, and the following is the first clause of section XXVII. of the General Regulations for the guidance of the Madras Army:— Head, "Promotion of Officers:"—"All officers shall be promoted by seniority in their respective regiments up to the rank of major, and afterwards by seniority, in their respective branches of the Service."

2. On the 26th July 1860, Sir Charles Wood, in reply to Mr. Henley's amendment in the debate in the House of Commons on the subject of the amalgamation of the armies, stated, that "he was perfectly willing to accept the amendment of the right honourable gentleman; and also to re-affirm what the Government had never attempted to deny, namely, that they had the firm resolution, strictly and scrupulously, of maintaining faith with the officers of the Indian Army;" and this was reiterated in a Despatch, No. 27, paragraph 3, 18th January 1861, to the Governor General of India in Council; but, notwithstanding

withstanding these assurances on the subject of the amalgamation of the armies, from such high authority, your memorialist is now a daily witness of officers being superseded by their regimental juniors, who elect to be appointed to the Staff Corps; and he has learned, with the greatest consternation, in answer to a query forwarded by his commanding officer to Army Head Quarters, that the juniors of his own regiment who have elected for the Staff (and will most probably hereafter supersede him in attaining the important rank of major), will be available for the command of his regiment in supersession of your memorialist.

3. Your memorialist begs to annex* copy of the question to which he has alluded, and of the answer which has been received from the Head Quarters of the Madras Army. It will be observed that, in answer to that part of the question whether an officer of the Staff Corps, obtaining accelerated promotion over his former regimental seniors, can be remanded to the corps from which he has been removed to their prejudice, it is stated that "the position assumed is not a new one, but is one that now obtains, when an officer who has risen in one regiment attains to command of a regiment, in which are officers who have been his seniors in the Service." Your memorialist, however, humbly submits that the cases are not analogous; the mortifying grievance of which he complains is, that the juniors of his regiment may be promoted by a hitherto unheard of action, foreign to that of regimental promotion, to which, however, your memorialist is still restrained, and may then, as he is informed, be reintroduced into the regiment to the prejudice of your memorialist's prospects.

4. Your memorialist, humbly conceives that such a measure is diametrically opposed to the Regulations of the Service and to those "rights and claims," which have been guaranteed to all officers who entered the Service previously to the assumption of the Government of India by Her Most Gracious Majesty, and to every assurance which has emanated from the highest authority.

5. Your memorialist would also observe that, although officers who elect to remain in the local service not only do not obtain any advantage by the seniors of their regiments who elect for the Staff Corps being removed, but the latter have been constituted a retarding element to the ordinary progress of promotion, for they who are now, in most instances, virtually civilians, unexposed to the vicissitudes and dangers of military life, are retained nominally on the rolls of the regiment to regulate, as it is denominated, the promotion of the officers who remain "local." It may be urged that the promotion of local officers will not be more impeded by the staff rules than hitherto, as staff officers were always retained in their regimental positions; but your Memorialist respectfully suggests that there is no analogy between the staff as formerly and as now constituted; the former staff were retained as "effective" in the complement of their regiments, and were liable to be remanded to them on promotion either to captain or major, according to the requirements of the Staff Regulations; but to the latter grade it was a general rule that they should return to regimental duty, excepting only when they belonged to head quarter offices or were in certain political situations which admitted of majors being retained in them; but even from these they were liable to be called upon to join their corps on service; they were then part and parcel of their regiments, and usually assisted their brother officers towards regimental subscriptions and purchase of steps; now, alas! it is true they are retained on the roll of the regiments, nominally only, as far as they are concerned, but most substantially as respects their juniors, who will now see officers comfortably located for the remainder of their career,

* *Question.*

Paragraphs 23, 62, 70, and 101 of G. O. G. G.,
No. 332, dated 10th April 1861.

Can an officer who has qualified for and obtained promotion in the Staff Corps be temporarily appointed to command his former or any other corps in which there may be officers who were originally his regimental seniors?

Answer.

On whatever duty an officer of the Staff Corps may be placed, the rank to which he may have attained in that corps will undoubtedly carry with it the same position and advantage as now obtaining in the Army; the position assumed in the question is not a new one, but is one which now obtains when an officer who has risen in one regiment attains to the command of a regiment in which are officers who have been his seniors in the Service.

career, in well paid, unexposed appointments, retained on the list to regulate their promotion; and hereafter, when these officers may wish to retire from the Service, should their "cadre" names not have been removed from the rank of major in their original regiments, whatever rank they may have attained in the Staff Corps, what is to prevent them appealing to their former brother officers for pecuniary assistance, or the alternative of remaining on the staff till their names are removed from the list of majors and their regiments? On the contrary, how different will be the effect on officers of the British Service who may elect for the Indian Staff Corps; for by General Order of the Governor General, 10th April 1861, paragraph 83, "Officers of the British Army, when permanently transferred to the Staff Corps will be removed from the strength of the regiments to which they belonged." The same is also repeated in a Despatch, No. 27, paragraph 21, 18 January 1861, from the Secretary of State for India to the Governor General.

6. Your memorialist, therefore, confidently trusts that on reconsideration such steps will be adopted as will protect him from the ruinous consequences of such an unexpected regulation as retaining officers (many of them virtually civilians) on the list of regiments to regulate military promotions.

For which your Memorialist, as in duty bound, will ever pray.

(signed) *Francis Pictet*, Captain,
49th Regiment, Madras Native Infantry.

Secunderabad, 14 October 1861.

— No. 68. —

To the Right Honourable the Secretary of State for India in Council.

The Memorial of Captain *A. D. McDougall*, 3d Madras European Regiment.

Your memorialist has the honour to submit for consideration the following representation.

2. Your memorialist trusts that he will not lay himself open to any charge of impropriety by his very respectful, but earnest representation, of the wrong which he feels is inflicted on him by the retention of the names of Captain and Brevet Major Dysart, Captains Harris and Moore, in the list of Captains of the 3d Madras European Regiment, after appointment to the 108th Regiment and Staff Corps.

3. Your memorialist feels injured by this new system, because it has ever been the practice hitherto, to allow every promotion of officers which might occur in regiments (up to the rank of major included), to give a step to their juniors in their respective ranks.

4. It has, however, been ruled that in cases of officers of Her Majesty's British regiments serving in India, who shall join the Staff Corps, those officers are to be seconded, and their steps are to go in their respective regiments, and the irregularity of operation in the two Services in the instances he describes, makes an invidious distinction.

5. Your memorialist cannot but remember, had Captain and Brevet Major Dysart, Captains Harris and Moore been removed into any other new corps before the Amalgamation Act, his position would at this moment have been that of senior captain of his regiment; but according to the new rules by which Captain and Brevet Major Dysart, Captains Harris and Moore are retained on the roll of the 3d Madras European Regiment, not with any view of their ever returning to the corps as heretofore, whenever the regiment may be employed on active service, not in order that their subscriptions to the regimental funds may still be retained, not as in any way belonging to the regiment, but solely to regulate, as the General Order terms it, the promotion of the juniors, your memorialist's promotion in the Army is stopped indefinitely, leaving a feeling of bitter disappointment as the result.

6. Your

6. Your memorialist submits that it cannot be justly urged that the formation of the 108th Regiment, and the Indian Staff Corps, involves a new arrangement from which he, as an officer of the late Honourable East India Company's Service, has no right to derive the benefits contingent thereon; nor is it a fair mode of argument to say that he is in no worse position than he would have been had the Amalgamation Act not existed, with its subordinate arrangements. It has been the well-understood rule in the Service, and hitherto faithfully observed, that every removal or promotion of a regimental officer under the rank of lieutenant colonel, should give a step to the juniors of his rank. Captain and Brevet Major Dysart, Captains Harris and Moore, have been removed into other corps, and your memorialist thinks and feels that in refusing to him the steps in the regiment, which Captain and Brevet Major Dysart, Captains Harris and Moore's removal into other corps makes, the conditions of his service are not observed by the Government under which he serves.

7. It is because your memorialist's brother soldiers of the regimental branches of the British Army in India, are to be promoted under the operation of the new system, that he feels acutely the wrong under which it makes him suffer.

8. And it is because your memorialist has been led to believe that the Act of Amalgamation has been purposely so constituted, as to retain for him all the privileges and rights which he acquired as an officer of the Indian Army when he joined it, that he feels that he is entitled to make this his most respectful appeal.

9. Your memorialist, therefore, on the grounds which he has now stated, submits his earnest solicitations that Captain and Brevet Major Dysart, Captains Harris and Moore may be struck off the returns of the 3d Madras European Regiment, from the date of their appointments to the 108th Regiment and Staff Corps, that your memorialist may thereby, at least, obtain the position in his regiment to which he believes himself to be fairly entitled.

For which your memorialist as in duty bound will ever pray.

(signed) *A. D. McDougall,*
Captain 3d Madras European Regiment.

Jaulnah, 10 December 1861.

— No. 69. —

To the Right Honourable the Secretary of State for India.

The Memorial of Captain *C. F. Gilbertson*, 3d Madras European Regiment.

1. Your memorialist has had the honour to submit for consideration the following representation:—

2. Your memorialist trusts he will not lay himself open to any charge of impropriety by his very respectful but earnest representation of the wrong which he feels is inflicted on him by the retention of the names of Captain Dysart, Harris, and Moore, in the list of captains of the 3d Madras European Regiment, after appointment and promotion in the Staff Corps and Her Majesty's 108th Foot respectively.

3. Your memorialist feels injured by this new system, because it has ever been the practice hitherto to allow every promotion or transfer of officers which might occur in regiments, up to the rank of major included, to give a step to their juniors in their respective ranks.

4. It has, moreover, been ruled, that in cases of officers of Her Majesty's British regiments serving in India who shall join the Staff Corps, those officers are to be seconded and these steps are to go in their respective regiments; and the irregularity of operation in the two Services in the instance he describes, makes an invidious distinction.

5. Your memorialist cannot but remember, had these officers been promoted and removed into any other new corps before the Amalgamation Act, his position would at this moment have been that of second captain of his regiment; but

according to the new rules, by which the above officers are retained on the roll of the 3d Madras European Regiment—not with any view of their ever returning to the corps as heretofore whenever the regiment may be employed on active service; not in order that their subscriptions to the regimental funds may still be retained; not as in any way belonging to the regiment, but solely to regulate, as the General Order terms it, the promotion of the juniors—your memorialist's promotion in the Army is stopped indefinitely, leaving a feeling of bitter disappointment as the result.

6. Your memorialist submits that it cannot be justly urged that the formation of the India Staff Corps involves a new arrangement, from which he, as an officer of the late Honourable East India Company's Service, has no right to derive the benefit contingent thereon; nor is it a fair mode of argument to say that he is in no worse position than he would have been had the Amalgamation Act not existed with its subordinate arrangements; it has been the well understood rule in the Service, and hitherto faithfully observed, that every removal or promotion of a regimental officer under the rank of a lieutenant colonel should give a step to the junior of his rank. Now, the officers before named, viz. Captains Dysart, Harris, and Moore, have been removed into a new corps; and your memorialist thinks and feels that in refusing to him the steps in the regiment which these officers' removal to another corps make, the conditions of his service are not observed by the Government under which he serves.

7. It is because your memorialist began his career in the Indian Army, believing that, however slow might be the progress of advancement in the Service to him as a regimental officer, the time would eventually come, if his life was spared, when the long struggle through the junior ranks would receive its late reward; that your memorialist feels the disappointment of seeing his seniors removed without benefit to him. This falls with peculiar severity now that that career has extended over 18 years.

8. It is because your memorialist's brother soldiers of the regimental branches of the British Army in India are to be promoted under the operation of the new system that he feels acutely the wrong under which it makes him suffer.

9. And it is because your memorialist has been led to believe that the Act of Amalgamation has been purposely so constituted as to retain for him all the privileges and rights which he acquired as an officer of the Indian Army when he joined it, that he feels that he is entitled to make this his most respectful appeal.

10. Your memorialist, therefore, upon the grounds which he has now stated, submits his earnest solicitation that Captains Dysart, Harris, and Moore may be struck off the returns of the 3d Madras European Regiment from the date of their appointment to their new corps, that your memorialist may thereby at least obtain the position in his regiment to which he believes himself to be fairly entitled.

And your petitioner has the honour to subscribe himself,

Yours, &c.
(signed) *C. F. Gilbertson*, Captain,
3d Madras European Regiment.

— No. 70. —

To the Right Honourable the Secretary of State for India in Council.

The Memorial of Captain *R. S. Burge*, 3d Madras European Regiment.

1. Your memorialist has the honour to submit for consideration the following representation.

2. Your memorialist trusts that he will not lay himself open to any charge of impropriety by his very respectful, but earnest representation of the wrong which he feels is inflicted on him by the retention of the names of Captain and Brevet Major

Major Dysart, Captains Harris, Moore, Farewell, Williams, Pereira, Rawnsley, and Dashwood, in the list of captains of the 3d Madras European Regiment, after appointment to the 108th Regiment and Staff Corps.

3. Your memorialist feels injured by this new system; because it has ever been the practice hitherto to allow every promotion of officers which might occur in regiments, up to the rank of major included, to give a step to their juniors in their respective ranks.

4. It has, moreover, been ruled that in cases of officers of Her Majesty's British regiments serving in India, who shall join the Staff Corps, those officers are to be seconded, and their steps are to go in their respective regiments; and the irregularity of operation in the two services, in the instance he describes, makes an invidious distinction.

5. Your memorialist cannot but remember, had Captain and Brevet Major Dysart, Captains Harris, Moore, Farewell, Williams, Pereira, Rawnsley, and Dashwood been removed into any other new corps before the Amalgamation Act, his position would, at this moment, have been that of fifth captain of his regiment; but according to the new rules, by which Captains Dysart, Harris, Moore, Farewell, Williams, Pereira, Rawnsley, and Dashwood are retained on the roll of the 3d Madras European Regiment; not with any view of their ever returning to the corps, as heretofore, whenever the regiment may be employed on active service; not in order that their subscriptions to the regimental funds may still be retained; not as in any way belonging to the regiment, but solely to regulate, as the General Order terms it, the promotion of the juniors, your memorialist's promotion in the army is stopped indefinitely, leaving a feeling of bitter disappointment as the result.

6. Your memorialist submits that it cannot be fairly urged that the formation of the 108th Regiment and the Indian Staff Corps involves a new arrangement, from which he, as an officer of the late Honourable East India Company's service, has no right to derive the benefits contingent thereon; nor is it a fair mode of argument to say that he is in no worse position than he would have been had the Amalgamation Act not existed, with its subordinate arrangements. It has been the well-understood rule in the service, and hitherto faithfully observed, that every removal or promotion of a regimental officer under the rank of lieutenant-colonel, should give a step to the juniors of his rank. Captains Dysart, Harris, Moore, Farewell, Williams, Pereira, Rawnsley, and Dashwood have been removed into new corps; and your memorialist thinks and feels that, in refusing to him the steps in the regiment which Captains Dysart, Harris, Moore, Farewell, Williams, Pereira, Rawnsley, and Dashwood's removal into other corps make, the conditions of his service are not observed by the Government under which he serves.

7. It is because your memorialist's brother soldiers of the regimental branches of the British Army in India are to be promoted, under the operation of the new system, that he feels acutely the wrong under which it makes him suffer.

8. And it is because your memorialist has been led to believe that the Act of Amalgamation has been purposely so constituted as to retain for him all the privileges and rights which he acquired as an officer of the Indian Army, when he joined it, that he feels that he is entitled to make this his most respectful appeal.

9. Your memorialist therefore, upon the grounds which he has now stated, submits his earnest solicitation that Captains Dysart, Harris, Moore, Farewell, Williams, Pereira, Rawnsley, and Dashwood may be struck off the returns of the 3d Madras European Regiment, from the date of their appointments to the 108th Regiment and Staff Corps, that your memorialist may thereby at least obtain the position in his regiment to which he believes himself to be fairly entitled.

And your Memorialist has the honour to subscribe himself,

(signed) *Robert Sutton Burge*, Captain,
3d Madras European Regiment.

Jaulnah, 21 November 1861.

— No. 71. —

To the Right Honourable the Secretary of State for India in Council,

THE Memorial of Lieutenant *C. J. T. Whitlock*, 3d Madras European Regiment.

1. YOUR memorialist has the honour to submit most respectfully for consideration the following representation :—

2. Your memorialist trusts that he will not lay himself open to any charge of impropriety by his very respectful but earnest representation of the wrong which he feels is inflicted on him by the retention of the names of Captain and Brevet Major Dysart, Captains Harris, Moore, Farewell, Williams, Pereira, Rawnsley, and Dashwood on the list of captains, and the names of Lieutenants Bradford, Creery, Peet, Hunt, Carmichael, Wetherall, Bedingfield, Sheffield, and Worster, on the list of lieutenants of his regiment, after their appointment to the Staff Corps, and Her Majesty's 108th Regiment.

3. Your memorialist feels injured by this new system, because it has ever been the practice hitherto to allow all promotion of officers which might occur in regiments (up to the rank of major inclusive) to give a step to their juniors in their respective ranks.

4. It has been moreover ruled in cases of officers of Her Majesty's British Regiments serving in India who shall join the Staff Corps, that those officers are to be seconded, and their steps are to go in their respective regiments, and the irregularity of operation in the two services in the instance he describes makes an invidious distinction.

5. Your memorialist cannot but remember that had Captain and Brevet Major Dysart, Captains Harris, Moore, Farewell, Williams, Pereira, Rawnsley, and Dashwood, and Lieutenants Bradford, Creery, Peet, Hunt, Carmichael, Weatherall, Bedingfield, Sheffield, and Worster been removed into any other new corps prior to the Amalgamation Act, his position would at this moment have been that of 13th captain of his regiment, but according to the new rules by which Captain and Brevet Major Dysart, Captains Harris, Moore, Farewell, Williams, Pereira, Rawnsley, and Dashwood, and Lieutenants Bradford, Creery, Peet, Hunt, Carmichael, Weatherall, Bedingfield, Sheffield, and Worster are retained on the roll of the 3rd Madras European Regiment, not with any view of their ever returning to the corps, as heretofore, whenever the regiment may be employed on active service, not in order that their subscriptions to the regimental funds may be retained, not as in any way belonging to the regiment, but solely to regulate, as the General Order terms it, the promotion of the juniors. Your memorialist's promotion in the army is stopped indefinitely, thereby leaving a feeling of bitter disappointment as the result.

6. Your memorialist begs to submit, with all due respect, that it cannot be justly urged that the formation of Her Majesty's 108th Regiment and the Indian Staff Corps involves a new arrangement, from which he, as an officer of the late Honourable East India Company's service, has no right to derive the benefits contingent thereon, nor is it a fair mode of argument to say that he is in no worse position than that in which he would have been had the Amalgamation Act not existed, with its subordinate arrangements. It has been a well understood rule in the service, and, hitherto, most faithfully adhered to, that any removal or promotion of a regimental officer under the rank of lieutenant colonel, should give a step to the juniors of his rank. Captain and Brevet Major Dysart, Captains Harris, Moore, Farewell, Williams, Pereira, Rawnsley, and Dashwood, and Lieutenants Bradford, Creery, Peet, Hunt, Carmichael, Weatherall, Bedingfield, Sheffield, and Worster have been removed into new corps, and your memorialist thinks and feels that in refusing to him the steps in the regiment which Captain and Brevet Major Dysart, Captains Harris, Moore, Farewell, Williams, Pereira, Rawnsley, and Dashwood, and Lieutenants Bradford, Creery, Peet, Hunt, Carmichael, Wetherall, Bedingfield, Sheffield, and Worster, by removal into other corps have caused, the conditions of his service are not observed by the Government under which he serves.

7. It is because your memorialist's brother officers of the regimental branch of the British Army in India, are to be promoted under the operation of the new system, that he feels acutely the wrong under which it makes him suffer.

8. And it is because your memorialist has been led to believe that the Act of Amalgamation has been purposely so constructed, as to retain for him all the privileges and rights which he acquired as an officer of the late Honourable East India Company's service when he joined it, that he feels that he is entitled to make this his most respectful appeal.

9. Your memorialist, therefore, upon the grounds which he has above stated, submits most respectfully his very earnest solicitation that Captain and Brevet Major Dysart, Captains Harris, Moore, Farewell, Williams, Pereira, Rawnsley, and Dashwood, and Lieutenants Bradford, Creery, Peet, Hunt, Carmichael, Wetherall, Bedingfield, Sheffield, and Worster may be struck off the returns of the 3d Madras European Regiment from the date of their appointments to Her Majesty's 108th Regiment and Staff Corps, in order that your memorialist may thereby at least obtain the position in his regiment to which he believes himself fairly entitled.

And your Memorialist has the honour to subscribe himself,

Yours, &c.
(signed) *C. J. T. Whitlock,*
Lieutenant, 3d Madras European Regiment,
Her Majesty's 108th Regiment.

Jaulnah, 9 December 1861.

— No. 72. —

To the Right Honourable the Secretary of State for India in Council.

The Memorial of Captain *Edward Henry Blomfield*, of the 7th Regiment,
Madras Native Infantry.

YOUR memorialist has the honour to submit for consideration the following representation:—

1. Your memorialist having entered the service in the year 1840, with well-understood rights and privileges as to rank and promotion, which rights and privileges were guaranteed by Mr. Henley's clause of the Amalgamation Act, feels that a wrong has been inflicted on him by his supersession by a junior in his own regiment, Captain Saunders, who has been promoted to a substantive majority, and may thus hereafter command the regiment to which your memorialist belongs, or with which he may be doing duty.

2. Further, your memorialist would represent that not only is he now superseded by his junior in the regiment, Captain Saunders, but that three other regimental juniors, Captain Campbell, Lieutenants Swanston and Harrison, lately appointed to the Staff Corps, will become majors in five and six years hence, and thus probably supersede your memorialist, as he cannot hope to gain his majority within that time, in consequence of the certain future slowness of promotion caused by the reduction in the number of lieutenant colonels, and consequent decrease of line steps, and also by the stoppage of all purchased retirements among the seniors, caused by staff officers remaining in their old regiments, but gaining their promotion in the Staff Corps.

3. Under the rules of the Company's Service, your memorialist could never have been superseded in regimental or line promotion by his regimental junior, except by sentence of court martial as a punishment for misconduct. The advantages as to privileges and promotion of these rules were guaranteed by Act of Parliament, and further confirmed by clause 23 of the Amalgamation Warrant. Your memorialist therefore feels justified in making this representation, and requesting that he may be relieved from his present supersession by Captain Saunders, and future supersession by other juniors of his own regiment.

And your Memorialist has the honour to subscribe himself,

(signed) *E. H. Blomfield,*
Captain, 7th Regiment, Madras Native Infantry.

Kamptee, 3 October 1861.

— No. 73. —

To the Right Honourable the Secretary of State for India in Council.

THE Memorial of Captain *William Blount*, of the 7th Regiment, Madras Native Infantry.

YOUR memorialist has the honour to submit for consideration the following representation :—

Your memorialist having entered the service of the late Honourable East India Company in the year 1844, with well-understood rights and privileges, as to rank and promotion, which rights and privileges were guaranteed him by Mr. Henley's clause of the Amalgamation Act, feels that a wrong has been inflicted on him by the names of the officers of his regiment who have lately elected to join the Staff Corps, being retained on the roll of his regiment, although transferred to a new corps, a custom never hitherto practised, thereby checking promotion by means of purchase, a system recognised and approved of by the late Honourable East India Company, and your memorialist having expended certain sums in the purchase of steps, can thus never hope to obtain anything in his turn on his retirement from the service; a pecuniary loss is thereby inflicted on him.

Further, your memorialist would represent that three of his regimental juniors, Captain Campbell and Lieutenants Swanston and Harrison, lately transferred to the Staff Corps, will become substantive majors in five or six years from this time, and thus supersede your memorialist, as he cannot hope to obtain his majority within that time in consequence of the certain future slowness of promotion, caused by the reduction in the number of lieutenant colonels and consequent decrease of line steps, and also by the stoppage of all regimental purchase as before mentioned.

Under the rules of the late Honourable East India Company's service, your memorialist could never have been superseded in regimental or line promotion by his regimental juniors, except by sentence of court-martial, as a punishment for misconduct. The advantages as to privileges and promotion of these rules were guaranteed by Act of Parliament, and further confirmed by clause 23 of the Amalgamation Warrant.

Your memorialist would also beg to represent that an unfair advantage has been given to officers joining the new Staff Corps by their now being placed by their promotion in a position to subscribe in a higher grade to the military fund in this Presidency, and thereby derive advantages in the shape of increased passage-money and equipment allowance, and superior pensions for their widows and children in the event of their decease, an advantage denied to your memorialist until he attains a regimental majority.

Your memorialist, therefore, feels justified in making this representation, and requests that he may be relieved from the dread of future supersession by the juniors of his own regiment; that the check given to his promotion and pecuniary loss sustained by him may be taken into consideration, and that he may be enabled to avail himself of the like advantages as the staff officers lately of the same rank as himself in the regiment, and his juniors, who will be able to attain such long before he can possibly hope to do so.

And your Memorialist has the honour to subscribe himself,

(signed) *Wm. Blount*, Captain,
7th Regiment, Madras Native Infantry.

Kamptee,
14 October 1861.

— No. 74. —

To the Right Honourable Her Majesty's Principal Secretary of State for India
in Council.

THE Memorial of *Burdett Richard Powell*, a Lieutenant Colonel in Her Majesty's
26th Regiment, Bombay Native Infantry,

1. Most humbly sheweth that your memorialist on the amalgamation of the Indian with Her Majesty's general army was, by Act of Parliament, guaranteed all his rights and privileges.

2. That your memorialist respectfully submits that such Act has not been strictly observed.

3. That by the constitution of the Staff Corps or Regiment, your memorialist, who held the regimental rank of major at the time, has been superseded in the substantive and regimental rank of lieutenant colonel by officers who were regimentally his juniors, on the list of field officers for promotion to lieutenant colonel, regimentally, at the date of amalgamation, to the detriment of your memorialist, and in breach of the Rules and Regulations of the Indian Army.

4. That by the Secretary of State for India, Despatch No. 270, published in the Calcutta Government Gazette, No. 869, of the 12th September 1862, each of these officers, his juniors on the list of regimental field officers at the date of amalgamation, becomes entitled to off-reckonings, or colonel's allowances, prior to your memorialist, in direct contravention of his rights and privileges which secures the off-reckonings, or colonel's allowances, to field officers by regimental succession only.

5. That under the Rules and Regulations of the Indian Army in force prior to the date of amalgamation, it was not possible for a senior field officer, by regimental succession, to be superseded in substantive rank by his junior, or for his junior ever to obtain the off-reckonings, or colonel's allowances, before him.

6. That in accordance with the rules contained in the aforesaid Despatch, No. 270, an officer on the Staff Corps becomes entitled to the off-reckonings, or colonel's allowances, after 38 years' service, while your memorialist, and many other officers in the local army, whose promotion has been similarly slow, will not become entitled to the off-reckonings until after 44 years' service.

7. That your memorialist's already slow promotion (he having served upwards of 32 years for the rank of lieutenant colonel) is still further and indefinitely retarded by the unprecedented retention, over your memorialist, of officers who have retired from the service, whose names are to be retained on the general list. Your memorialist here refers to the recent orders for retirement of 300 officers of the Indian Army.

8. That the objects which induced your memorialist to contribute to the retirement of six of his regimental seniors have been frustrated, and his professional prospects destroyed by the supersession occasioned by the constitution of the Staff Corps.

9. That your memorialist has served upwards of 11 years on the staff, but was precluded entering the Staff Corps in consequence of not having been employed on the staff within three years of the date of amalgamation, although in command of a native regiment of the regular army at the time, which does not constitute staff employ, whereas the command of an irregular regiment does.

10. Your memorialist therefore prays that to prevent his being superseded in substantive rank by officers regimentally junior to him on the list of field officers at the date of the amalgamation, his regimental substantive rank of lieutenant colonel may be ante-dated to the 18th February 1861 :

11. And that the right and privilege of every field officer, by regimental succession, borne on the effective strength of the army to succeed to the off-reckonings,

reckonings, or colonel's allowances, in accordance with the rules and regulations of the service in force at the date of amalgamation, and which have been guaranteed by Act of Parliament, may be continued.

And your Memorialist will, as in duty bound, ever pray.

(signed) *B. R. Powell*,
Lieutenant Colonel,
Her Majesty's 26th Regiment,
Bombay Native Infantry.

Camp, Kolapore,
9 February 1863.

— No. 75. —

To the Right Honourable Sir *Charles Wood*, Secretary of State for India.

The humble Petition of *James Mackillop Taylor*, Lieutenant Colonel,
Her Majesty's 2d Regiment, Bombay Light Cavalry,

Humbly sheweth,

1. YOUR petitioner entered the service of the Honourable Company as cornet of cavalry in the Bombay Army on the 3d August 1836, and rising through each successive grade by seniority, he attained the regimental rank of lieutenant colonel on the 6th February 1861.
2. That the army of the Honourable Company was ever a purely seniority service, by which all vacancies through transfer and retirements of regimental officers invariably gave promotion and rise to their juniors.
- 3: That on the question of the amalgamation of the Royal and Indian Armies being referred to the House of Commons, it was declared on the 2d August 1858 by an enactment, that with regard to officers of the local Indian services, "they shall be entitled to the like pay, pension, allowances, and privileges, and the like advantages as regards promotion and otherwise, as if they had continued in the service of the Company.
4. That such declaration has been repeatedly published to the Indian Army both by the Right Honourable the Secretary of State for India, as also by the Indian Government, more especially in a general order of the 10th April 1861.
5. That in the above general order, all officers of the Indian Army were called on to elect, as to whether they wished to transfer their services by volunteering for Her Majesty's general British Army in any particular regiment, or with the above guarantee to remain in the local Indian service. Amongst other modifications promulgated in this general order, it was ruled by the Secretary of State for India in his Despatch to the Indian Government, being replies to questions by Indian officers submitted by the Indian Government to the Right Honourable Secretary, that "regimental lieutenant colonels transferring themselves, and being accepted in any of the new line regiments of cavalry or infantry, thereby disconnect themselves from the Indian service, and will forego all claim to future full colonels' allowance in the Indian line, but will become eligible to a regiment under the regulations of the British Army."
6. That your petitioner on the provisions of the above guarantee elected to remain in Her Majesty's local Indian Bombay Cavalry, but that Lieutenant Colonel Curtis, your petitioner's immediate senior officer, and the 1st lieutenant colonel of the Bombay Cavalry, volunteered for Her Majesty's 21st Hussars, one of the new regiments of the British line cavalry, and has been transferred as regimental lieutenant colonel to the 21st Hussars.
7. That Lieutenant Colonel Curtis, by such voluntary transfer to Her Majesty's Dragoons, has therefore forfeited his position in, and claim to future promotion to full colonel in the Bombay Army, and colonels' allowance in the Bombay cavalry, to which he does not now belong.
8. That your petitioner respectfully submits to your honourable and favourable consideration, that his rights and claims, acknowledged previous to amalgamation, may not be disturbed, for your petitioner finds that the name of Lieutenant Colonel

Colonel Curtis, though totally separated from, and no longer belonging to the Bombay Cavalry, is still kept over your petitioner in "italics," and is so to remain for life; thereby debarring your petitioner from that present promotion and rank, and future emolument, which must by such transfer have necessarily ensued to your petitioner, had the Company's service still existed.

9. That your petitioner hereby prays, the name of Lieutenant Colonel Curtis, of Her Majesty's 21st Hussars, may be entirely removed from the lists of field officers of the Bombay Cavalry; and that your petitioner may, in accordance with all former usage in the Indian Army, obtain the promotion to, and position of senior lieutenant colonel of the Bombay Cavalry, now vacated by the transfer of Lieutenant Colonel Curtis to a regimental lieutenant colonelcy in the 21st British Hussars.

And your petitioner, as in duty bound, will ever pray.

(signed) *J. M. Taylor*, Lieutenant Colonel,
2d Regiment, Bombay Light Cavalry.
Nemuch,
22 September 1862.

— No. 76. —

To the Right Honourable the Secretary of State for India.

THE humble Memorial of *Charles Thompson*, a Captain in Her Majesty's 2d Bombay European Regiment, Light Infantry.

Showeth,

THAT your memorialist has served upwards of 20 years as a commissioned officer in the Bombay Army, and that during that time he has paid various large sums of money for the purchase of regimental steps, under the sanction of the Honourable the East India Company (*vide* letter from the Honourable Court to the Supreme Government of India, dated 29th November 1837, published in General Order, 22d May 1838), looking forward to the privilege of recovering the same by subscriptions from his juniors (under the rule of the said Company secured to him) when the time for his own retirement should arrive; but under existing circumstances he has been deprived of this benefit, and the money all sunk; that this, being one of his privileges, has been confirmed by Act of Parliament, and is therefore guaranteed by the statute law of England.

2. That your memorialist finds himself, without any fault on his part, deprived of his regiment and sent to a native corps, with his promotion stopped, not only by the retention of the names of pensioned officers still on the effective list above him; but those of Majors Barr and Gordon, and Captains Hervey, Tyacke, Aitchison, and Bruce kept on the cadre of your memorialist's regiment; they having, to all intents and purposes, quitted that regiment, and been posted to and promoted in other corps, viz., Major Barr to lieutenant colonel in the Staff Corps, Major Gordon to the same; Captain Tyacke to major in Her Majesty's 106th Regiment, Light Infantry; and Captains Hervey, Aitchison, and Bruce to majors in the Staff Corps; in both of which respectively they stand as substantive lieutenant-colonel and majors.

3. That your memorialist, during his service, has seen four new regiments added to the Bombay Army, and in each and every case the names of the officers posted to them have been removed, and the promotion made in their places in the old regiments; and your memorialist respectfully submits that this has been the custom and usage of the Bombay Army from time immemorial, and that this usage and right has been guaranteed by Act of Parliament, 21 & 22 Vict. c. 106, ss. 56 and 58. That the Bombay Staff Corps is a new regiment has been, your memorialist would respectfully state, determined by a declaration to that effect made by the Honourable Secretary of State for India.

4. That from your memorialist's long service, he has paid, as a married subscriber, large donations and subscriptions to the military fund; and that by the names of the above-mentioned officers being retained as majors and captains on

the cadre of his regiment (with which they have now no concern, they being, one a lieutenant colonel, and the remainder majors in other corps), he is thereby cut off from all hope of that promotion which would secure to his widow, in the event of his death, the pension of a major instead of that of a captain.

5. That your memorialist therefore humbly prays that the Right Honourable the Secretary of State for India will inquire into the circumstances under which your memorialist's prospects have been most seriously injured, contrary to the provisions made by law, and will grant him the relief which his case calls for, by removing the names of all retired officers from the effective list of the Bombay Army, and also from the cadre of your memorialist's regiments the names of those already enumerated, whereby alone he would be placed on an equality with officers of his own standing in the service, who have entered the Staff Corps, or been promoted into the new line regiments.

And your Memorialist, as in duty bound, will ever pray.

(signed) *C. Thompson*, Captain,
Her Majesty's 2d Bombay European Regiment,
Light Infantry.

Camp, Neemuch,
17 October 1862.

(No. 77.)

To the Right Honourable Sir *Charles Wood*, Bart., Her Majesty's Secretary of State for India in Council.

THE humble Memorial of *Henry Ebenezer Jacob*, a Captain in Her Majesty's 18th Regiment, Bombay Native Infantry,

Showeth,

THAT your memorialist, understanding from the general tenour of the official documents on the subject, and more especially from the views expressed in the following extract from general order by his Excellency the Governor General of India in Council, No. 332, para. 23, of 10th April 1861 :—

“ In the execution of these measures it is the intention of Her Majesty's Government that the pledge that due regard shall be paid to the rights and claims of the officers of Her Majesty's Indian Army shall be scrupulously adhered to;” that it is the wish of Government that the measures recently introduced for the amalgamation of the Indian with Her Majesty's general forces should not injuriously affect the interests of any individual officer, begs respectfully to submit for consideration the following circumstances connected with his own case, as he conceives that the change of system will operate very ruinously on his professional position and prospects.

2. That your memorialist, having been informed in letter No. 4358, of 19th June 1861, from the Adjutant General of the Army that he is not eligible to enter the Staff Corps on the same terms as other officers who are now, or who within the last three years have been, holding permanent staff appointments, is compelled, not from choice, but by necessity, to remain with his regiment, but this enforced position is, in several respects, far inferior to the one he has hitherto occupied. In the first place, he is subjected to supersession by many of his junior officers, whose claims he cannot admit to be in any way superior to his own. This in itself is galling to the feelings of your memorialist as a military man; and in addition to this supersession, which he considers to be undeserved on his part, his prospects of regimental rise and command are very much weakened by the change of system, and also, under the altered condition of the service, he will not benefit as he would otherwise have done from the sums he has laid out in the purchase of regimental steps.

3. To elucidate what has been brought forward as regards supersession, your memorialist would beg to point to four junior officers of his regiment who have been permitted to enter the Staff Corps, and who must, according to all calculation, be promoted to the rank of major before him. Of these officers Captains Ashburner and Ross are his juniors by four years, and except that they now hold staff

staff appointments, whilst your memorialist has been with his regiment since his return from furlough, their previous staff service differs in no material respect from his own. Lieutenants (now captains in the Staff Corps) Johnstone and Elphinstone are his juniors by seven years. Captain Burton, also junior to him, is now holding an appointment out of India, and your memorialist is not aware whether or no he will be permitted to enter the Staff Corps; but the other four officers named are already in it, and must, he fears, supersede him. It is even possible that he may be superseded by Lieutenants Grant and Wilson of his own regiment, who are his juniors by 16 years, as both those officers now hold staff appointments, and will probably be permitted to enter the Staff Corps. Were these examples not sufficient, your memorialist could mention the names of very many junior officers of other regiments who will supersede him, from having gained admittance to the Staff Corps. This supercession is not a nominal evil but a real hardship; as, at some future period, the officers alluded to might be sent to command his regiment over his head, and indeed, until he is promoted to the rank of major by regimental rise, they, on becoming field officers on the staff, would probably be considered to have a prior right to the command. Under any circumstances, either in quarters or in the field, your memorialist is at any time liable to be placed under the command of officers who, until the recent changes were introduced, were his juniors in the service, and whose claims to staff employment, so far as the former rules and requirements of the service are considered, are not superior to his.

4. Your memorialist also would respectfully represent that he cannot attribute this supercession, which renders his position in the service, he must say, a degraded one, to any fault, omission, or failure of duty on his own part. He has passed the prescribed Interpreter's examination in Hindostanee: though not at present holding a staff appointment, he has, at various periods of his service, been employed on the staff. The annexed list of the appointments he has held will show that he has had considerable and varied experience as a staff officer; in fact, he has actually served with credit on the staff for a longer period than many of his junior officers, who will now, on account of their staff services, be put over his head.

5. That the rules laid down for the admittance of officers to the Staff Corps bear hardly in the case of your memorialist, may further be inferred from the fact, that could he give up seven years of his 22 of service, and be replaced in the appointment of adjutant of his regiment which he held in 1854, he would be eligible for the Staff Corps, and would then, as regards promotion, be in a much better position than he is now. It also appears to your memorialist that having officiated in the appointment of Assistant Adjutant General Southern Division of the Army, on a full vacancy, from 19th May to 31st July 1860, he should be permitted to elect for the Staff Corps on the same terms as other staff officers. On this point he would wish to be favoured with instructions.

6. The Staff Corps Warrant certainly provides that officers who are not at present eligible, may at some future period gain admittance to the corps on being found fully qualified, and on passing such periods of probation as may be determined on; but no positive information on the subject, as regards details, has as yet been published to the Army. The probability of your memorialist gaining admittance is thus remote and uncertain, whilst he is daily being subjected to supercession; and he is now placed on a different footing (involving loss of position and rank) to some of his more fortunate brother officers, whose claims and qualifications he has shown to be in no material respect superior to his. Indeed, the only difference between them and him is that they happen, through the chances of the service, to be now holding similar appointments to those he formerly held. Your memorialist is also under the impression, that were he now to enter the Staff Corps on probation, his previous staff service would not count.

7. Whilst thus debarred from entering the Staff Corps on the same terms as others, and subjected to the forfeiture of the rights and privileges appertaining to the former system, your memorialist finds that his regimental position and prospects are not nearly so good as they formerly were. Not only is it probable, as above shown, that officers now his juniors may, at some future period, supersede him in the command, but his promotion to the rank of major is likely to

EAST INDIA (ARMY).

COPY of all MEMORIALS addressed to the Secretary of State for *India*, complaining of Grievances consequent upon the AMALGAMATION, and of all CORRESPONDENCE relating to such MEMORIALS (in continuation of Parliamentary Paper, No. 255, of Session 1862 &c.

(*Colonel Sykes.*)

Ordered, by The House of Commons, to be Printed
13 *May* 1863.

[*Price 1s. 1d.*]

263.

Under 16 ca

R E P O R T

FROM THE

SELECT COMMITTEE

ON

ARMY (INDIA AND THE COLONIES);

WITH THE

PROCEEDINGS OF THE COMMITTEE.

MV41.2.17E
A. 282

*Ordered, by The House of Commons, to be Printed,
3 April 1868.*

182

Friday, 6th March 1868.

Ordered, THAT a Select Committee be appointed to inquire into the duties performed by the British Army in India and the Colonies, and also how far it might be desirable to employ certain portions of Her Majesty's Native Indian Army in our Colonial and Military dependencies, or to organise a force of Asiatic Troops for general service in suitable climates.

Thursday, 19th March 1868.

Select Committee nominated of—

Major Anson.
Viscount Cranborne.
Mr. Childers.
Sir James Fergusson.
Marquis of Hartington.
Mr. Hayter.
Sir Henry Rawlinson.
Sir William Russell.

Captain Vivian.
Mr. Laing.
Lord William Hay.
Major Walker.
Colonel North.
Sir Harry Verney.
General Percy Herbert.

Ordered, THAT the Committee have power to send for Persons, Papers, and Records.

Ordered, THAT Five be the Quorum of the Committee.

Tuesday, 24th March 1868.

Ordered, THAT the Minutes of Evidence taken before the Select Committee on Army (India and the Colonies), in Session 1867, be referred to the Committee.

Friday, 3rd April 1868.

Ordered, THAT the Committee have power to report their Observations to The House.

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R E P O R T.

THE SELECT COMMITTEE appointed to inquire into the Duties performed by the BRITISH ARMY in *India* and the Colonies, and also how far it might be desirable to employ certain portions of HER MAJESTY'S NATIVE INDIAN ARMY in our Colonial and Military Dependencies, or to organise a Force of Asiatic Troops for general Service in suitable Climates :——HAVE considered the Matters to them referred, and have agreed to the following REPORT :—

IN considering the terms of the order of reference under which they were appointed, your Committee have thought that they should best fulfil the intentions of the House by limiting their inquiries chiefly to the expediency of employing the native troops of India in the other dependencies of the Crown. They have, therefore, inquired into the duties of the British army in India and the Colonies only so far as those duties affected the decision of that particular question.

For the purposes of these inquiries they have examined during the last Session of Parliament, several distinguished military and civil officers in this country, and also some who were in employment in India, but were temporarily resident in England. They have, further, caused papers of questions to be issued to the chief authorities, both military and civil, in India and in the Colonies more immediately affected by the inquiry. The replies to these questions will be found in the Appendix of the Report of the Committee which sat during the last Session.

The result of the investigation has been to show that in some of the most important points the difficulties of the proposed scheme have been over-rated. One of the objections that have been urged very strongly against it, has been the repugnance which the natives of India are alleged to entertain upon religious grounds to any service that takes them beyond the sea. This objection appears to be derived from the experience of an earlier period, and not to be true to any great extent of the present state of feeling. Whatever aversion they may express, or genuinely feel to a sea voyage, is not now strong enough to hinder them from accepting such a service, upon adequate consideration. The witnesses who speak to this point are numerous and of great authority ; and the result of their almost unanimous testimony, is, that the existence of no prejudices need be apprehended among at least the large majority of the Indian races, which would deter them from enlisting for a foreign service, if sufficient pecuniary advantages were held out to them as an inducement. The only two exceptions to this unanimity of opinion are General Grant, the Governor of Malta, and Colonel Norman, whose knowledge in this respect is confined to Bengal. There is, indeed, a considerable amount of experience which can be cited in behalf of this opinion.

The Madras, Bombay, and Bengal Armies have been employed beyond seas from the earliest period of our connection with India. The Madras Army has garrisoned Amboyna, Ceylon, Ava, Mauritius, the Straits Settlements, Malacca, Java, Burmah, and China; the Bombay Army has been employed in Aden, China, Scinde, and now in Abyssinia; and the Bengal Army in Egypt, Java, China, Ava, and now in Abyssinia. The Bengal Army, previous to 1856,

Sir W. Eliot,
Colonel Keyes,
Major Gen. Pears,
Colonel Probyn,
Colonel Baker,
Sir Hope Grant,
Mr. Caird,
Col. Mackenzie,
Sir J. Lawrence,
Sir R. Temple,
Sir W. Mansfield,
Col. Merewether,
Sir H. Edwardes.

P. 238.

Q. 17, 18. 52, 53.
62, 63.

had only six regiments recruited on the agreement of general service, but in that year the Madras Army being overworked, the Supreme Government altered the conditions of recruiting, and in the General Order, dated 25th July 1856, gave this reason for so doing: "It has become very inconvenient to Government, and it is also hurtful to the State, that a small portion only of the Bengal Army should be available for the service of the State beyond seas, and this inconvenience is not much diminished, by the fact that the entire native armies of Madras and Bombay are enlisted without any limitation of their place of service;" and on this ground the order goes on to say, that "the Governor General will not henceforward accept the services of any native recruit who does not at the time of enlistment distinctly undertake to serve beyond seas, whether within the territories of the Company or beyond them."

It seems difficult to believe that the Indian Government would have issued such an order as this if they thought that there were any real difficulties to overcome in the employment of native troops beyond seas, or if they did not intend it to be a reality; and it therefore seems strange that officers connected with the Indian Government should still maintain that there are objections to the proposed course, and that this order is not looked upon by the native troops as binding on them. In 1845 the Supreme Government made inquiries of the Marquis of Tweeddale as to whether service in China had led to serious discontent among our native troops in Madras, and whether a marked distinction ought to be drawn between service in the Company's territories and service in distant colonies or countries. Your Committee would refer to the Marquis of Tweeddale's able Minute on this subject, pointing out clearly that it was not foreign service itself which caused discontent, and that no distinction ought to be drawn between service in the Company's territories and in foreign territory.

In the few cases in which discontent has arisen among native troops embarking for service beyond seas, it may be attributed to some real or apprehended interference on the part of the authorities with the pay and allowances of the men, or to the arrangements connected with their wives and families; and as soon as the cause of complaint was removed they embarked without a murmur.

Some of the witnesses give illustrations to show the unreality of the religious scruples on which so much stress has been laid. Colonel Probyn, who served in the China war of 1860, says, "When we were marching down to Calcutta from the North West Provinces, I was ordered by Sir Robert Napier to send men of all the different castes I had in the regiment (one from each caste) to superintend the pumping of the drinking water into the casks. I sent them off at once; but I hardly think it was necessary, as at Hong Kong, when we had to take in fresh water, Sir Robert Napier, not wishing to break faith in any way with the native soldier, again told me to see that the men had the same opportunity of superintending the pumping of the water into the casks as they had in Calcutta. I told this to my native officers, and they said, 'Anything you order we will do, but it is quite unnecessary.' The senior native officer in particular (the Brahmin I have just spoken of) said, 'I do not care who pumps the water into the casks I have to drink from. If you order me to send a man to superintend the operation, of course I will do so, but it is quite unnecessary making any trouble about it, and if I do not care, why should the other men care?' The water was afterwards pumped in by the Chinese, and I never heard a dispute of any sort raised about it, either in going to China, in China, or in coming back from China."

Colonel Sir Henry Edwardes says: "As a general remark, all the races of India dislike foreign service and crossing the sea; but most of them will go for a consideration. The high-caste men of Oude and the North West Provinces of Bengal refuse, in bodies, to go to sea, as they say it breaks their caste; but even these men, as individuals, when enlisted in the Bombay and Madras armies, and cut off from social prejudices, go everywhere, and do everything with their comrades, though they may talk a little about it, to keep up their own dignity. I have heard a Madras officer of experience relate his amusement and surprise at catching a high-caste Hindoostanee officer buying a 'sheep's head and trotters' in the bazaar in China, because he could no longer stand the climate without animal food. When laughed at, he laughed
"too,

“too, and said, ‘When I get back to Hindostan I can make it all right again with the Brahmins.’”

Mr. Caird, in speaking of the exportation of coolies to the Mauritius, gives evidence which bears in the same direction: “The high-caste men showed no objection whatever to taking that sort of service?—No, not when it became known; in fact, they often concealed their caste in order to go. They sometimes deceived you?—Yes. What did the Brahmins do, for instance, with their Brahminical string?—They concealed it under their cloth; round their waist often.”

Having thus shown the comparative unimportance of the religious difficulty opposed to the employment of native troops out of India, your Committee proceed to discuss the main argument which has been adduced in its favour, namely, the economy alike of life and money, which is expected to arise from the proposed change.

There is one species of employment in which the superior economy and fitness of native troops is generally admitted. There are climates in which the native of hot countries can serve with impunity, where the European can only be employed at the cost of a large mortality. In the words of Sir R. Macdonnell, the Governor of Hong Kong, “the injurious effect of night duty upon Europeans in the tropics cannot be over-estimated.” Even if the native should be invalidated, he can be relieved at less cost than the European. The climate to which most witnesses refer, when speaking on this subject, is that of China; it may be necessary to class the Mauritius, Ceylon and the Straits Settlements in the same category.

The cost of a native soldier in India is estimated at less than one-half the cost of an English soldier, and by some authorities is placed as low as a quarter; and therefore at first sight it seems as if the saving would be large. But the superior cheapness of the native soldier disappears in a great degree when he is employed out of India. Several sources of expense would be opened which do not arise in India:—

Gen. Balfour.
Q. 3473.

1st. It is agreed on all hands that a considerable increase of pay would be necessary to induce the native soldier to volunteer for foreign service, especially if it was garrison service in which no booty could be expected. The estimates of probable increase presented to us are very various. Sir Hope Grant arguing from the experience of the Madras troops, gives his opinion that it must be so large as to make the pay of the native quite as large as that of the European soldier. Colonel Keyes takes the same view. Lord Strathnairn looks for a saving only in the smaller number of officers at present employed with a native regiment. At the lowest, the increase of pay which would be necessary, is represented by “full batta and rations,” amounting to about 66 per cent. over the native soldier’s present pay. This rate is adopted in the estimate, framed under the sanction of the Indian Government, of the cost of two native regiments for service in China, and forwarded from India by Sir John Lawrence with the remark, that the same scale would apply to any other Colony. This sum would probably be increased by modifications in good service pay, and pension, and other smaller expenses.

Q. 1233.

Q. 3389.

2nd. The pay received by English officers is much lower than that received by Indian officers of similar grade. His Royal Highness the Duke of Cambridge expressed to us very emphatically his opinion, to which much weight must be attached, that wherever native and British soldiers were serving together, it would be “absolutely necessary” to place the officers of the two services, at least approximately, on an equality in this respect.

Q. 2994.

3rd. The superior cheapness of Indian troops depends in a great degree on the cheapness of the food on which they live. It is, therefore, to be taken into account that if they are employed in climates colder than their own, their nourishment must be of a costlier kind.

These are causes of expense which are susceptible of calculation. There are two others, however, which are necessarily indeterminate in their character, but which would materially affect any estimate that could be formed.

4th. It is agreed on all hands that the sepoy will not endure the long periods of service to which the English soldier cheerfully submits. Even those witnesses who were most favourable to the scheme, did not venture to recommend a con-

tinuous service of more than three years' duration. At the end of that time the native soldier, whatever his race or religion, would insist on returning to his home and family, and any attempt to prolong this period would, in the first instance, produce great discontent among the troops on which the experiment was made, and would have a prejudicial effect on recruiting in India. The necessity of relieving Indian troops every three years would add materially to the cost of their employment. The extent of the addition would, of course, vary with the distance of the Colony from which they were to be brought back and with other circumstances. This difficulty would prevent the use of these troops as an economical expedient in West Indian or Mediterranean garrisons.

Q. 3473.

Q. 1280.

5th. Their cost is increased, or rather their apparent cheapness is diminished, by the inferior military efficiency which the majority of witnesses agree in attributing to them. The relative value of the sepoy and the British soldier, especially for the slighter duties of garrison service, is difficult to estimate. Any attempt, therefore, to calculate the relative proportions of the two kinds of troops which it would be necessary to employ in any colonial garrison, and consequently their relative cost, is almost hopeless. General Balfour, one of the most earnest advocates of the scheme, estimates the cost of the sepoy in India as a quarter that of the British soldier; and after all the causes of expense previously enumerated have been allowed for he still reckons that one British soldier costs twice as much as one sepoy. But in this calculation he takes no account of the relative efficiency of the two. If Sir Hope Grant's view is correct, that one British soldier is, for military purposes, worth two sepoys, it is obvious that the amount of military efficiency procurable under either system for a certain sum of money, is precisely the same. But Sir Hope Grant's comparison is drawn from experience in the China war, and can only possess a restricted application to soldiers of the two races employed on garrison duty. The question of the proportion in which the English and native soldiers ought to be employed on garrison duty—a proportion upon which the question of economy so largely depends—can only be fixed when the true aim and object of these colonial garrisons have been determined. If they merely represent the dignity of the Crown, there seems no reason why Her Majesty's Indian subjects should labour under any incapacity for performing this duty. If they are designed to maintain the internal tranquillity of the Colony, the native troops might be largely, if not exclusively, relied upon for such a purpose in dependencies where there was a preponderating element of coloured races; while in purely English Colonies they would be wholly out of place. If these garrisons, however, are really intended as a precaution against actual war, they certainly cannot be safely reduced in military power. The evidence we have received, goes rather to show that even as they are, they could offer no effective resistance to a serious attack. It is worthy of note that none of the witnesses would desire that the garrison of any Colony should be exclusively composed of sepoys; and the military authorities protest very earnestly against any proposal for leaving British artillery in any Colony in the company of native troops, without British infantry to protect it.

These considerations make it impossible to estimate with due precision the financial effects of the proposed change. But that those effects would not be considerable may be assumed from the admissions of two of its most distinguished and most competent advocates. Sir Richard Temple draws up a scheme in which he proposes partially to substitute Indian for English troops in South Africa, New Zealand, China, Ceylon, Mauritius, Malta, and Gibraltar. The present strength of English in these dependencies is 22,000 men, and in place of them he suggests a force of 15,000 English and 12,000 Indians; and he concludes with observing: "This increase in total strength would not cause any increase of expenditure, because Indian troops are so much less expensive than English. There would indeed, on the contrary, be some saving of expense by the arrangement."

Sir Robert Napier also advocates the experiment; but he founds upon it no hopes of a diminished military expenditure: "It is doubtful if the Indian regiments would be cheaper than English ones, as they would have to be clothed and fed, in addition to their pay, and would require more frequent reliefs. In India the native soldier lives cheaply, but in a cold climate he would require meat, and at least as much clothing as the British soldier."

There

There are other considerations of a more conjectural character, which have been urged by witnesses in favour of this proposal, and against it. One of the reasons assigned by Sir William Mansfield ("who cannot conceive anything more strangely impolitic than the use of native troops in European or British colonial garrisons") is, that "there are many things in the motives and impulses of natives which might easily alienate British colonists from them, and cause blood feuds between the colonists and the sepoys. For instance, revenge on a wife for infidelity taking the form of mutilation; assaults on prostitutes of British blood, for assumed infidelity or misconduct; anti-con-servancy habits." Sir Robert Napier, on the other hand, is of opinion that "the employment of a few regiments of Indian troops in our Colonies might be very advantageous, as an experimental measure, in order to train them practically to take their place with British forces in other than Asiatic fields of warfare. If employed in the large Colonies in doing duty with English troops, they would feel a pride in being associated with them, and would emulate them in all military spirit, proficiency, and discipline." Sir John Lawrence is averse to the employment of Indian troops in European Colonies, on the ground that the impression upon the native mind, derived from a closer view of European institutions, would be the reverse of favourable. "I do not consider that the result of service in a Colony of European population would be good, for the native soldier would there gradually learn a good deal to which he had been hitherto a stranger, and which might lessen his estimate of European institutions and habits." Sir Richard Temple, on the other hand, thinks that "the sepoys might, after such service, return home with some notion of our world-wide power." General Hodgson, commanding in Ceylon, is of opinion that "the substitution of Indian for English troops in our Colonies would be perfect madness—a moral suicide." General Merewether, commanding at Aden, is of opinion that, "carried out to a certain extent, it would be a most politic move." Colonel Gell, Deputy Quartermaster General of the Bombay Army, writes as follows on this subject: "I do not think that the sepoy looks much to secondary causes, yet the extent of our power must have some sensible effect upon him, and I believe it is an admitted fact that Indian troops who have seen foreign service, either in war or peace, are more rough-and-ready soldiers, more intelligent, and very much more loyal than those who have not had this advantage."

The conflicting character of these replies sufficiently indicates that the controversy cannot be decided by reference to the opinions of any authorities, however eminent; for those whose knowledge of India most entitles them to speak are at variance. The military authorities in England are, for the most part, strongly opposed to the proposal. They appear, however, to have been led to this conclusion in a great degree by apprehensions connected with far wider questions than those which are referred to this Committee. They look upon the substitution of Indian for English troops in the Colonies as likely to lead, not to the concentration of the British army, but to a reduction of its force. Sir Hope Grant puts it thus:—"It is a matter, in my opinion, of certainty, that whenever you brought European troops home to this country, the country would cry out or Parliament would cry out, if there were more troops than were absolutely necessary for the purposes of the Government in this country."

Similar sentiments are expressed by His Royal Highness the Duke of Cambridge and by Lord Strathnairn. It is not the province of this Committee to enter upon the questions which have been thus raised; but the fears expressed in the answers that have been referred to have obviously exercised no small influence in determining the unfavourable opinion of this proposal entertained by these distinguished officers.

In the face of these adverse military opinions, and of the serious doubts that have been thrown upon the financial value of the measures, the Committee think that it would be unwise to make any considerable change in the proposed direction. In those Colonies where sanitary considerations place the utility of such a step beyond doubt, they would recommend that Indian soldiers should be more largely used. Both in China and the Mauritius a considerable economy might in this way be effected. In Ceylon also, and the Straits Settlements, whose climate, though in a lesser degree, is still unsuitable to the

Q. 1428.

Q. 3047.

Q. 3387.

European constitution, and whose proximity to India would make the necessity of frequent reliefs unimportant, the proposal may be advantageously adopted ; but they do not recommend that it should at present be extended any further. They do not recommend that any Colony should be left to the exclusive protection of native troops. If the experiment is tried thus far, it would be very desirable that the saving effected by the change should be carefully ascertained at the time, in order that materials for considering any further extension of the system at a future time may be readily accessible.

Your Committee are further of opinion that the evidence which they have received points rather to the employment in our Eastern possessions of our native Indian troops, to be from time to time relieved in the same manner as British troops, than to the maintenance of local corps raised for service in the particular Colony.

3 April 1868.

PROCEEDINGS OF THE COMMITTEE.

Monday, 23rd March 1868.

MEMBERS PRESENT:

Major Anson.
Mr. Childers.
Captain Vivian.
Colonel North.
Mr. Laing.

Sir Harry Verney.
Major Walker.
Sir Henry Rawlinson.
Mr. Hayter.
Viscount Cranborne.

Viscount *Cranborne* was called to the Chair.

The Committee deliberated.

[Adjourned till Tuesday, 31st March, at Twelve o'clock.]

Tuesday, 31st March 1868.

MEMBERS PRESENT:

Viscount CRANBORNE in the Chair.

Sir James Fergusson.
Major Anson.
Lord William Hay.
Sir Harry Verney.
Colonel North.
General Percy Herbert.

Sir William Russell.
Mr. Childers.
Captain Hayter.
Marquis of Hartington.
Sir Henry Rawlinson.
Mr. Laing.

Draft Report proposed by the *Chairman*, read the first time, as follows:—

“ 1. IN considering the terms of the order of reference under which they were appointed, your Committee have thought that they should best fulfil the intentions of the House by limiting their inquiries chiefly to the expediency of employing the native troops of India in the other dependencies of the Crown. They have, therefore, inquired into the duties of the British army in India and the Colonies only so far as those duties affected the decision of that particular question.

“ 2. For the purposes of these inquiries they have examined several distinguished military and civil officers in this country, and also some who were in employment in India, but were temporarily resident in England. They have, further, caused papers of questions to be issued to the chief authorities, both military and civil, in India and in the Colonies, more immediately affected by the inquiry. The replies to these questions will be found in the Appendix.

“ 3. The result of the investigation has been to show that in some of the most important points both the difficulties and the advantages of the proposed scheme have been over-rated. One of the objections that have been urged very strongly against it, has been the repugnance which the natives of India are alleged to entertain upon religious grounds to any service that takes them beyond the sea. This objection appears to be derived from the experience of an earlier period, and not to be true of the present state of feeling. Whatever aversion they may express, or genuinely feel to a sea voyage, is not now strong enough to hinder them from accepting such a service upon adequate consideration. The

Sir W. Eliot,
Colonel Keyes,
Major Gen. Pears,
Colonel Probyn,
Colonel Baker,
Sir Hope Grant,
Mr. Caird.
Col. Mackenzie,
Sir J. Lawrence,
Sir R. Temple,
Sir W. Mansfield,
Col. Merewether,
Sir H. Edwardes.

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Q. 17, 18, 52, 53,
62 63.

witnesses who speak to this point are numerous and of great authority; and the result of their almost unanimous testimony is, that the existence of no prejudices need be apprehended among at least the large majority of the Indian races, which would deter them from enlisting for a foreign service, if sufficient pecuniary advantages were held out to them as an inducement. The only two exceptions to this unanimity of opinion are General Grant, the Governor of Malta, and Colonel Norman, whose knowledge in this respect is confined to Bengal. There is, indeed, a considerable amount of experience which can be cited in behalf of this opinion. No difficulty has been found in procuring troops for employment at Aden. For a great number of years regiments from the Madras Presidency have sailed to garrison Rangoon and Singapore; and the service has been not only tolerated by them, but it has been popular. One or two expressions of discontent that are on record, were due not to religious scruples, but to grievances on the subject of pay or pension. Equally universal was the cheerfulness with which Sikhs and Punjaubees, and even high-caste Brahmins, went by sea to serve in the Chinese wars. Some of the witnesses give illustrations to show the unreality of the religious scruples on which so much stress has been laid. Colonel Probyn, who served in the China war of 1860, says, 'When we were marching down to Calcutta from the North West Provinces, I was ordered by Sir Robert Napier to send men of all the different castes I had in the regiment (one from each caste) to superintend the pumping of the drinking water into the casks. I sent them off at once; but I hardly think it was necessary, as at Hong Kong, when we had to take in fresh water, Sir Robert Napier, not wishing to break faith in any way with the native soldier, again told me to see that the men had the same opportunity of superintending the pumping of the water into the casks as they had in Calcutta. I told this to my native officers, and they said, 'Anything you order, we will do, but it is quite unnecessary.' The senior native officer in particular (the Brahmin I have just spoken of) said, 'I do not care who pumps the water into the casks I have to drink from. If you order me to send a man to superintend the operation, of course I will do so, but it is quite unnecessary making any trouble about it, and if I do not care, why should the other men care?' The water was afterwards pumped in by the Chinese, and I never heard a dispute of any sort raised about it, either in going to China, in China, or in coming back from China.

" 4. Colonel Sir Henry Edwardes says: 'As a general remark, all the races of India dislike foreign service and crossing the sea, but most of them will go for a consideration. The high caste men of Oude and the North West Provinces of Bengal refuse, in bodies, to go to sea, as they say it breaks their caste; but even these men, as individuals, when enlisted in the Bombay and Madras armies, and cut off from social prejudices, go everywhere, and do everything with their comrades, though they may talk a little about it, to keep up their own dignity. I have heard a Madras officer of experience relate his amusement and surprise at catching a high-caste Hindoostanee officer buying a 'sheep's head and trotters' in the bazaar in China, because he could no longer stand the climate without animal food. When laughed at, he laughed too, and said, 'When I get back to Hindostan I can make it all right again with the Brahmins.'

" 5. Mr. Caird, in speaking of the exportation of coolies to the Mauritius, gives evidence which bears in the same direction:—'The high-caste men showed no objection whatever to taking that sort of service?—No, not when it became known; in fact, they often concealed their caste in order to go. Lord William Hay.] They sometimes deceived you?—Yes. What did the Brahmins do, for instance, with their Brahminical string?—They concealed it under their cloth; round their waist often.'

" 6. On the other hand, the effect of the evidence we have received is to detract seriously from the probability that any material economy will be secured by the change. The cost of a native soldier in India is estimated at less than one-half the cost of an English soldier, and by some authorities is placed as low as a quarter; and therefore at first sight it seems as if the saving would be large. But the superior cheapness of the native soldier disappears in a great degree when he is employed out of India. Several sources of expense would be opened which do not arise in India:—

" 1st. It is agreed on all hands that a considerable increase of pay would be necessary to induce the native soldier to volunteer for foreign service, especially if it was garrison service in which no booty could be expected. The estimates of probable increase presented to us are very various. Sir Hope Grant, arguing from the experience of the Madras troops, gives his opinion that it must be so large as to make the pay of the native quite as large as that of the European soldier. Colonel Keyes takes the same view. Lord Strathnairn looks for a saving only in the smaller number of officers at present employed with a native regiment. At the lowest, the increase of pay which would be necessary, is represented by 'full batta and rations,' amounting to about 66 per cent. over the native soldier's present pay. This sum would probably be increased by modifications in good service pay, and pension, and other smaller expenses.

" 2nd. The pay received by English officers is much lower than that received by Indian officers of similar grade. His Royal Highness the Duke of Cambridge expressed to us very emphatically his opinion, that wherever native and British soldiers were serving together, it would be 'absolutely necessary' to place the officers of the two services, at least approximately, on an equality in this respect.

" 3rd. The

Gen. Balfour,
Q. 3473.

Q. 1233.

Q. 3339.

Q. 2994.

" 3rd. The superior cheapness of Indian troops depends in a great degree on the cheapness of the food on which they live. It is, therefore, to be taken into account that if they are employed in climates colder than their own, their nourishment must be of a costlier kind.

" These are causes of expense which are susceptible of calculation. There are two others, however, which are necessarily indeterminate in their character, but which would materially affect any estimate that could be formed.

" 4th. It is agreed on all hands that the sepoy will not endure the long periods of service to which the English soldier cheerfully submits. Even those witnesses who were most favourable to the scheme, did not venture to recommend a continuous service of more than three years' duration. At the end of that time the native soldier, whatever his race or religion, would insist on returning to his home, and any attempt to prolong this period would, in the first instance, produce great discontent among the troops on which the experiment was made, and would effectually prevent enlistments in India on foreign service for the future. The necessity of bringing back all Indian troops to India every three years adds materially to the cost of their employment. The extent of the addition would, of course, vary with the distance of the Colony from which they were to be brought back. In the case of the Colonies which are near to India, it might not be an insuperable difficulty; but it would effectually prevent the use of these troops as an economical expedient, in West Indian or Mediterranean garrisons.

" 5th. Their cost is increased, or rather their apparent cheapness is diminished, by the inferior military efficiency which the majority of witnesses agree in attributing to them. The relative value of the sepoy and the British soldier, especially for the slighter duties of garrison service, is difficult to estimate. Any attempt, therefore, to calculate the relative proportions of the two kinds of troops which it would be necessary to employ in any colonial garrison, and consequently their relative cost, is almost hopeless. General Balfour, one of the most earnest advocates of the scheme, estimates the cost of the sepoy in India as a quarter that of the British soldier; and after all the causes of expense previously enumerated have been allowed for, he still reckons that one British soldier costs twice as much as one sepoy. But in this calculation he takes no account of the relative efficiency of the two. If Sir Hope Grant's view is correct, that one British soldier is, for military purposes, worth two sepoys, it is obvious that the amount of military efficiency procurable under either system for a certain sum of money, is precisely the same. But Sir Hope Grant's comparison is drawn from experience in the China war, and can only possess a restricted application to soldiers of the two races employed on garrison duty. The question of the proportion in which the English and native soldiers ought to be employed on garrison duty—a proportion upon which the question of economy so largely depends—can only be fixed when the true aim and object of these colonial garrisons have been determined. If they merely represent the dignity of the Crown, there seems no reason why Her Majesty's Indian subjects should labour under any incapacity for performing this duty. If they are designed to maintain the internal tranquillity of the Colony, the native troops might be largely, if not exclusively, relied upon for such a purpose in dependencies where there was a preponderating element of coloured races; while in purely English Colonies they would be wholly out of place. If these garrisons, however, are really intended as a precaution against actual war, they certainly cannot be safely reduced in military power. The evidence we have received goes rather to show that even as they are, they could offer no effective resistance to a serious attack. It is worthy of note that none of the witnesses would desire that the garrison of any Colony should be exclusively composed of sepoys; and the military authorities protest very earnestly against any proposal for leaving British artillery in any Colony in the company of native troops, without British infantry to protect it.

Q. 3478.

Q. 1230.

" 7. These considerations make it impossible to estimate with due precision the financial effects of the proposed change. But that those effects would not be considerable may be assumed from the admissions of two of its most distinguished and most competent advocates. Sir Richard Temple draws up a scheme in which he proposes partially to substitute Indian for English troops in South Africa, New Zealand, China, Ceylon, Mauritius, Malta, and Gibraltar. The present strength of English in these dependencies is 22,000 men, and in place of them he suggests a force of 15,000 English and 12,000 Indians; and he concludes with observing: 'This increase in total strength would not cause any increase of expenditure, because India troops are so much less expensive than English. There would, indeed, on the contrary, be some saving of expense by the arrangement.'

" 8. Sir Robert Napier also advocates the experiment; but he founds upon it no hopes of a diminished military expenditure: 'It is doubtful if the Indian regiments would be cheaper than English ones, as they would have to be clothed and fed, in addition to their pay, and would require more frequent reliefs. In India the native soldier lives cheaply, but in a cold climate he would require meat, and, at least, as much clothing as the British soldier.'

" 9. There is one species of employment in which the superior economy and fitness of native troops is generally admitted. There are climates in which the native of hot countries can serve with impunity, where the European can only be employed at the

cost of a large mortality. In the words of Sir R. Macdonnell, the Governor of Hong Kong, 'the injurious effect of night duty upon Europeans in the tropics cannot be over-estimated.' Even if the native should be invalided, he can be relieved at less cost than the European. The climate to which most witnesses refer, when speaking on this subject, is that of China. Recent events would appear to indicate that the Mauritius ought to be classed in the same category.

" 10. There are other considerations of a more conjectural character, which have been urged by witnesses in favour of this proposal, and against it. One of the reasons assigned by Sir William Mansfield (who cannot conceive anything more strangely impolitic than 'the use of native troops in European or British colonial garrisons') is, that, 'there are many things in the motives and impulses of natives which might easily alienate British colonists from them, and cause blood feuds between the colonists and the sepoys. For instance, revenge on a wife for infidelity, taking the form of mutilation; assaults on prostitutes of British blood, for assumed infidelity or misconduct; anti-conservancy habits.' Sir Robert Napier, on the other hand, is of opinion that the employment of a few regiments of Indian troops in our Colonies might be very advantageous, as an experimental measure, in order to train them practically to take their place with British forces in other than Asiatic fields of warfare. If employed in the large Colonies in doing duty with English troops, they would feel a pride in being associated with them, and would emulate them in all military spirit, proficiency, and discipline.' Sir John Lawrence is averse to the employment of Indian troops in European Colonies, on the ground that the impression upon the native mind, derived from a closer view of European institutions, would be the reverse of favourable. 'I do not consider that the result of service in a Colony of European population would be good, for the native soldier would there gradually learn a good deal to which he had been hitherto a stranger, and which might lessen his estimate of European institutions and habits.' Sir Richard Temple, on the other hand, thinks that 'the sepoys might, after such service, return home with some notion of our world-wide power.' General Hodgson, commanding in Ceylon, is of opinion that 'the substitution of Indian for English troops in our Colonies would be perfect madness—a moral suicide.' General Merewether, commanding at Aden, is of opinion that, 'carried out to a certain extent, it would be a most politic move.'

" 11. The conflicting character of these replies sufficiently indicates that the controversy cannot be decided by reference to the opinions of any authorities, however eminent; for those whose knowledge of India most entitles them to speak are at variance. The military authorities in England are, for the most part, strongly opposed to the proposal. They appear, however, to have been led to this conclusion in a great degree by apprehensions connected with far wider questions than those which are referred to this Committee. They look upon the substitution of Indian for English troops in the Colonies as likely to lead, not to the concentration of the British army, but to a reduction of its force. Sir Hope Grant puts it thus:—'It is a matter, in my opinion, of certainty, that whenever you brought European troops home to this country, the country would cry out, or Parliament would cry out, if there were more troops than were absolutely necessary for the purposes of the Government in this country.'

Q. 1423.

" 12. Similar sentiments are expressed by his Royal Highness the Duke of Cambridge and by Lord Strathnairn. It is not the province of this Committee to enter upon the questions which have been thus raised; but the fears expressed in the answers that have been referred to have obviously exercised no small influence in determining the unfavourable opinion of this proposal entertained by these distinguished officers.

Q. 3047.

Q. 3387.

" 13. In the face of these adverse military opinions, and of the serious doubts that have been thrown upon the financial value of the measures, the Committee think that it would be unwise to make, even experimentally, any considerable change in the proposed direction. In those Colonies where sanitary considerations place the utility of such a step beyond doubt, they would recommend that Indian soldiers should be more largely used. Both in China and the Mauritius a considerable economy might in this way be effected. In Ceylon also, and the Straits Settlements, where the climate, though in a lesser degree, is still unsuitable to the European constitution, and whose proximity to India would make the necessity of frequent reliefs unimportant, the proposal may be advantageously adopted; but they do not recommend that it should at present be extended any further. They do not recommend that any Colony should be left to the exclusive protection of native troops. If the experiment is tried thus far, it would be very desirable that the saving effected by the change should be carefully ascertained at the time, in order that materials for considering any further extension of the system at a future time may be readily accessible."

Draft Report proposed by *Major Anson*, read the first time, as follows:—

" 1. YOUR Committee have inquired into the social and religious feelings of the races composing our Indian Army, which might operate favourably or otherwise on their employment in our colonies and dependencies. They have further considered the question of the fitness of native troops for such work, and the economical, political, and military results of their being so employed.

" 2. There

" 2. There are certain religious and caste prejudices in the minds of the natives against crossing the sea, arising chiefly from the difficulties they have to contend with in cooking and obtaining water, which they are satisfied has not been contaminated on board ship.

" 3. These prejudices vary considerably in the different races from which our army is recruited; the high caste Hindoos having the strongest feeling on the subject, while the Sikhs have the least.

" 4. Nearly all the men in the Indian Native Army, of whatever creed, are married, and this fact is, in the opinion of some, a drawback to their being employed beyond seas, owing to the strong ties which bind them to their families.

" 5. As these objections are urged by prominent members of the Indian Government, it would be as well to take into consideration the policy which has hitherto been pursued by that Government with regard to the employment of the Native Army beyond seas.

" 6. The Madras, Bombay, and Bengal Armies have been employed beyond seas from the earliest period of our connection with India. The Madras Army has garrisoned Amboyna, Ceylon, Ava, Mauritius, the Straits Settlements, Malacca, Java, Burmah, and China; the Bombay Army has been employed in Aden, China, Scinde, and now in Abyssinia; and the Bengal Army in Egypt, Java, China, Ava, and now in Abyssinia. The Bengal Army, previous to 1856, had only six regiments recruited on the agreement of general service; but in that year the Madras Army being overworked, the Supreme Government altered the conditions of recruiting, and in the General Order, dated 25th July 1856, gave this reason for so doing:—'It has become very inconvenient to Government, and it is also hurtful to the State, that a small portion only of the Bengal Army should be available for the service of the State beyond seas, and this inconvenience is not much diminished, by the fact that the entire native armies of Madras and Bombay are enlisted without any limitation of their place of service;' and on this ground the order goes on to say, that 'the Governor General will not henceforward accept the services of any native recruit who does not at the time of enlistment distinctly undertake to serve beyond seas, whether within the territories of the Company or beyond them.'

" 7. It seems difficult to believe that the Indian Government would have issued such an order as this if they thought that there were any real difficulties to overcome in the employment of native troops beyond seas, or if they did not intend it to be a reality; and it therefore seems strange that officers connected with the Indian Government should still maintain that there are objections to the proposed course, and that this order is not looked upon by the native troops as binding on them. In 1845 the Supreme Government made inquiries of the Marquis of Tweedale, as to whether service in China had led to serious discontent among our native troops, and whether a marked distinction ought to be drawn between service in the Company's territories and service in distant Colonies or countries. Your Committee would refer to the Marquis of Tweedale's able Minute on this subject, pointing out clearly that it was not foreign service itself which caused discontent, and that no distinction ought to be drawn between service in the Company's territories and in foreign territory.

" 8. No instance has been adduced before your Committee of any discontent being caused by foreign service; and whenever discontent has arisen among native troops embarking for service beyond seas, it has invariably had its origin in some interference on the part of the authorities with the pay and allowances of the men, or in bad arrangements connected with their wives and families; and as soon as the cause of complaint was removed they embarked without a murmur.

" 9. The fact that natives of all castes and religions denominations have been constantly employed beyond seas without any discontent having arisen, bears out the evidence of men who have had practical experience of the conduct of native troops while on foreign service, such as Colonel Probyn, Colonel Keyes, and Colonel Baker, who consider that with ordinary care and consideration, there are no religious or caste prejudices which may not be overcome, and that the consideration of good pay would surmount any family objections.

" 10. Your Committee also have it in evidence that during the Chinese war in 1860, the native Indian troops were kept on board ship for exceptionally long periods, in some cases amounting to three months at a time; and that neither the Quartermaster General of the Army nor their commanding officers had any difficulty in consequence.

" 11. Your Committee are therefore of opinion, that so long as proper attention is paid to the comfort and to the religious scruples of our native soldiers, and all arrangements, either as regards their families or pay and allowances, are scrupulously carried out, there is nothing to prevent their employment out of India.

" 12. The duties performed by our troops in our various Colonies in time of peace are ordinary garrison duties, very much the same as are required in garrison towns in India, in Burmah, and in Aden. Those duties, in the latter places, are efficiently discharged by a mixed garrison; and there is no reason to doubt that, so far as the actual ordinary

duty of soldiers is concerned, such as sentry work, &c., natives of India would be able to execute their share of work in any of the colonies, as well as in the territories and dependencies of the Indian Government.

" 13. Evidence has been given before your Committee by Mr. Fonblanque, D. C. G., who was responsible for all the commissariat stores in China, as to their efficiency for ordinary garrison duties, even to the extent of their being more trustworthy as sentries over stores than Europeans, also as regards their discipline, sobriety, and general good conduct.

" 14. Colonel Cavanagh, late Governor of the Straits Settlements, who never had any other garrison but native troops at Singapore, speaks very highly of them, and of the efficient way in which they performed all the duties required of them.

" 15. And in time of war it is admitted on all sides, by such authorities as the Duke of Cambridge, Lord Strathnairn, General Balfour, Colonel Mackenzie, Sir Henry Storks, and others, that although of course, inferior to British soldiers, the native Indian troops are perfectly capable of performing the duties required of them, and would be most useful auxiliaries, either in the field or as garrisons for our Colonies.

" 16. As regards their being only employed in time of war, your Committee think it would be advisable to take into consideration certain contingencies which may arise.

" 17. In the first place, although it has been shown that there would be but little difficulty in overcoming caste and religious prejudices, which might prevent the employment of native troops beyond seas, your Committee are fully alive to the danger of allowing such caste feelings to be entirely neglected.

" 18. Colonel Norman, who is strongly opposed to the proposed scheme in time of peace, but admits its usefulness in time of war, says: 'There is also a danger which strikes me may arise, from regiments being sent to the Colonies, and being there placed under generals who, with their staff officers, are quite ignorant of the prejudices of the native soldiers, and who may have, in some cases, even a contempt for them.'

" 19. General Balfour, who is in favour of utilising our native soldiers to the utmost extent, also urges the necessity of not over-working them.

" 20. The necessity of a thorough knowledge of the native character, on the part of officers in command, is also testified to by such experienced persons as Sir R. Montgomery, Sir Walter Elliot, and Colonel Keyes.

" 21. Lord Strathnairn and Sir Henry Storks also speak strongly on the advisability of organising in time of peace any system which is likely to be adopted in case of war.

" 22. It has, moreover, been hinted that, although recruited for general service, the natives do not consider themselves bound to serve beyond seas; and in the opinion of some persons, if this duty was not kept up, any endeavour to induce native troops to serve abroad, would, in a short time be looked upon by them as a violation of their agreement: and although generally willing to go on active service, should we ever be hard pressed, they might use this argument as an excuse for declining to go abroad.

" 23. Your Committee are of opinion that should it be the intention of the military authorities to avail themselves of our native Indian Army in time of war, or in cases of great emergency, it would be wise to keep that contingency constantly before the minds of the natives.

" 24. The fact of our being able to draw Asiatic troops from the Indian Army in time of peace, would render it unnecessary to raise local corps, which, while difficult to keep up to the level of the British Army in point of discipline, even during times of peace, are for obvious reasons, incapable of being expanded for purposes of war.

" 25. With the large interests of this country in the East, occasions may constantly arise, such as the China War and the Abyssinian Expedition, in which auxiliary forces of acclimatised troops are absolutely necessary. We then find that local levies, such as the Ceylon Rifles, are of no use, and we are obliged to have recourse to the Indian Army, and to do so, moreover, without having any organised system of pay and allowances, or any commissariat arrangement.

" 26. Eminent military authorities are of opinion that we ought to use our Indian troops in case of any war, either in the field or as garrisons to our Colonies: his Royal Highness the Duke of Cambridge advocates their being used under these circumstances to any extent possible.

" 27. It is obvious that, with our extended empire, it must be a great accession of military strength to be able to call upon any portion of that empire for its contingent of men, especially where we have a large army ready organised and equipped, as is the case in India.

" 28. If we are to carry out, economically and efficiently, any system in time of war, it ought to be organised in time of peace. Nothing can be stronger than the evidence of Sir Henry Storks and others upon this point.

" 29. The

" 29. The employment of our Indian Army out of India ought certainly to be no exception to this rule.

" 30. The Indian Army is only dangerous, if ever, in India itself; and the outbreak of an European war, preceded, as it must always be, by rumours and uneasiness, might not be the best time for effecting any change in the habit of employing native troops.

" And here there certainly appears to be some inconsistency in the opinions of those who are opposed to the employment of native troops out of India in time of peace, but who acknowledged their utility in time of war; they say it might be dangerous, and might cause bad feeling, to call upon them to serve abroad in time of peace, and yet they would run the risk of arousing this feeling of discontent at the very moment when we should be least able to deal with it. They support their argument by saying, that although enlisted for general service beyond seas, the native troops do not look upon it as a reality, and that when wanted for foreign service, they would be always ready to go, actuated, as they are, by a love of plunder. This latter consideration would confine their utility to service in the field, and would prevent their being used as garrison troops in the Colonies.

" 31. But under any circumstances it is right that this should be clearly defined, and that this country should not depend upon the mere caprice of our native soldiers, as to the manner in which they are to be employed.

" 32. Should the effect of imperialising the native troops be (as many officers appear from their answers and general evidence to think it would be), to give them an increased idea of our power, and should the fact of the trust being imposed upon them awaken in their minds a feeling of interest and pride in the general empire, and tend gradually to lessen their prejudices, our military position in India itself must necessarily be considerably strengthened.

" 33. On the other hand, one of the chief arguments of those who object to the employment of native troops from India, is, that the possibility of employing a cheaper description of troops, and thus partially relieving the British Army of some of its colonial duties, would tempt the House of Commons to reduce the European force of the British Army. His Royal Highness the Duke of Cambridge lays great stress on this point, and considers the British Army stronger, as at present constituted, *i. e.*, with a certain number of men, and duty to perform in China, for instance, than it would be if the number of men was slightly lessened, and that duty entirely taken off their hands.

" 34. Great stress is laid on the possible likes and dislikes of the Indian soldier to colonial service, but the amount of such service, as now thrown upon the shoulders of the British Army, appears to be a matter of no consequence at all. Your Committee, however, cannot help calling the attention of the House to the enormous increase in those duties during the last 10 years.

" 35. In 1854, the year of the Crimean War, our establishment was 51,680 men at home, and 57,720 abroad; it has since fallen to 46,140 at home, while the foreign service has risen to 91,993. Your Committee are of opinion that if it is not possible to increase the number of men at home, while decreasing the number abroad, it would be a relief to the army if the foreign duty was somewhat curtailed, and the number of men required to perform that duty reduced, while the reserve force at home was kept at its present strength.

" 36. The evidence taken before your Committee shows a variety of opinions regarding the policy of employing native troops in our Colonies, as to the effect it would have upon their minds, and upon the loyalty and discipline of the army generally; while some Bengal officers maintain that it would have a pernicious effect, those who have had a greater practical experience of its results on the minds of the native troops of every caste and every religion, argue that it would, on the contrary, have a most favourable effect.

" 37. Colonel Gell, Deputy Quartermaster General of the Bombay Army, writes as follows on this subject:— The effect of foreign service, such as that in China, upon native troops after their return, is, I believe, highly beneficial; whilst abroad they are 'relieved in some measure from the depressing influence of caste.' He adds, 'I do not think that the sepoy looks much to secondary causes, yet the extent of our power must have some sensible effect upon him; and I believe it is an admitted fact that Indian troops who have seen foreign service, either in war or peace, are more rough-and-ready soldiers, more intelligent, and very much more loyal than those who have not had this advantage.'

" 38. It may here be remarked, that Sir Robert Napier sent the list of questions forwarded to him, to 13 of his commanding officers, and, with one exception, they gave evidence to the same effect as the above.

" 39. Lord Strathnairn also speaks to the great advantages which would be derived by the Indian Army, from the fact of native troops being employed in the Colonies, as do also eminent civilians like Sir Robert Montgomery, Sir R. Temple, and Sir Walter Elliot.

" 40. Again, it is urged, that if we send native troops to our Colonies, we should reduce the European force in those Colonies to a considerable extent; and some persons argue that it is necessary for the safety of India to have reserves of European troops at hand, and point to the suppression of the mutiny in India as having been effected by troops from the Colonies. Even supposing this to have been the case, it must be remembered that the troops which really did arrive in time to be of use were those which were intercepted on their way to China; and that at the time when they withdrew troops from the Cape, the garrison there consisted of 10,000 or 11,000 men, instead of between 3,000 and 4,000, as at present.

" 41. But it is by no means true that the mutiny of India in 1857 was suppressed by troops brought from the Colonies. The neck of the mutiny was broken at Delhi, without the help of a single soldier from out of India; and it may be remembered that since 1857 great changes have taken place in consequence of the extension of railways in India, and the establishment of an overland transport service, thus rendering it easier to obtain reinforcements from England in case of emergency. Your Committee are, therefore, of opinion that the last-mentioned objection is of no importance.

" 42. If native soldiers are called upon to serve out of India, the certainty of a good ration, or some other advantage over and above that which they receive in their own country, would be a great inducement to them to go.

" 43. Opinions vary as to the amount of increase of pay, or other advantages to be derived by the native soldier; but it appears from the evidence given before your Committee, that extra 'batta' and free rations would be about sufficient. This rate, moreover, is adopted in the estimate, framed under the sanction of the India Government, of the cost of two native regiments for service in China, and forwarded from India by Sir John Lawrence with the remark, that the same scale would apply to any other Colony.

" 44. Your Committee, therefore, propose to take the estimate of the Indian Government as a fair basis upon which to compare the relative cost of native and of European troops.

" 45. The total cost per man per annum in this estimate, comes to 55 *l.*, including transport to and fro, assuming that the regiment is to be relieved every three years; which, judging from evidence given before your Committee appears to be a sufficiently long period of foreign service for our native troops.

" 46. General Balfour, a very high authority on such matters, remarks with regard to this document: ' This estimate is moreover exceedingly high, in reference to the economy with which you could conduct the service; for instance, the charge in that estimate for the expense of passage, is far beyond anything which I can possibly suppose can arise.'

" 47. The cost per man for transport according to this estimate, is 15 *l.*; but the estimate sent in by Her Majesty's Director of Transports for the cost of native troops between India and China, is only 9 *l.* 10*s.*, based upon the known cost of several voyages actually made, thus bearing out General Balfour's remarks.

" 48. The rate for invalids, amounting to 26 *l.* per man, is also exceptionally high, and the number of men put down as likely to be invalided is higher than the average invaliding rate of Europeans, whereas, we know from the army medical reports, that the sick and death rates of Europeans are more than double those of native troops.

" 49. Your Committee are therefore of opinion, that the charge for transport in the estimate, which, including everything, amounts to 13 *l.* per man per annum, is certainly higher than there is any necessity for.

" 50. The total cost of an European regiment in China, amounts, according to the War Office estimate, to 87,185 *l.*, or 116 *l.* per man.

" 51. This estimate does not include the passage to and fro of invalided officers and men, the passage out of annual drafts, and the return home of time-expired men.

" 52. If, therefore, the same estimated rate of transport be taken for Europeans as for native troops, the total cost of an European soldier in China, would come to nearly 130 *l.* per man, or two-and-a-half times as much as of a native soldier.

" 53. The same rate may be taken for the cost of native and European soldiers in the Straits Settlements.

" 54. The War Office Estimate for Ceylon, amounts to 88 *l.* for each European soldier, which, including transport, would come to about 100 *l.* per man. This is about the sum named as the cost of an European soldier by Mr. Fonblanque in the papers submitted by him to the Commission to inquire into the Military Expenditure and Establishments of Ceylon in 1865.

" 55. For native soldiers, the only difference in the general cost would be in the item for transport. It appears that in one case, the cost of the Europeans between Calcutta and Ceylon, amounted to about 2 *l.* 1*s.* per man; taking this as the rate per annum for native

native soldiers between India and Ceylon, instead of 13*l.*, as in China, the cost per man of native troops would be reduced to 44*l.*

" 56. Ceylon has always been garrisoned by a Malay regiment, which is organised on a very expensive system; that is to say, with the same quota of officers as an European regiment. The same expenditure for barracks is incurred, and the total expense comes to 53*l.* 9*s.* 9*d.* per man. There are great difficulties in recruiting for this regiment; and it is doubtful whether it could be expanded, in case of necessity, to meet any sudden emergency.

" 57. In the Mauritius, the cost of an European soldier would be reduced to about double that of a native soldier.

" 58. When native Indian troops have been serving with Her Majesty's forces in any of the Imperial dependencies, the officers of the European regiments have received pay and allowances on the same scale as in India. This, according to some opinions, increases the expense very considerably; but General Balfour maintains that if that scale was more generally adopted, it would lead to considerable saving in the long run.

" 59. Your Committee, however, cannot help pointing out the advantages which would be derived from a settlement of this question; instead of maintaining such a state of things as that referred to in the evidence of His Royal Highness the Duke of Cambridge, where it is shown that two large armies might have to be paid on two different systems of accounts, and scales of pay and allowances.

" 60. Your Committee would call attention to the fact that our empire is not only extremely vast in extent, but remarkable for the manner in which different portions are scattered over the globe at such great distances from the mother country. Unlike the French and the Russians, we undertake the external defence of this vast empire by drawing from the military resources of one section of 30,000,000 of inhabitants.

" 61. It may well be doubted whether this is wise, when the varied duties we might be called upon to perform are taken into consideration; and whether, protected in such a manner, the very extent of our empire does not become a source of danger and weakness.

" 62. The French being forced to employ a large portion of their army in occupying Algeria, recoup themselves for this drain on their military strength by calling for military service in defence of the empire from the natives of that country; and by taking them out of their own country they imperialize their minds, break down their prejudices, and so raise their pride by establishing a healthy rivalry between them and the French soldiers, that the Government have no hesitation in trusting them with any duty which they would confide to their own men.

" 63. Your Committee, looking to the manner in which the British Army is scattered, cannot help feeling the advantage it would be to ourselves if such a system could be established, and more especially in these days of rapid concentration and movement of troops in the event of war.

" 64. But they are alive to various circumstances which make it much more difficult for us to deal summarily with this question than it is for the French.

" 65. Although a variety of opinions have been expressed before your Committee on the advisability of utilizing our native Indian Army, your Committee are of opinion that there is nothing to prevent the employment of that army in our Colonies and military dependencies; and that such a course would tend gradually to break down the old prejudices of caste, to improve the discipline of the army, strengthening thereby our military hold in India. It would also be a great assistance to the British Army, and would relieve it of many of its duties in time of peace; while in time of war we should have a system in working order which could be expanded to meet any exigency or requirement.

" 66. But at the same time it must be remembered, that in order to produce the good effect contemplated on the minds of the natives, some advantages must be attached to foreign service; proper care must be taken not to offend their religious prejudices, short terms of three years' foreign service only imposed upon them, and, above all, there must be a strict adherence to the agreements made with them.

" 67. There is one other consideration which has not been overlooked by your Committee, *i. e.*, the manner in which a garrison of Indian troops would probably be received by the inhabitants of any place to which they might be sent.

" 68. In military dependencies, or in places where there are native and alien races on our frontiers (such, for instance, as the Cape of Good Hope), the mother country, which has to provide for the general defence of the empire, ought certainly to judge of the advisability of the scheme.

" 69. Your Committee would, however, remark, that there is no reason to suppose that the presence of native troops would be distasteful in any Colony. Their behaviour is good, drunkenness is unknown, and, as Sir Robert Napier remarks, 'their orderly habits, patient obedience, and good humour, would soon win the good will of the people.'

" 70. Your Committee are of opinion that it would be unadvisable, and perhaps it would not even be practicable, to organise any force of Asiatic troops other than Her Majesty's native Indian Army, for general service in suitable climates."

Motion made, and Question proposed, "That the Draft Report proposed by the Chairman be now read a second time, paragraph by paragraph."—Amendment proposed, to leave out the words, "The Chairman," in order to insert the words, "Major Anson," instead thereof.—Question put, That the words "the Chairman," stand part of the Question.—The Committee divided :

<p>Ayes, 8.</p> <p>Mr. Childers. Sir James Fergusson. Mr. Hayter. Sir William Russell. Lord William Hay. Colonel North. Sir Harry Verney. General Percy Herbert.</p>	<p>Noe, 1.</p> <p>Major Anson.</p>
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Main Question put, and *agreed to*.

Draft Report proposed by the Chairman, read a second time, paragraph by paragraph.

Several paragraphs *agreed to*, with Amendments.

Amendment proposed, after paragraph 5, to insert the following paragraph:—"If native soldiers are called upon to serve out of India, the certainty of a good ration, or some other advantage over and above that which they receive in their own country, would be a great inducement to them to go"—(*Major Anson*).—Question put, That this paragraph be there inserted.—The Committee divided :

<p>Ayes, 2.</p> <p>Major Anson. Sir Harry Verney.</p>	<p>Noes, 8.</p> <p>Mr. Childers. Sir James Fergusson. Marquis of Hartington. Mr. Hayter. Sir William Russell. Lord William Hay. Colonel North. General Percy Herbert.</p>
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Paragraph 6 amended.—Amendment proposed, at the end of section 4, to insert the words "In the estimate of the Indian Government, referred to above, the cost of native soldiers, including all these several additional causes of expense, and the maintenance of a depôt in India, pensions, and leave of absence, amounts in China to only 55 l. per man"—(*Major Anson*).—Question put, That those words be there inserted.—The Committee divided :

<p>Aye, 1.</p> <p>Major Anson.</p>	<p>Noes, 6.</p> <p>Sir James Fergusson. Marquis of Hartington. Sir Henry Rawlinson. Lord William Hay. Colonel North. Sir Harry Verney.</p>
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Paragraph, with Amendments, *agreed to*.
Remaining paragraphs *agreed to*.

[Adjourned to Friday next, at Two o'clock.]

Friday, 3rd April 1868.

MEMBERS PRESENT :

Viscount CRANBORNE, in the Chair.

Major Anson.
 Captain Vivian.
 Sir Harry Verney.
 General Percy Herbert.

Major Walker.
 Sir Henry Rawlinson.
 Mr. Childers.
 Colonel North.

Draft Report further considered.

Amendment proposed, at the end of the Draft Report, to add the following paragraph :

“The Committee are further of opinion that, in any colony where the Native Indian Troops are employed, it is desirable that the officers of the European corps and staff in such colony should be placed upon a corresponding rate of pay and allowances with the officers of the Indian Army while serving together”—(*General Percy Herbert*).—Question put, That those words be there added.—The Committee divided :

Ayes, 4.
 Major Walker.
 Colonel North.
 Sir Harry Verney.
 General Percy Herbert.

Noes, 4.
 Major Anson.
 Mr. Childers.
 Sir Henry Rawlinson.
 Captain Vivian.

Whereupon the Chairman declared himself with the Noes.

Another amendment proposed, at the end of the Draft Report, to add the following paragraph :—“Your Committee are further of opinion that the evidence which they have received points rather to the employment in our Eastern possessions of our Native Indian troops, to be from time to time relieved in the same manner as British troops, than to the maintenance of local corps raised for service in the particular colony”—(*Major Anson*).—Question, That this paragraph be there added—put, and *agreed to*.

Question, That this Report, as agreed to, be the Report of the Committee to the House—put, and *agreed to*.

Ordered, To Report.

R E P O R T

FROM THE

SELECT COMMITTEE

ON

ARMY (INDIA AND THE COLONIES);

WITH THE

PROCEEDINGS OF THE COMMITTEE.

Ordered, by The House of Commons, to be Printed,
3 April 1868.

R E P O R T

FROM THE

SELECT COMMITTEE

ON

INDIAN NATIVE TROOPS
(TRANSPORT AND EMPLOYMENT ABROAD);

WITH THE

PROCEEDINGS OF THE COMMITTEE.

MV41 (Y73P15).2.M8t
A'S78.

*Ordered, by The House of Commons, to be Printed,
29 July 1878.*

Ordered,—[Monday, 22nd July 1878]:—THAT a Select Committee be appointed to inquire into the Cost of the recent movement of Her Majesty's Indian Troops from India to Malta, and to report in what respects, if any, the arrangements for employing European and Indian Native Troops together, outside the limits of India, require modification.

Select Committee nominated—[Tuesday, 23rd July 1878]—of—

Sir George Campbell.	Mr. Richard Power.
Sir John Hay.	Colonel Hayter.
Mr. Childers.	Lord Burghley.
Sir Henry Havelock.	Sir Henry Wilmot.
Mr. Campbell-Bannerman.	Mr. Deedes.
Colonel Arbuthnot.	Mr. Fawcett.
Mr. Marten.	Lord Eustace Cecil.
Mr. Sampson Lloyd.	

Ordered, THAT the Committee have power to send for Persons, Papers, and Records.

THAT Five be the Quorum of the Committee.

THAT the Committee do consist of Seventeen Members.

Ordered,—[Wednesday, 24th July 1878]:—THAT Mr. Onslow and Sir Patrick O'Brien be added to the Committee.

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PROCEEDINGS OF THE COMMITTEE	p. iv

R E P O R T.

THE SELECT COMMITTEE appointed to inquire into the Cost of the recent movement of Her Majesty's INDIAN TROOPS from *India* to *Malta*, and to report in what respects, if any, the arrangements for employing EUROPEAN and INDIAN NATIVE TROOPS together, outside the limits of *India*, require modification ;—HAVE agreed to the following REPORT:—

THAT your Committee, having regard to the terms of reference, are of opinion that it would be inexpedient to proceed with the present inquiry at this period of the Session, and they recommend the re-appointment of your Committee at the commencement of the next Session.

29 July 1878.

PROCEEDINGS OF THE COMMITTEE.

Monday, 29th July 1878.

MEMBERS PRESENT:

Lord Eustace Cecil.
Sir John Hay.
Sir Henry Wilmot.
Mr. Childers.
Sir Henry Havelock.
Lord Burghley.
Sir Patrick O'Brien.

Mr. Onslow.
Colonel Hayter.
Colonel Arbuthnot.
Sir George Campbell.
Mr. Richard Power.
Mr. Fawcett.

Lord EUSTACE CECIL was called to the Chair.

The Committee deliberated.

Motion made, and Question proposed, "That your Committee, having regard to the terms of reference, are of opinion that it would be inexpedient to proceed with the present inquiry at this period of the Session, and they recommend the re-appointment of your Committee at the commencement of the next Session"—(*The Chairman*):—

Amendment proposed, to leave out from the words "your Committee" to the end of the Question, in order to add the words "proceed to take the evidence immediately available on the first part of the Order of Reference"—(*Sir George Campbell*),—instead thereof.

Question put, "That the words proposed to be left out stand part of the Question."—
The Committee divided:

Ayes, 6.

Mr. Childers.
Sir John Hay.
Colonel Arbuthnot.
Lord Burghley.
Sir Henry Wilmot.
Mr. Onslow.

Noes, 6.

Sir Patrick O'Brien.
Colonel Hayter.
Sir Henry Havelock.
Sir George Campbell.
Mr. Fawcett.
Mr. Richard Power.

Whereupon the Chairman declared himself with the *Ayes*.

Main Question put:—

Resolved, "That your Committee, having regard to the terms of reference, are of opinion that it would be inexpedient to proceed with the present inquiry at this period of the Session, and they recommend the re-appointment of your Committee at the commencement of the next Session."

Resolved, "That the above Resolution be the Report of the Committee to the House."

Ordered, To Report.

R E P O R T
FROM THE
SELECT COMMITTEE
ON
INDIAN NATIVE TROOPS
(TRANSPORT AND EMPLOYMENT
ABROAD);
WITH THE
PROCEEDINGS OF THE COMMITTEE.

Ordered, by The House of Commons, to be Printed.

29 July 1878.

EAST INDIA (ARMY, NON-EFFECTIVE CHARGES).

14

12

RETURN to an Address of the Honourable The House of Commons,
dated 7 August 1884;—for,

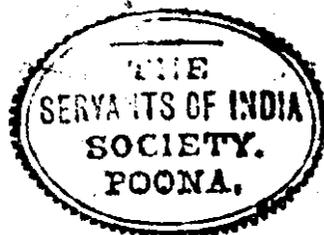
“ COPIES of, or EXTRACTS from, CORRESPONDENCE to the 31st day of March
1884, concerning the ARREARS of NON-EFFECTIVE ARMY CHARGES.

India Office, }
11 August 1884. }

J. K. CROSS,
Under Secretary of State for India.

MV41:2.M8
B4

(Mr. Buchanan.)



Ordered, by The House of Commons, to be Printed,
12 August 1884.

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COPIES of, or EXTRACTS from, CORRESPONDENCE to the 31st day of March 1884, concerning the ARREARS of NON-EFFECTIVE ARMY CHARGES.

— No. 1. —

(Extract.)

The Government of India to the Secretary of State for India, Feb. 8, 1878, No. 66. (*Received 2nd March 1878.*)

In our Financial Despatch, No. 7, dated 4th January 1878, we reported, for the information of Her Majesty's Government, the measures which we had deemed it necessary to take for the permanent improvement of our financial position. We decided on those measures after a careful comparison of our existing income with the charges that it has to meet, including those which prolonged experience has shown to arise from the not unfrequent occurrence of drought and famine.

As your Lordship is aware, our Government, before resolving to resort to fresh taxation, turned its attention to the possibility of effecting reductions in the public expenditure but was forced to the conclusion that no relief could be obtained in this manner, at all events at present.

The examination of the expenditure made with this object has, however, confirmed the opinion which we have long held that the military charges call for special consideration, inasmuch as they stand alone in exhibiting a large increase during the last few years, a result the more to be regretted when it is viewed in connection with the satisfactory reductions that had been carried out in the series of years extending from 1869-70 to 1875-76. The facts are shown in the following table:—

MILITARY CHARGES.

YEAR.	INDIA.	HOME.	TOTAL.	European Strength, Officers and Men.
	£.	£.	£.	
1869-70 - - - -	12,828,750	3,503,101	16,333,851	63,707
1870-71 - - - -	12,549,303	3,532,147	16,081,450	62,913
1871-72 - - - -	12,086,098	3,642,014	15,678,112	62,864
1872-73 - - - -	11,979,327	3,524,285	15,503,612	62,957
1873-74 - - - -	11,872,941	3,355,486	15,228,429	62,924
1874-75 - - - -	11,757,381	3,617,778	15,375,159	62,640
1875-76 - - - -	11,726,264	3,583,195	15,308,459	62,849
1876-77 - - - -	11,847,132	4,347,700	16,194,832	62,849
1877-78 (Estimates) - -	12,070,000	4,281,300	16,351,300	62,652
1878-79 (") - -	12,000,000	3,828,400	15,828,400	—

The general result to be deduced from these figures, which (with the exception of those for the coming year, which have been taken from the estimates received from your Financial Despatch of the 10th January last), are derived from the published accounts, and do not include the effect of the heavy loss by exchange in the last three years, which adds largely to the real burden, is that the military charges having been reduced from about 16½ millions as they stood in 1869-70, to about 15½ millions in 1875-76, or

by about one million sterling, have now again risen to rather more than 15½ millions. An increase in the Home charges, comparing 1869-70 with 1878-79, of about 300,000 l. has to be set off against a reduction of 800,000 l. in the Indian charges, while the total strength of the European force has meanwhile varied but little.

Your Lordship will observe that the Indian expenditure which amounted to more than 12,800,000 l. in 1869-70, was reduced to about 11,725,000 l. in 1875-76. The increase of about 275,000 l. that has since taken place is due, to the extent of about 60,000 l., to additions by Her Majesty's Government to the pay of the European force; 150,000 l. is an increase to the pay of the Native troops; and 65,000 l. is accounted for by a transfer from the Home to the Indian expenditure on account of the purchase of beer of Indian manufacture, instead of that supplied from England.

The explanation of the precise causes of the great increase in the Home charges is less easy. In truth, as regards that part of the payments that has to be made to the British Treasury, the sums set down, even as far back as 1870-71, are only advances; the accounts of that year, as we are informed, not being yet settled, while the accounts of 1874-75, as is stated in the report of the Controller General of the Exchequer, dated 12th April 1877, had not been rendered to the India Office up to the end of the financial year 1876-77.

So far as the facts of the case are at our command, however, it appears that, if the Home charges are divided into parts, the one including the expenditure under the control of the Indian Government, and the other the expenditure not under such control and regulated by the War Office, the former portion of the expenditure remained, without much change in its total amount from 1869-70 to 1873-74, at about 2,600,000 l., and it rose to 2,800,000 l. in the following year chiefly from increased outlay on military stores. At the end of this period the second part of the expenditure stood at about 800,000 l.

Since 1874-75, the first part of the expenditure has somewhat increased on account of the additional charges for capitalized annuities and retired pay of officers of the old Indian Army and on account of stores; but the increased outlay on stores having ceased, and a reduction having been made on account of beer, it is again reduced for the current year to 2,400,000 l. This result must be regarded as a very complete proof of economy on the part of the Government of India, when it is considered that an important portion of this total sum represents outlay accepted now, in order to accelerate the retirement of officers no longer required in consequence of the reduction of the old Indian Army, and thus adds to the present, while it will diminish the future expenditure.

The second part of the expenditure, or that controlled by the War Office, has risen since 1874-75 from 800,000 l. to about 1,400,000 l.; and if the principles that are now applied in treating this part of the charge continue to be acted on, a much larger addition will, unquestionably, soon appear in our accounts. We may refer for instance to the item of deferred pay under which a charge of only 80,000 l. is now shown, though it has been stated that the sum eventually to be reached may be as much as 200,000 l.

These great increases in this part of the Home charges are mainly due to important changes of organization that have been carried out in the British Army, and to modifications of the system under which the sums payable by the Government of India to the British Treasury, on account of the British troops serving in India, have been calculated.

Until the year 1869-70, the adjustment of the claims of the War Office, on account of the British troops supplied to India, was made on the basis of a fixed capitation rate. After that year, inquiries were instituted by several Committees of the House of Commons, on whose reports various changes were introduced. These had the effect of gradually raising the sum demanded from the Government of India, while a more complicated system of reckoning the sum due by India was adopted, instead of the simple capitation rate.

While these changes have largely added to the burden thrown on the Indian revenues for services rather diminished than increased in amount, they have at the same time led to a constantly increasing delay in the rendering of the accounts by the War Office, and their final settlement by the Secretary of State for India, to which allusion has already been made.

Such delay in itself would have been most inconvenient and objectionable.

But

But when this is combined with an almost complete uncertainty as to the ultimate amount of the claims to be made on the Indian Treasury, and, when at length the claims are actually made, it is found that they are of constantly increasing magnitude, and in no degree susceptible of control by the Indian Government, the financial consequences of such a state of things can hardly be described otherwise than as intolerable. The difficulties and uncertainties of Indian finance are, as your Lordship will readily admit, of a nature to tax to the utmost the sagacity of the responsible officers of our Government; but when charges so incalculable, and so wholly beyond control, as those to which we have been referring, may thus be suddenly thrown upon the revenues, the most careful and far-seeing must be liable to find their efforts to secure a proper equilibrium of income and charge defeated from no fault of their own.

Our Government fully recognises the necessities of its position in relation to the European Force which forms so important a part of the garrison of India. The organization of that force must, no doubt, be determined by considerations of an Imperial character, and the Government of India has, we believe, always shown its readiness to accept without remonstrance changes, though costly in themselves, that have been deliberately adopted by Her Majesty's Government, however little necessary they may have appeared in the light of Indian requirements alone.

Placed, however, as we are under the serious responsibility of so administering the affairs of the greatest dependency of the British Crown, that while British supremacy is strictly guarded, the means of securing that end shall not unduly weigh on the people of the country, we are constrained to represent to Her Majesty's Government that, in our opinion, the burden now thrown upon India on account of the British troops is excessive, and beyond what an impartial judgment would assign, considering the relative material wealth of the two countries, and the mutual obligations that subsist between them.

Admitting, as we most readily do, that India owes to England its present general prosperity, and the prolonged period of complete peace and orderly government to which that prosperity is due, yet it is not less certain that England on its part has derived many great advantages from the connection with India which it has assumed; and among these advantages, those that arise in connection with the military occupation of the country by British troops are not the least. India for many years has supplied a field for the practical instruction in war of a large part of the British Army, without cost to the Home Government; instruction which could not have been elsewhere obtained. Neither should it be forgotten that the Army of India maintains, without cost to England, a most efficient reserve of strength, which could, in case of necessity, be rapidly and extensively increased for operations out of India from the warlike populations of Northern India. The transports provided and maintained for the passage of the European troops to and from India, at a heavy charge to this country, far in excess of what the mere cost of transport would otherwise involve, likewise furnish to England a useful adjunct to its military resources.

But whatever be the weight of such arguments, there can, we think, be no room for doubting that a very large part at least of the costly improvements of system made of late years in the British Army were rendered necessary exclusively by reason of the position that England holds as one of the Great Powers of Europe, and that, for all merely Indian purposes, far less costly machinery would have sufficed. For this reason, if for no other, we cannot acquiesce in the principle, which appears to have been adopted without discussion for regulating the share of the Military charges of England to be apportioned to India. It is not just that the two Governments should be treated as partners having an equal interest, and equally liable to bear these charges, in the mere numerical ratio of the men employed by each.

It is, of course, far easier thus to raise objections to an equal or rateable partition of expenses, than to suggest any other proportion that could be justified by definite arguments. The case, unfortunately, is one in which such arguments cannot be supplied, and in which an arbitrary adjustment of some sort, more favourable to India than that now adopted, is all that can be asked for.

Rejecting, as we feel bound to do, the principle of a rateable distribution of the charges, we deprecate any further discussion in detail of the elements of which they are made up. To attempt to arrive at the proper proportion to

assign to India in respect to each or any of them in this way, appears to us only likely to mislead, and to confuse a subject in itself already surrounded with too much uncertainty. We shall therefore not pursue such a course of argument. All that we can do, is to appeal to the British Government for an impartial view of the relative financial capacity of the two countries to bear the charges that arise from the maintenance of the Army of Great Britain, and for a generous consideration of the share to be assigned by the wealthiest nation in the world to a dependency so comparatively poor and so little advanced as India. The question we would urge is one to be decided, not by the mere rules of arithmetic, but on broad and statesmanlike views of public policy, which shall fairly adjust the claims of England to the capacities of India.

Should Her Majesty's Government see fit, on a consideration of this subject, to entertain a proposal for such a settlement between the two Governments as that which we have suggested, it might take the form either of a capitation rate based on the effective force maintained in this country, or of a yearly lump sum to be fixed in some relation to the established strength of that force.

The general object aimed at would, in our opinion, be best met by fixing for a term of years, at a stated amount, the total sum to be paid by India to Great Britain for all the military services for which payment is now made to the War Office, and we think that this sum should, for the present, be approximately that paid during the period extending from 1871-72 to 1875-76, or about 800,000*l.* or 900,000*l.* It would simplify the accounts without any sacrifice of real convenience if this fixed sum were understood to be subject to no deductions, unless, taking the average of the numbers at end of each month, the effective strength of British troops in India fell short of the fixed establishment by some tolerably large number, say 1,000 men. A certain fixed sum, possibly 10,000*l.*, or 12,000*l.* might be deducted for each 1,000 men, rejecting all smaller numbers by which the effective strength was short.

We have suggested, as the payment to be made by India under such an arrangement, an amount approximately equal to the actual payments made between the years 1872 and 1876, because we are of opinion that such a sum is the largest which can, at the present time, be borne by the revenues without causing undue pressure on the Indian taxpayer. We would ask your Lordship, in considering this point, to bear in mind that the gross direct military charges of India have now grown to upwards of 16 millions sterling, a sum that is more than one-half of the whole sum allowed for the Civil Services, including the payment of interest on debt, and the whole loss by exchange, but excluding Public Works. Making allowance for the loss by exchange and for military Works, the Army charges would become about 18 millions, while the whole Civil charges, excluding the charge for debt and the share of loss by exchange and Public Works due to the Army, but adding the other ordinary Public Works, would be only 29 millions; so that the actual military expenditure is not far from 40 per cent. of the whole sum required for the purposes of administration.

With reference to the Indian part of the military expenditure, the figures given in paragraphs 3 to 8 of this Despatch, afford a sufficient proof of the disposition of the Government of India to reduce the military charges under their control. We may add that the requirements of every branch of our Military Administrative Departments have, during the last few years, been very rigidly scrutinised and reduced. We have also reduced the executive staff of the Army, combatant and non-combatant, to a point which, in the opinion of some of our highest military authorities, leaves them barely adequate for the performance of their important duties.

At the same time, we cannot entertain any reasonable expectation that new calls may not hereafter arise requiring us to increase some branches of our military expenditure. The vast strides which have been made in the manufacture of rifled ordnance in late years have rendered the reorganisation of our seaboard and harbour defences against armour-clad vessels of war an imperative necessity. As yet but little in this respect has been accomplished, but the works are in progress, and we must accept the cost, immediate and eventual, as inevitable.

Further

Further, the improvement in the pensions of our Native Army must be attended by a considerable addition to our non-effective charges. We are not yet in a position to estimate with any degree of accuracy what that increase will be. This is a charge which circumstances have forced upon us. Owing to the age and length of service of the Native officers and non-commissioned officers, in a great measure due to reductions of regiments which threw a large number of supernumeraries into our ranks, the state of the Native Army urgently called for reform in our retiring rules, which have accordingly been modified with the sanction of Her Majesty's Government.

Whilst urging, therefore, on Her Majesty's Government the necessity for reducing the Home military charges, which are beyond our control, we would ask your Lordship to accept our assurance that the military expenditure in this country, or in England under our control, is receiving in the present, and will continue to receive in the future, as in the past, our very anxious consideration, with a view to the adoption of every possible economy consistent with the maintenance of that complete state of military efficiency which is indispensable.

In conclusion, we are led to observe that it seems well worthy of the consideration of Her Majesty's Government that, in the discussions that have taken place in the Legislative Councils, both of the Governor General and of the Lieutenant Governor of Bengal, on the newly proposed additional taxation, the high rate of military expenditure has been a subject to which public opinion has been strongly directed, as affording a ground of objection to the measures which we have thought it necessary to adopt. We would request the particular attention of your Lordship to the remarks of the Lieutenant Governor on this topic at the meeting of the Legislative Council of the Governor General on the 26th December last, after Sir John Strachey's statement in explanation of the new taxation Bills, as well as to the speech of the Honourable Maharaja Jotendra Mohun Thakur in the same Council on the 16th of January. It is reported that an intention exists on the part of some of the influential Native gentlemen in Calcutta of calling a public meeting to discuss the subject.

(signed) *Lytton.*
Fredk. Haines.
E. C. Bayley.
Alexr. J. Arbuthnot.
John Strachey.
E. B. Johnson.
W. Stokes.

— No. 2. —

The Government of India to the Secretary of State for India, February 15th, 1878, No. 77. (*Received 11th March 1878.*)

My Lord,

WE have the honour to forward herewith copy of a telegram, which was addressed to your Lordship by His Excellency the Governor General on the 10th February 1878, giving an abstract of our Despatch of the 8th February, regarding the Home Military charges.

We are, &c.
 (signed) *Lytton.*
E. C. Bayley.
Alexr. J. Arbuthnot.
John Strachey.
E. B. Johnson.
W. Stokes.

Enclosure in No. 2.

Telegram from the Viceroy to the Secretary of State, February 10th, 1878.

WE sent on 8th Despatch on Home Military charges. Famine burdens necessitate careful revision of expenditure; large saving in civil expenditure already secured; Army charges in India reduced from 12½ millions in 1870 to 11½ millions in 1875, now reached 12 millions by unavoidable increases. Home charges risen from 3½ millions in 1870 to 4½ millions in 1877, while European troops strength remained unchanged. Part of Home expenditure controlled by War Office rose during last four years from 800,000*l.* to 1,400,000*l.*; increase mainly due to changes of organisation for exclusively British purposes. Requirements of India alone far smaller. Present system of apportioning charges involve great uncertainty and delay. Army charges, with military works and loss by exchange, are 15 millions, or 40 per cent. on total expenditure of Empire, exclusive of debt. Large outlay for harbour defences still inevitable. India cannot merely be called upon to meet such heavy Army expenses, and principle of rateable division unjust. We beg for settlement on broad grounds of policy, by either lump sum or a capitation rate on average Indian garrison. We think War Office charges should be fixed for a term of years at about 800,000*l.*, as in 1874. If further increase, additional taxation unavoidable. Question is much pressed upon us by well-informed and loyal Native opinion.

— No. 3. —

(Extract.)

The Secretary of State for India to the Governor General of India in Council,
August 22nd, 1878, No. 282.

I HAVE considered in Council your financial letters, dated the 8th and 15th February 1878, Nos. 66 and 77, relating to the military expenditure in India and England, and more particularly to the claims by the War Office on account of British troops supplied to India, and stating the grounds on which you consider that those claims should not be adjusted on the principle of a rateable distribution of the military charge incurred by the Imperial Government, according to the number of men employed. You would "appeal to the British Government for an impartial review of the relative financial capacity of the two countries to bear the charges that arise from the maintenance of the Army of Great Britain, and for a generous consideration of the share to be assigned by the wealthiest nation in the world to a dependency so comparatively poor and so little advanced as India. The question," you "would urge, is one to be decided, not by the mere rules of arithmetic, but on broad and statesmanlike views of public policy, which shall fairly adjust the claims of England to the capacities of India." You further observe that that object would, in your opinion, "be best met by fixing for a term of years, at a stated amount, the total sum to be paid by India to Great Britain for all the military services for which payment is now made to the War Office." You "think that this sum should, for the present, be approximately that paid during the period extending from 1871-72 to 1875-76, or about 800,000 *l.* or 900,000 *l.*"

The importance of carefully watching the expenditure in question, in order to protect the interest of India, has never been lost sight of by the Secretary of State for India in Council.

From the year 1861-62 to 1869-70, the charge on Indian revenues was defrayed by capitation rates, recommended by a Committee appointed to consider the subject of 10*l.* per annum for effective and 3*l.* 10*s.* per annum for non-effective services of Her Majesty's regiments in India, calculated on the number of men effective in India in each year, and when, at the instance of the War Office, that arrangement was terminated in 1870, a different arrangement, the result of the investigations of another Committee, was agreed upon for the adjustment of the effective charges at certain rates per man sent to India, whether in regiments, battalions, or batteries, or as recruits.

On the part of the Secretary of State for India it was strongly represented that under that arrangement the charge was larger than India could justly be called

called on to bear, and after a protracted correspondence between this Office and the War Office and the Government of India, in the years from 1871 to 1874, a Select Committee of the House of Commons was appointed in April 1874 to inquire into the charges payable in this country for which the revenues of India are liable. That Committee, after examining numerous witnesses, made a Report, in which they stated that they could not "lay down too strongly the position that the English Estimates ought not to be relieved at the expense of the Indian revenues, but that the Secretary of State for India in Council has the constitutional right of refusing to pay for objects in which he considers that India has no interest. At the same time, India, as a component part of the Empire, must be prepared to share in the cost of a system the expense of which may be enhanced for Imperial purposes."

A Committee, presided over by Mr. Bouverie, subsequently considered and reported on the subject, and the recommendations of that Committee were accepted by the Secretaries of State for India and for War, to continue in force to the 31st March 1877.

It is clear, therefore, that the interests of India in regard to these charges have been very carefully guarded by successive Secretaries of State, and that the representations made on the part of this Office have been greatly aided by the cordial support of the Government of India.

The letter from your Government under reply is very important, as expressing the opinion which you entertain on the subject, and concurring as it does in the general views which have been already expressed, is calculated to give additional force to the arguments used in favour of an adjustment of these claims on a basis which, while duly protecting the interests of the British Government, shall be fairly liberal towards India.

I do not consider it necessary in this Despatch to enter upon an examination of the general military expenditure, but it is important that the state of the arrangements with the War Office in regard to the payments in question should be clearly understood.

In your letter, it is stated that the part of the military expenditure in England, "controlled by the War Office has risen since 1874-75, from 800,000 £. to about 1,400,000 £.," but it must be remembered that these figures include certain charges on account of effective services (furlough allowances of officers of British regiments, pay of Colonels Commandant of Artillery, and pay of regiments on the voyage to and from India) formerly included in the capitation rate, but which are now paid direct at the India Office.

With reference to the charge for effective services, the sums advanced on account of each year from 1870-71 to 1877-78, and the sums claimed by the War Office, have been as follow :—

	Advanced.	Claimed by War Office.
	£.	£.
In 1870-71	505,000	* 506,685
" 1871-72	435,000	* 464,512
" 1872-73	450,000	* 408,612
" 1873-74	400,000	* 423,770
" 1874-75	380,000	* 450,371
" 1875-76	320,000	* 488,586
" 1876-77	400,000	† 538,076
" 1877-78	500,000	Accounts not yet rendered.

* Includes 20,000 £. per annum for educational services, included in the accounts as received from the War Office for 1876-77, but deducted now from the claim for that year.

† Exclusive of a charge, 21,633£., on account of Engineers for years from 1870-71 to 1876-77.

CORRESPONDENCE RELATING TO

For the Non-Effective Services the advances and claims have been:—

	Advanced.	Claimed.
	£.	£.
1870-71 - - -	213,500	428,725
1871-72 - - -	250,000	281,148
1872-73 - - -	290,000	318,500
1873-74 - - -	280,000	348,330
1874-75 - - -	280,000	428,841
1875-76 - - -	350,000	543,085
1876-77 - - -	400,000	Accounts not yet rendered.
1877-78 - - -	400,000	- ditto.

It therefore appears that the claims for the year 1874-75 amounted on account of—

Effective charges to - - - - -	£.	450,371
And of non-effective charges to - - -		428,841
Being - - - - -	£.	879,212

or 79,212*l.* in excess of the amount stated in your letter.

The amount estimated in January 1878 as the Home (Effective) Charges of Her Majesty's regiments serving in India to be paid during the year 1877-78, including furlough pay of officers, and pay of colonels of regiments, and pay of colonels commandant of Artillery, was - - - - - £. 700,000

The payments to the Imperial Government (non-effective) on account of troops serving or having served in India - - - - - 550,000

Ditto on account of deferred pay to discharged or deceased soldiers subsequent to 1st April 1876 - - - - - 8,000

And the capitalised value of pensions granted between 18th February 1861 and 31st March 1870 to soldiers transferred from the Indian to the British Army - - - - - 144,200

Making a Total of - - - - - £. 1,402,200

as stated in your letter. But the following sums included in that estimate should be excluded from the comparison, viz.:—

Estimated balance due for non-effective services for the year 1874-75 - - - - - £. 150,000

Capitalised value of pensions granted between 18th February 1861 and 31st March 1870 to men transferred from the Indian to the British Army - 144,200

And payments, made direct at the India Office, for the furlough pay of officers of British regiments, pay of colonels commandant of Artillery, &c. - 142,000

436,200

Leaving an estimated expenditure applicable to 1877-78 of £. 966,000

Consequently, so far as relates to payments to the War Office, the increase in the estimated charge for the year 1877-78 over the amount claimed for 1874-75, instead of being 600,000*l.* is 86,788*l.**
 In respect to non-effective services, it is also necessary to bear in mind that under the arrangement at present in force, the total amount of the half-pay,

Estimated expenditure on account of 1877-78	£.	966,000
Amount claimed for 1874-75 - - -		879,212
	£.	86,788

half-pay, pensions, &c., granted in each year is ascertained, and the proportion of charge to British and Indian revenues determined according to the service rendered to the Government of India or the Imperial Government respectively, and the capitalised value of the India portion is paid over to the British exchequer, India not being thenceforward liable to any charge on account of those pensions, but being entitled to credit if any of the officers whose half-pay has been capitalised be subsequently employed.

In consequence of the very large augmentations to British regiments in the years from 1854 to 1859, and other circumstances, an exceptionally large number of pensions have become payable since 1875-76, and will, it is estimated continue until 1881-82, when a very considerable reduction is contemplated. It would, therefore, be unsafe to take the non-effective charge for the year 1874-75 as a basis for calculating the non-effective charges in future, as after the year 1881-82 it is probable that the charge on that account will be much lower.

In order to obviate the inconvenience and delay in the adjustment of these claims which result from the existing arrangements, a Memorandum was prepared in this office in December last, suggesting a mode of settlement in regard to effective and non-effective charges, which would effect that object, and at the same time be more advantageous to India than either the capitation rate or the mode of payment recommended by the Committee which considered the subject, after that mode of payment ceased.

A copy of that Memorandum forms No. 2 in the Appendix to a Treasury Minute, dated 2nd July 1878,* of which I forward a copy herewith, and the mode of settlement suggested in the India Office Memorandum, viz., by rates of 6*l.* per man for effective, and 3*l.* 10*s.* for non-effective services, would, if adopted, involve a charge of only 579,500 *l.*† per annum, instead of 800,000 *l.*, as suggested in your letter.

* *Vide Commons Return, No. 14, of 16 December 1878.*

† Estimated number of officers and men in India, effective, of all ranks, 61,000 :—

For effective services at 6 <i>l.</i> per man - - -	£.	366,000
For non-effective services at 3 <i>l.</i> 10 <i>s.</i> per man - - - - -		213,500
	£.	579,500

From that Minute, and from a letter from the Treasury, dated the 4th July, and the reply from this office of the 9th July 1878, copies of which are also forwarded herewith, you will observe that the India Office Memorandum was fully considered by the Chancellor of the Exchequer, by the Secretary of State for War, and the Lords of the Treasury, that much discussion occurred in regard to the settlement of the claims for effective services for the years from 1870-71 to 1878-79, that the Treasury has accepted the advances made from Indian revenues as a final settlement of the claims on that account up to the 31st of March next, that the plan of a capitation rate is favourably entertained by the Secretary of State for War and the Treasury, and that a Commission is to be nominated jointly by the India Office, War Office, and Treasury, to fix such a rate to be paid by India, per man, in future, on account of effective claims, the rate so fixed to be in force for a certain number of years, and then be subject to revision. You will also observe that it is not at present considered desirable to revise the existing mode of payment for non-effective services.

In regard to the claims for effective services for the years from 1870-71 to the close of 1878-79, the adjustment which has been effected is on the whole very favourable to India, and in the further consideration of this question the opinions expressed in your letter will not be lost sight of.

As the sums included in the Home Accounts presented to Parliament do not in all cases correspond with the sums advanced on account of the several years, I forward herewith a statement explanatory of the differences.

(signed) *Crombroke*

Enclosure in No. 3.

STATEMENT showing the Sums included in the Home Accounts presented to Parliament as Payments to the Imperial Government for EFFECTIVE and NON-EFFECTIVE CHARGES of HER MAJESTY'S REGIMENTS serving in *India* in the under-mentioned Years, the Sums advanced on account of those Years respectively, and the difference.

Y E A R.	Sums included in Home Accounts presented to Parliament.	P A R T I C U L A R S.	
	£.	EFFECTIVE.	£.
1870-71 - - -	475,320	Advance on account of 1870-71 - - -	505,000
	.	Less, in adjustment of accounts for preceding years - - - - -	38,080
			471,320
		Compensation to the 7th and 19th Hussars, on account of the circumstances attending their sudden removal from India, and the losses thereby incurred by the officers and men - - - - -	4,000
			475,320
1871-72 - - -	428,098	Advance on account of 1871-72 - - -	435,000
		Less, in adjustment of accounts for preceding years - - - - -	11,002
			428,098
1872-73 - - -	510,000	Advance on account of 1872-73 - - -	450,000
		On account of Contingent and Clothing Accounts - - - - -	60,000
			510,000
1873-74 - - -	425,000	Advance on account of 1873-74 - - -	400,000
		On account of Contingent Account - - -	25,000
			425,000
1874-75 - - -	380,000	Advance on account of 1874-75 - - -	380,000
1875-76 - - -	320,000	Advance on account of 1875-76 - - -	320,000
1876-77 - - -	400,000	Advance on account of 1876-77 - - -	400,000
1877-78 - - -	500,000	Advance on account of 1877-78 - - -	500,000
		NON-EFFECTIVE.	
1870-71 - - -	216,462	Advance on account of 1870-71 - - -	218,500
		In adjustment of accounts for preceding years	2,062
			216,462

ARMY NON-EFFECTIVE CHARGES (EAST INDIA).

13

STATEMENT showing the Sums included in the Home Accounts, &c.—*continued.*

Y E A R.	Sums included in Home Accounts presented to Parliament.	P A R T I C U L A R S.	
	£.	NON-EFFECTIVE— <i>continued.</i>	£.
1871-72 - - -	457,224	Advance on account of 1871-72 - - - Claim admitted for 1870-71 - £. 428,725 Less, advanced in that year - 213,500	250,000 215,225
		Deduct, in adjustment of account for 1869-70 - - - - -	465,225 8,001
			457,224
1872-73 - - -	321,148	Advance on account of 1872-73 - - - Claim admitted for 1871-72 - £. 281,148 Less, advanced in that year - 250,000	290,000 81,148
			321,148
1873-74 - - -	280,000	Advance on account of 1873-74 - - -	280,000
1874-75 - - -	308,500	Advance on account of 1874-75 - - - Claim admitted for 1872-73 - £. 318,500 Less, advanced in that year - 290,000	280,000 28,500
			308,500
1875-76 - - -	350,000	Advance on account of 1875-76 - - -	350,000
1876-77 - - -	368,330	Advance on account of 1876-77 - - - Claim admitted for 1873-74 - £. 348,330 Less advanced in that year - 280,000	300,000 68,330
			368,330
1877-78 - - -	648,841	Further advance on account of 1876-77 - - Advance on account of 1877-78 - - - Claim admitted for 1874-75 - £. 428,841 Less, advanced in that year - 280,000	100,000 400,000 148,841
			£. 648,841

India Office, 1 August 1878.

Thos. W. Keith, Accountant.

— No. 4.—

The Government of India to the Secretary of State for India, 21st March 1879,
No. 96. (*Received 14th April 1879.*)

My Lord,

We have the honour to acknowledge the receipt of your Lordship's Despatch, No. 282, dated 22nd August 1878, relating to the military charges paid in England on account of Her Majesty's British troops serving in India, and dealing generally

generally with the proposals urged in our Despatch, No. 66, of 8th February 1878, for the reduction of those charges.

2. In that Despatch we represented that the growth of these charges could best be restrained by fixing for a term of years, at a stated amount, the total sum to be paid by India to Great Britain for all the military services for which payment is now made to the War Office; and we expressed our opinion that, for the present, this sum should be approximately that paid during the period extending from 1871-72 to 1875-76, or about 800,000 *l.* or 900,000 *l.*

3. In your Lordship's reply it is pointed out that the Home charges connected with the claims of the War Office include certain payments on account of effective services (furlough allowances of officers of British regiments, pay of colonels commandant of Artillery, and pay of regiments on the voyage to and from India), formerly included in the capitation rate, but which are now paid direct at the India Office, and that the actual payments to the War Office for the year 1874-75, exclusive of the above items, amounted to 879,212*l.* or only 79,212 *l.* in excess of the amount proposed by us.

4. We desire, however, to remark that, in proposing the above sum as a fixed charge for a term of years, our intention was that the proposal should be taken in the broad sense of including all charges formerly covered by the capitation rate for effective and non-effective services, and not in the restricted technical sense in which it is taken to mean only the sums actually paid to the War Office.

A reference to the sums paid under the capitation rates from 1861-62 to 1869-70 will show that the average amount paid annually for a larger establishment than that now maintained in India was only 850,000 *l.*, a mean between the two figures suggested in our Despatch. It was to this figure that we desired to revert, and we would again urge on Her Majesty's Government the considerations advanced in para. 19 of our Despatch, that the total charge should not exceed the amount proposed inclusive of all payments, and that it should be decided, "not by the mere rules of arithmetic, but on broad and statesmanlike views of public policy which shall fairly adjust the claims of England to the capacities of India."

5. To the arrangement which has been concluded with the War Office for the settlement of the claims for effective services from 1870-71 to 1878-79, on the basis of the actual payments made by the India Office, we have no objections to offer.

6. Nor at present have we any desire to bring forward any arguments in detail for the consideration of the Committee which is to be appointed to fix a capitation rate for effective services.

We would merely point out in general terms that the rate should be fixed not merely on a consideration of the number of troops serving in India, or of the recruits supplied for the service, but also with some regard to the advantages which Her Majesty's Government derive from the maintenance of a large army, both British and native, in India, which in time of need has often been made available as a reserve for Imperial purposes, and from the presence in England of the officers and men connected with the depôts of British regiments and batteries. It should also, we are of opinion, be observed, as a main principle in determining the incidence of these charges, that India should not be charged with any Home expenditure, which is not an actual extra expense arising from the employment of British troops in India.

7. These and other reasons why the Home charges should be assessed on broad principles of mutual advantage to England and to India, rather than on mere statistical and arithmetical details, which, as we have already pointed out,

are often misleading, and calculated to confuse a subject already surrounded with too

* Parliamentary Papers, No. 129, of 28th April 1874.

Despatch from the Government of India, No. 94, dated 15th May 1873.

Despatch from the Government of India, No. 406, dated 22nd September 1874.

Despatch from the Government of India, No. 63, dated 10th March 1876.

papers marginally quoted,* that we feel we need do no more than invite your Lordship's earnest attention to them. We have no doubt but that they will receive that consideration which their importance and the circumstances of this country alike demand.

8. We would also suggest that, in fixing the capitation rate, the Committee should specify clearly and in full detail the charges which it does and does not cover, and also the credits for various recoveries, such as discharge purchase money, messing contributions, effects of deserters and men sentenced to penal servitude, &c., to be made respectively to the Imperial and the Indian Governments. The want of precise instructions on these points in former years led to much correspondence, and some confusion in the accounts.

9. As regards the non-effective services, we are of opinion that no attempt should be made at present to fix any capitation rate to meet these charges, which are now exceptionally high, but which may be expected, owing to the short service system and other causes, to fall considerably after a few years.

10. There are, however, we consider, some grounds for urging on your Lordship a reconsideration of the present arrangements in another direction.

These are, as explained in the Despatch under reply, that "the total amount of the half pay, pensions, &c., granted in each year is ascertained, and the proportion of charge to British and Indian revenues determined according to the service rendered to the Government of India or the Imperial Government respectively, and the capitalised value of the India portion is paid over to the British Exchequer, India not being thenceforward liable to any charge on account of those pensions, but being entitled to credit if any of the officers whose half-pay has been capitalised be subsequently employed."

11. To the first part of this arrangement there is no objection, on the supposition that India is to be required to pay rateably its share of these pensions in a mere arithmetical proportion, and no lower sum, to be fixed as a compromise with reference to a balance of advantages, as strongly and clearly represented by the India Office members of the Committee of 1859.

12. It is, however, open to doubt whether the second part of this arrangement, under which the total amount of pensions is capitalised, and the sum paid to the War Office, does not operate disadvantageously to Indian finances.

We have no information as to the average duration of life, or the rate of interest adopted in these actuarial calculations; but, if it be the case that the latter is lower than the rate of interest paid on loans raised by the Government of India in England, it is obvious that this payment of capitalised values not only increases *pro tanto* the amount which has to be borrowed, but entails an annual loss, measured by the difference between these two rates. It also adds to the difficulties and loss in remitting money to England exceptionally great at the present time.

13. If our assumption be correct, there would be a sensible and immediate relief to the Home charges by a discontinuance of this arrangement, without in any way adding unduly to the burdens of future years, which will, in fact, be much reduced by the short service system and other causes as already noticed.

The result will be merely that the total charges over a series of years will be more evenly distributed; whereas, under the existing system, the future is being relieved at the expense of the present, and an annual loss, as explained above, is incurred without any corresponding advantage.

14. In the absence of fuller information than we now possess (and which we shall be glad to receive), we are unable to express any very decided opinion on this point; but we desire to submit these observations for your Lordship's consideration, as indicating a possible mode of reduction in the non-effective charges, which can be carried out without interfering with any future arrangements for their adjustment by means of a capitation rate or otherwise.

We have, &c.

Alex. J. Arbuthnot,

Wm. Stokes.

Rivers Thompson.

— No. 5. —

The Secretary of State for India to the Governor General of India in Council,
2nd February 1882, No. 39.

My Lord Marquis,

Para. 1. IN continuation of the Financial Despatch to your Government, dated the 22nd of August 1878, No. 282, I forward, for the information of your

• Letter to War Office, dated 13th November 1878.

Ditto to Treasury, dated 20th March 1879.

Ditto to ditto, dated 23rd April 1879.

Ditto to ditto, 6th April 1880.

Ditto to War Office, dated 6th April 1880.

Ditto from ditto, dated 18th April 1880.

Ditto to Treasury, dated 22nd July 1880.

Ditto to ditto, dated 8th December 1881.

Ditto from ditto, dated 24th November 1881, and enclosure.

Ditto to ditto, dated 4th January 1882.

Excellency, a copy of the correspondence noted in the margin,* relative to a proposition which was made by this office to the War Office on the 13th of November 1878, and communicated to the Treasury on the 20th of March 1879, that an arrangement should be adopted in regard to the capitalised value of the charges then outstanding against India for non-effective services, and

“that they should be adjusted by annual payments to the Treasury extending over ten years, such annual payments, or annuities, being valued at a rate of interest of 4 per cent. per annum, the claims for subsequent years, valued in like manner, being annually added, and the annuities being determined, as at present, by the official actuaries.”

2. It will seen from the correspondence now forwarded, that the attention of the Lords of the Treasury has, since March 1879, been repeatedly called to the proposal made by this office, and that, in the last letter received from the Treasury on the subject (dated the 24th November 1881), it was stated that they were “not yet in a position to announce any definite decision” thereon.

3. In the Home Accounts presented to the House of Commons on the 13th of May 1881, at page 11, the balance of 93,085 *l.* 2 *s.* 7 *d.*, owing to the Imperial Government for non-effective charges for the year 1875-76, was entered as paid in the year 1879-80, and in the same Accounts, at page 38, a sum of 1,150,000 *l.* (partly actual and partly estimated) was entered as a debt owing to the Imperial Government, also for non-effective charges, on the 31st March 1881.

4. In October last the Treasury transmitted to this office the report of the actuaries, showing that the charge against India for the capitalisation of non-effective payments incurred by the Imperial Government, on account of Her Majesty's troops in 1879-80, was 886,141 *l.* 11 *s.* 5 *d.*, and the amount of non-effective charges now owing to the Imperial Exchequer for the years from 1876-77 to 1879-80, inclusive, is 1,238,824 *l.*, as shown below, viz. :—

			£.	Balance Owing.	
			£.	£.	
1876-77	-	-	Actual charge - - - - -	765,977	
			Advanced on account in 1876-77 -	300,000	
			In 1877-78 - - - - -	100,000	
			In 1880-81 - - - - -	100,000	
				500,000	265,977
1877-78	-	-	Actual charge - - - - -	730,756	
			Advanced on account - - - - -	400,000	
					330,756
1878-79	-	-	Actual charge - - - - -	855,949	
			Advanced on account - - - - -	550,000	
					305,949
1879-80	-	-	Actual charge - - - - -	886,142	
			Advanced on account - - - - -	550,000	
					336,142
				£.	1,238,824

For

Enclosure 3, in No. 5.

The Under Secretary of State for India to the Secretary of the Treasury.

Sir,

India Office, 22 April 1879.

I AM directed by the Secretary of State for India in Council to acknowledge the receipt of Mr. Cole's letter of the 19th instant, No. 6258/79, transmitting the Actuaries' Report showing the charges against India in respect of Army non-effective services, for the years noted in the margin,* and requesting to be informed what arrangements are proposed for liquidating the heavy arrears due on this account, including a balance of 93,085 l. 2 s. 7 d. still due for the year 1875-76.

		£	s.	d.
1876-77	-	-	765,977	-
1877-78	-	-	730,756	10

In reply, I am directed to acquaint you that, as stated in Mr. Stanhope's letter of the 20th ultimo, the Secretary of State in Council is awaiting a reply to the letter sent from this office to the War Office on the 13th November last, proposing that an "arrangement should be adopted in regard to the capitalized value of the charges now outstanding against India for non-effective services, and that they should be adjusted by annual payments to the Treasury extending over 10 years," and that he regrets to be compelled, in the absence of such a reply, to defer his decision respecting the payments to which your letter relates.

I have, &c.

Louis Mallet.

Enclosure 4, in No. 5.

The Assistant Under Secretary of State for India to the Secretary of the Treasury.

Sir,

India Office, 6 April 1880.

WITH reference to the correspondence noted in the margin,* I am directed by the Secretary of State for India in Council to forward, for the information of the Lords of the Treasury, a copy of a letter which has this day been addressed to the Under Secretary of State for War relative to the payments by this office, for non-effective charges, in respect of troops serving in India.

* Letters from Treasury, dated 18th March and 19th April 1879, Nos. 4881/79 and 6258/79.

Replies from India Office, dated 20th March and 23rd April 1879.

I have, &c.

T. L. Secombe.

Enclosure 5, in No. 5.

The Assistant Under Secretary of State for India to the Under Secretary of State for War.

Sir,

India Office, 6 April 1880.

WITH reference to the letter from this office, dated the 13th November 1878, proposing that an "arrangement should be adopted in regard to the capitalized value of the "charges" then "outstanding against India for non-effective services, and that they "should be adjusted by annual payments to the Treasury extending over 10 years, such "annual payments or annuities being valued at a rate of interest of 4 per cent. per annum, "the claims for subsequent years, valued in like manner, being annually added, and the "annuities being determined, as at present, by the official actuaries," I am directed to state that Lord Cranbrook is desirous of receiving, if possible, an early reply to that proposition, as, until a decision is arrived at, it is difficult to estimate, with any approach to accuracy, the liabilities of the Indian Government for the year.

I have, &c.

T. L. Secombe.

Enclosure 6, in No. 5.

The Financial Secretary of the War Office to the Under Secretary of State for India.

Sir,

War Office, 13 April 1880.

In reply to your letter of the 6th instant, I am directed by Secretary Colonel Stanley to inform you that your letter of the 13th November 1878, respecting the arrangement to be adopted in adjusting the payments to be made by the Indian Government on account of Non-effective Army Services, was referred to the Lords Commissioners of the Treasury in November last, and that a copy of your further communication has now been forwarded for their Lordships' information.

I have, &c.

R. Loyd Lindsay.

Enclosure 7. in No. 5.

The Under Secretary of State for India to the Secretary of the Treasury.

Sir,

India Office, 22 July 1880.

I AM directed by the Secretary of State for India in Council to acknowledge the receipt of your letter of the 15th instant, No. 10,769/80, requesting to be informed whether Lord Hartington is prepared to accept the Report "made by the India and War Office Actuaries, showing that the charge against India, for the capitalisation of non-effective payments incurred by the Imperial Exchequer on account of Her Majesty's troops in 1878-79, is 855,948 *l.* 17 *s.* 10 *d.*"

In reply, I am directed to acquaint you that, before finally accepting the Report in question, Lord Hartington is desirous of being furnished with a reply to the proposition which was made to the War Office, on the 13th November 1878, and communicated to the Treasury on the 20th March 1879, that an arrangement should be adopted in regard to the capitalised value of the charges against India for non-effective services, under which it was proposed that they should be adjusted by annual payments to the Treasury, extending over a period of 10 years.

I have, &c.

Louis Mallet.

Enclosure 8, in No. 5.

The Under Secretary of State for India to the Secretary of the Treasury.

Sir,

India Office, 8 December 1881.

I AM directed by the Secretary of State for India in Council to acknowledge the receipt of Mr. Cole's letter of the 26th October last, No. 16,369/81, requesting to be informed whether Lord Hartington is prepared to accept the report, "made by the India and War Office actuaries, showing that the charge against India for the capitalisation of non-effective payments incurred by the Imperial Exchequer on account of Her Majesty's troops in 1879-80, is 886,141 *l.* 11 *s.* 5 *d.*"

In reply, I am directed to refer you to the letters from this office to the Treasury, noted in the margin,* to which no reply has yet been received, and to state that, before finally accepting the Report in question, Lord Hartington is desirous of being furnished with a reply to the proposition, which was made by this office in 1878, that an arrangement should be adopted in regard to the capitalised value of the charges against India for non-effective services, under which it was proposed that they should be adjusted by annual payments to the Treasury, extending over a period of 10 years.

- * Dated 20th March 1879.
- " 23rd April 1879.
- " 6th April 1880.
- " 22nd July 1880.

I have, &c.

Louis Mallet.

Enclosure 9, in No. 5.

The Secretary of the Treasury to the Under Secretary of State for India.
(Received 19th December 1882.)

Sir,

Treasury Chambers, 24 November 1881.

THE Lords Commissioners of Her Majesty's Treasury request you to submit to the Secretary of State for India in Council the enclosed copy of paragraphs 68 to 70 of the Second Report of the Committee of Public Accounts, 1881, relating to the Vote for the Home Charges of Her Majesty's Forces serving in India, 1879-80.

You are aware that the balances of the Indian Contingent and Miscellaneous Accounts have been excluded from settlement under the terms of the Treasury Minute of 2nd July 1878.

My Lords are in communication with the Secretary of State for War regarding the annual charges to be made for Effective and Non-effective Services, and regret that they are not yet in a position to announce any definite decision.

I have, &c.

F. Cavendish.

For the year 1880-81 a sum of 550,000 l. has been advanced to the Treasury, but, until the completion of the Actuaries' Report for that year, it is not possible to state whether the actual charge will be more or less than for 1879-80. In 1881-82 a sum of 700,000 l. will probably be advanced on this account, viz., 600,000 l. for the current year, and 100,000 l. towards the arrears owing for 1876-77.

5. In the Despatch to your Government, No. 282, of the 22nd August 1878, above referred to, it was stated that, "in consequence of the very large augmentations to British regiments in the years from 1854 to 1859, and other circumstances, an exceptionally large number of pensions have become payable since 1875-76, and will, it is estimated, continue till 1881-82, when a very considerable reduction is contemplated. It would, therefore, be unsafe to take the non-effective charge for the year 1874-75 as a basis for calculating the non-effective charges in future, as after the year 1881-82 it is probable that the charge on that account will be much lower." This referred more particularly to the charge for pensions to non-commissioned officers and soldiers, and I now see no reason to modify the opinion then expressed as regards the charges under that head. I am, however, apprehensive that the recent changes which have been made in the British army will tend to largely increase the charge for the capitalised value of pensions granted to officers on retirement for the years 1880-81 to 1882-83 inclusive.

6. In order that your Government may be in possession of full information of the various charges against India for the capitalisation of pensions of officers and men who have served in India, I transmit herewith a statement showing the actual charge in respect of Army non-effective charges for each of the years from 1870-71 to 1879-80 inclusive. It will be seen in this statement that the net charge for 1879-80 exceeded that for 1878-79 by 30,193 l., which is accounted for as follows :

	Increase.	Decrease.
	£.	£.
Vote 17. For rewards, &c. - - - -	300	—
„ 18. General Officers' unattached pay -	—	9,708
„ 19. Officers' retired and half-pay - -	145,017	—
„ 20. For widows and children - - -	16,656	—
„ 23. Pensions to soldiers, &c. - - -	—	122,077
£.	161,973	131,780

Net Increase in 1879-80 - - - £. 30,193

The increased charge of 145,017 l., under Vote 19, was caused by the large number of retirements during 1879-80, consequent on the re-organisation of the Army Medical Department, and also by the Royal Warrant of September 1878, under which the pensions of Indian officers of the new Line regiments were, for the future, to be paid by the War Office instead of by this office, India being charged, in the annual account with the Imperial Government, with her "capitalised" proportion of such pensions. Before September 1878 these pensions were paid by this office, and credit was given in the non-effective accounts for the capitalised proportion due by the War Office. The result of the change has therefore been to cause an increased charge and a less credit to India, in respect of such pensions, in the year 1879-80.

7. The increased charge of 16,656 l. for the pensions of widows and children is consequent on the wars in Afghanistan and the Cape, and the decreased charge of 122,077 l. is for pensions to non-commissioned officers and soldiers. As the proportion of short-service men coming home will increase yearly, it is hoped that the charge on this account will soon rapidly decrease, but the fact must not be overlooked that, as the charge on this account decreases, there will

be, for some years to come, a yearly increased charge for "Deferred Pay," under the head of Effective Charges.

8. When a decision shall have been arrived at for adjusting the non-effective charges by annual payments extending over 10 years or otherwise, a further communication will be made to you; but, considering the large amount owing to the Treasury on the 31st of March 1880, viz., 1,238,824 *l.*, and that it is probable that, on receipt of the Actuaries' Report for 1880-81, it will be found that the total amount owing on the 31st of March 1881 will be at least 1,500,000 *l.*, I cannot hold out any prospect of the annual charge on this account being considerably reduced during the next 10 years, if, within that period, the large outstanding debt, with interest at 4 per cent., is to be discharged, in addition to the proportion of the liabilities accruing during the same period.

I have, &c.
Hartington.

Enclosure 1, in No. 5.

The Under Secretary of State for India to the Under Secretary of State for War.

Sir,

India Office, 13 November 1878.

WITH reference to the arrangement made in 1870, under which charges on account of non-effective services of Her Majesty's regiments on the India Establishment are adjusted by payment from Indian revenues of the full capitalized value of pensions, &c., chargeable to India, I am directed by the Secretary of State for India in Council to state that it has been brought to his notice that the capitalized value of pensions of officers of the British Army is paid to the officers themselves by the National Debt Commissioners, and repaid to the Commissioners by the War Office by annual instalments extending over 10 years.

At the present time, when the remittance annually to this country of the sums required for home disbursements involves considerable loss and inconvenience, it is very desirable that a somewhat similar arrangement should be adopted in regard to the capitalized value of the charges now outstanding against India for non-effective services, and that they should be adjusted by annual payments to the Treasury extending over 10 years, such annual payments or annuities being valued at a rate of interest of 4 per cent. per annum, the claims for subsequent years, valued in like manner, being annually added, and the annuities being determined, as at present, by the official Actuaries; and I am directed to request that you will submit this proposal for the consideration of the Secretary of State for War, and to express the hope of Lord Cranbrook that he will consent to its adoption.

I have, &c.
Louis Mallet.

Enclosure 2, in No. 5.

The Under Secretary of State for India to the Secretary of the Treasury.

Sir,

India Office, 20 March 1879.

I AM directed by the Secretary of State for India in Council to acknowledge the receipt of your letter, No. 4881/79, of the 18th instant, requesting to be informed what sums will be transferred to the Exchequer during 1879-80, on account of the Home charges of troops serving in India, both for effective and non-effective services.

In reply, I am directed to forward, for the information of the Lords of the Treasury, copy of a letter from this office to the War Office, dated the 13th of November last, proposing that an "arrangement should be adopted in regard to the capitalized value of the charges now outstanding against India for non-effective services, and that they should be adjusted by annual payments to the Treasury extending over 10 years;" and to state that Lord Cranbrook is awaiting a reply to that proposition, in the absence of which he is unable to inform you of the sums which it is proposed to advance to the Exchequer during the ensuing financial year.

I have, &c.
E. Stanhope.

ARMY NON-EFFECTIVE CHARGES (EAST INDIA).

Sub-Enclosure, in No. 9.

Extract from Second Report from the Committee of Public Accounts.

Army (Indian Home Charges).

68. The balances against India in respect of the Indian Contingent and Indian Miscellaneous Accounts were not included in the settlement sanctioned by the Treasury in July 1878, but it is proposed to open an adjustment account, in which these balances will be set off against claims of India arising on unadjusted accounts. The matter is under the consideration of the Treasury. When this point has been settled the Treasury will make a proposal as to the method of obtaining the sanction of Parliament for the remission of claims against India in 1878, a course approved of by two Committees on Public Accounts.

69. The explanation given by the War Department as to the mode of charging the Indian Government for deferred pay, and receiving from them annually the sum which has come in course of payment, appears satisfactory. Deferred pay was only granted in 1876, and the calculations up to the present time have been somewhat rough, for the reasons stated by the Accountant General, but this difficulty will gradually disappear.

70. As to effective services, the sum of 500,000 *l.* recommended by Lord Northbrook's Committee has been accepted as the proper charge for the year 1879. As to non-effective services for the year 1879-80, the calculations have been made, but the mode of payment, that is, how far the payment shall be spread over several years, is still under the consideration of the Departments. Your Committee venture to urge the desirability of a speedy settlement of these questions.

Enclosure 10, in No. 5.

The Under Secretary of State for India to the Secretary of the Treasury.

Sir,

India Office, 4 January 1882.

I AM directed by the Secretary of State for India in Council to acknowledge the receipt of your letter of the 24th November, No. 15,550/81 (which was not received at this office until the 19th ultimo), forwarding an extract from the Second Report of the Committee on Public Accounts in 1881.

In the 68th paragraph of that Report it is stated that "the balances against India, in respect of the Indian Contingent and Indian Miscellaneous Accounts, were not included in the settlement sanctioned by the Treasury in July 1878."

In reply, I am desired to observe that this remark refers, apparently, to the adjustment between the Treasury and the War Office, and has no bearing on the settlement by this office, inasmuch as it is shown, in the Treasury Minute of the 2nd July 1878, that the proposition then made was adopted by the Secretary of State in Council on the clear understanding that it would be accepted by the Treasury in full discharge of all claims of the War Office on account of the effective services of Her Majesty's regiments on the East India Establishment, up to the 31st March 1879. In reference to this subject I am directed to forward, for the information of the Lords Commissioners of Her Majesty's Treasury, a copy of a letter which was sent to the War Office on the 16th of November 1880.

With regard to the adjustment of the various charges and credits, which it is desirable should form matters of account between this office and the War Department, and should not be deemed to be covered by the payments made by India, on account of effective services of British troops serving in that country, for the year 1879-80 and subsequent years, I am directed to transmit herewith a copy of a letter which was sent by this office to the War Office on the subject, on the 25th November last.

As regards the non-effective services, in a letter to the Treasury, dated the 8th ultimo, Lord Hartington stated that he was desirous of being furnished with a reply to the proposition which was made by this office in 1878, that the capitalized value of the charges against India should be adjusted by annual payments extending over a period of 10 years, and I am to state that his Lordship regrets to find, from the letter now received, that the Lords of the Treasury are not yet in a position to announce any definite decision thereon.

I have, &c.

Enfield.

CORRESPONDENCE RELATING TO

Enclosure 11, in No. 5. - - - - -

STATEMENT showing the CHARGE against *India* for Capitalization of "PENSIONS of OFFICERS and MEN"

1870-71.					1871-72.					1872-73.					1873-74.				
No.	Charge.	No.	Credit.	Net Charge.	No.	Charge.	No.	Credit.	Net Charge.	No.	Charge.	No.	Credit.	Net Charge.	No.	Charge.	No.	Credit.	Net Charge.
	£.		£.	£.		£.		£.	£.		£.		£.	£.		£.		£.	£.
12	3,724	-	-	-	11	3,630	-	-	-	20	3,217	-	-	-	18	6,038	-	-	-
-	-	6	2,075	-	-	-	5	1,138	-	-	-	7	556	-	-	6	2,661	-	-
7	274	-	-	-	8	85	-	-	-	8	471	-	-	-	-	-	-	-	-
5	884	-	-	-	1	100	-	-	-	1	68	-	-	-	1	87	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	3	96	-	-	-	-	-	-	-	-	3	65	-	-	-
24	4,802	6	2,075	2,307	16	2,910	5	1,138	1,772	29	3,776	7	556	3,920	18	6,101	8	2,661	3,540
11	13,673	-	-	-	14	16,865	-	-	-	11	10,132	-	-	-	15	20,480	-	-	-
-	-	6	8,211	-	-	-	6	6,005	-	-	-	4	2,590	-	-	11	19,895	-	-
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
11	13,673	6	8,211	5,368	14	16,865	6	6,005	10,860	11	10,132	4	2,590	7,542	15	20,480	11	19,895	9,505
20	23,089	-	-	-	22	10,300	-	-	-	13	15,867	-	-	-	18	17,732	-	-	-
-	-	-	-	-	-	-	-	-	-	-	2	1,913	-	-	-	3	1,800	-	-
294	237,343	-	-	-	66	94,711	-	-	-	79	71,452	-	-	-	116	90,385	-	-	-
-	-	68	59,670	-	-	-	61	57,226	-	-	-	35	18,585	-	-	103	66,153	-	-
-	-	-	-	-	-	-	-	-	-	-	20	15,881	-	-	-	6	3,208	-	-
304	280,432	68	59,670	200,762	118	105,011	61	57,226	47,785	92	87,310	66	37,379	49,940	129	103,117	111	67,221	14,800
21	7,092	-	-	-	84	13,804	-	-	-	46	21,194	-	-	-	45	16,325	-	-	-
-	-	8	1,501	-	-	-	2	556	-	-	4	1,181	-	-	-	4	642	-	-
2	342	-	-	-	-	-	-	-	-	-	-	-	-	-	1	84	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
46	2,130	-	-	-	61	2,673	-	-	-	100	5,802	-	-	-	74	3,492	-	-	-
12	136	-	-	-	9	124	-	-	-	13	86	-	-	-	10	60	-	-	-
81	9,700	8	1,501	8,199	104	16,607	2	556	16,051	159	26,872	4	1,181	25,691	120	20,421	4	942	19,479
1	187	-	-	-	1	1,075	-	-	-	-	-	-	-	-	1	133	-	-	-
1	1,475	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
2	1,662	-	-	1,662	1	1,075	-	-	1,075	-	-	-	-	-	1	133	-	-	133
1,488	165,340	-	-	-	1,337	154,728	-	-	-	1,940	186,726	-	-	-	3,378	253,031	-	-	-
1,769	20,631	-	-	-	1,112	13,730	-	-	-	1,184	14,486	-	-	-	1,053	12,863	-	-	-
894	21,438	-	-	-	422	31,466	-	-	-	898	26,829	-	-	-	420	27,586	-	-	-
532	3,123	-	-	-	621	3,457	-	-	-	655	4,067	-	-	-	720	4,328	-	-	-
-	-	-	-	-	294	-	-	-	-	-	-	-	-	-	-	-	-	-	-
4,113	210,427	-	-	210,427	3,492	203,605	-	-	203,605	3,907	232,108	-	-	232,108	4,431	294,707	-	-	294,707
-	500,189	-	71,457	428,732	-	346,073	-	64,925	281,148	-	360,907	-	41,706	318,501	-	463,049	-	114,719	318,330

* Husbands killed in action.

ARMY NON-EFFECTIVE CHARGES (EAST INDIA).

- - - - - Enclosure 11, in No. 5.

who had served in *India* in respect of **ARMY NON-EFFECTIVE CHARGES** for the 10 Years 1870-71 to 1879-80.

1874-75.					1875-76.					1876-77.					1877-78.					1878-79.				
No.	Charge.	No.	Credit.	Net Charge.	No.	Charge.	No.	Credit.	Net Charge.	No.	Charge.	No.	Credit.	Net Charge.	No.	Charge.	No.	Credit.	Net Charge.	No.	Charge.	No.	Credit.	Net Charge.
	£.		£.	£.		£.		£.	£.		£.		£.	£.		£.		£.	£.		£.		£.	£.
12	2,657	-	-		11	4,116	-	-		9	2,906	-	-		10	2,831	-	-		8	2,673	-	-	
-	-	3	659		-	-	5	1,030		-	-	18	3,304		-	-	5	1,171		-	-	5	1,323	
7	339	-	-		4	2,300	-	-		10	444	-	-		8	866	-	-		8	452	-	-	
3	230	-	-		-	-	-	-		4	104	-	-		-	-	-	-		1	80	-	-	
-	-	-	-		-	-	1	32		-	-	-	-		-	-	-	-		-	-	1	83	
1	42	-	-		-	-	-	-		-	-	-	-		1	13	-	-		-	-	-	-	
23	3,268	2	659	2,609	15	4,375	6	1,062	3,313	23	3,634	13	3,304	330	19	3,010	5	1,171	1,839	17	3,356	6	1,406	
25	45,300	-	-		18	27,067	-	-		15	33,582	-	-		81	145,645	-	-		12	18,266	-	-	
-	-	-	-		-	-	2	730		-	-	-	-		-	-	4	2,204		-	-	6	2,023	
-	-	7	10,866		-	-	8	9,525		-	-	13	14,291		-	-	6	6,599		-	-	5	3,577	
-	-	1	97		-	-	-	-		-	-	2	714		-	-	-	-		-	-	-	-	
1	70	-	-		-	-	-	-		-	-	-	-		-	-	-	-		-	-	-	-	
26	43,376	5	10,763	34,613	16	27,667	10	10,305	17,362	15	23,582	15	15,005	8,577	81	146,640	10	8,503	136,843	12	16,266	13	5,600	
8	4,708	-	-		19	27,968	-	-		20	31,104	-	-		14	17,391	-	-		17	15,261	-	-	
-	-	3	2,403		-	-	-	-		-	-	-	-		-	-	4	5,609		-	-	-	-	
104	91,731	-	-		82	78,314	-	-		97	101,715	-	-		138	127,619	-	-		97	136,659	-	-	
-	-	-	-		-	-	4	1,064		-	-	-	-		-	-	-	-		-	-	-	-	
-	-	68	51,964		-	-	79	63,517		-	-	92	46,409		-	-	107	88,302		-	-	60	54,680	
-	-	6	3,399		-	-	7	8,195		-	-	10	7,376		81	30,559	-	-		82	17,040	-	-	
-	-	-	-		-	-	-	-		2	1,070	-	-		-	-	29	21,420		-	-	21	25,577	
112	89,494	76	57,766	41,728	101	106,282	90	72,776	33,506	119	133,869	72	53,785	80,104	234	175,822	140	115,331	60,491	196	108,360	81	80,233	
51	18,001	-	-		25	18,225	-	-		41	18,635	-	-		42	13,808	-	-		43	17,090	-	-	
-	-	6	2,058		-	-	2	877		-	-	1	637		-	-	-	-		-	-	1	651	
1	33	-	-		2	332	-	-		1	869	-	-		-	-	-	-		-	-	-	-	
-	-	-	-		-	-	-	-		-	-	-	-		-	-	-	-		-	-	-	-	
66	3,843	-	-		70	3,866	-	-		25	6,397	-	-		80	4,730	-	-		36	4,324	-	-	
18	1,006	-	-		12	80	-	-		13	176	-	-		80	175	-	-		10	101	-	-	
156	22,908	6	2,658	20,250	119	22,503	2	677	21,826	90	25,897	1	637	26,260	92	24,517	-	-	24,517	89	22,416	1	681	
-	-	-	-		-	-	-	-		-	-	-	-		-	-	-	-		-	-	-	-	
-	-	-	-		1	194	-	-	194	-	-	-	-		-	-	-	-		-	-	-	-	
-	-	-	-		1	194	-	-	194	-	-	-	-		-	-	-	-		-	-	-	-	
2,522	290,104	-	-		3,981	420,256	-	-		5,276	610,289	-	-		3,677	469,609	-	-		5,797	606,220	-	-	
1,092	12,018	-	-		998	9,908	-	-		900	9,417	-	-		704	7,833	-	-		1,020	12,312	-	-	
863	33,268	-	-		454	33,673	-	-		418	30,637	-	-		397	27,277	-	-		330	34,768	-	-	
635	2,872	-	-		354	1,900	-	-		261	1,293	-	-		317	1,698	-	-		236	804	-	-	
2	470	-	-		4	918	-	-		2	160	-	-		6	640	-	-		2	873	-	-	
4,714	329,641	-	-	329,641	5,566	486,734	-	-	486,734	6,845	551,708	-	-	651,706	3,291	507,000	-	-	507,000	7,435	733,477	-	-	
-	500,667	-	71,646	428,881	-	627,805	-	64,720	543,985	-	829,708	-	72,731	766,977	-	886,061	-	125,305	730,756	-	543,873	-	87,524	

— No. 6. —

The Government of India to the Secretary of State for India, 15 May 1882,
No. 133. — (Received 7 June 1882.)

1. We have the honour to acknowledge the receipt of your Lordship's Financial Despatch, No. 39, dated 2nd February 1882, forwarding correspondence regarding the adjustment of the non-effective charges with the War Office, from which we learn that the total amount owing on the 31st March 1881 was probably at least 1,500,000 *l.*, and that it is in contemplation to adjust this amount by annual payments to the Treasury, extending over 10 years.

2. With reference thereto, we beg to refer your Lordship to our Despatch, No. 96, dated 21st March 1879, and to state that we shall be glad to receive the information asked for in paragraph 14 regarding the mode in which these charges are calculated.

3. We would also take this opportunity to suggest that it would be of great advantage to us in dealing with the numerous questions of administration and finance connected with the British troops serving in India, if we could be furnished with the details of the payments made by the India Office to the War Office in the year 1880-81, or 1881-82, for all effective and non-effective services.

4. Similar information as to the charges paid to the Admiralty on account of the Indian troop transports, would also be very acceptable.

We have, &c.
(signed) *Ripon,*
D. M. Stewart,
J. Gibbs,
T. F. Wilson,
C. P. Ilbert,
S. C. Bayley,
T. C. Hope.

— No. 7. —

The Secretary of State for India to the Governor General of India in Council,
31 August 1882, No. 271.

(Extract.)

YOUR Excellency's letter, dated the 15th of May, No. 133, regarding the payments made to the War Office for the effective and non-effective charges of the British Army serving in India, has brought to my notice that no answer has been given to the letter on the same subject from the Government of India, dated the 21st of March 1879, No. 96.

In that letter the recommendation was repeated, that the total charges in this country for such services should not be allowed to exceed the average of 850,000 *l.* a year, which, under the capitation rate, was paid from 1861-62 to 1869-70.

This amount is slightly below the equivalent (852,174 *l.*) at 13 *l.* 10 *s.* a head (namely, 10 *l.* for effective and 3 *l.* 10 *s.* for non-effective charges), on an average strength of 63,124 men in India during those nine years; and although it was pointed out in Lord Cranbrook's Despatch of the 22nd of August 1878, No. 282, that those payments did not include the furlough allowances of officers of British regiments, the pay of Colonels Commandant of Artillery, and the pay of regiments on the voyage to and from India, it was contended by the Government of India that, as the establishment had been reduced, the total payments ought not now to be in excess of that average sum, the question being decided, not by mere rules of arithmetic, but on general principles of public policy.

As regards the non-effective services, the letter of the Government of India of the 21st of March 1879 deprecated any attempt to fix a capitation rate at present, as owing to the short service system and other causes, a considerable reduction was anticipated in a few years from the exceptionally high payments then made. It was, however, stated by the Government with reference to the principle

principle of capitalising each pension as it became due and paying to the War Office the portion debitable to India, that they were uninformed as to the average duration of life or the rate of interest adopted; and it was urged that if that rate was lower than the rate paid on loans raised by the Secretary of State in Council in London, the payment of capitalised values not only increases *pro tanto* the amount which has to be borrowed, but entails an annual loss measured by the difference between these two rates, and adds to the difficulties in remitting money to England. It was, accordingly, suggested that a sensible relief would be obtained by a discontinuance of the system, with the result of spreading the total charges more evenly over a series of years.

It was determined in 1871 that pending the preparation of a table of lives of military pensioners of all ranks and classes, the pensions of the soldiers should be valued on the basis of the London Life Tables, the rate of interest being taken at 4 per cent., and the age as that of the pensioner at his last birthday. Up to the present time those tables have been used, but the actuaries have now completed the new tables which they were instructed to prepare, and which consist of two main groups, one being based on the lives of pensioners with Indian service, and the other of those without such service, and each group being subdivided into long service, short service, and a combination of the two, the last mentioned being that which will be used for the purpose of commuting soldiers' pensions. Tables have also been framed on the whole experience, and each set carefully adjusted to the conditions under which they are applicable, the interest throughout being taken at 4 per cent., and the annuities as payable monthly. Copies of these tables will, when printed, be forwarded for the information of your Government. Their effect will be to enhance the value of pensions hereafter commuted, by reason of the lives on which they are based being superior to those on which the London tables were founded.

In capitalising the pensions of commissioned officers and their families, Mr. Finlaison's Government life tables (which are those generally adopted for Government purposes) at 4 per cent., have hitherto been used, and will continue to be those in use.

As regards the rate of interest, your Excellency will observe that 4 per cent. is a favourable one for the interests of India.

In my Despatch of the 2nd of February last, No. 39, I communicated to your Excellency the correspondence which had taken place regarding the non-effective services up to that date; and I now transmit a copy of a letter addressed to the Treasury on the 4th of April last, together with the reply made thereto on the 12th of that month; the proposal therein mentioned has not yet been received.

In compliance with the request contained in the 3rd paragraph of your Excellency's letter, dated the 15th of May, for the details of the payments made to the War Office in 1880-81 or 1881-82, for all effective and non-effective charges, I insert in the margin a list of the advances made, though it gives little more information than has been already forwarded to you in the accounts. A further sum of 7,000 £. has now been paid to the Treasury in settlement of the effective services for 1880-81 and 1881-82. The non-effective accounts for those years have not yet been rendered by the actuaries.

		Effective.	Non-Effective.
		£.	£.
Payment in	June quarter, 1880	137,500	137,500
"	Sept. " "	137,500	137,500
"	Dec. " "	125,000	137,500
"	Mar. " 1881	100,000	137,500
"	March quarter, 1881, for arrears, 1876-77	-	100,000
"	June quarter, 1881	125,000	150,000
"	Sept. " "	125,000	150,000
"	Dec. " "	125,000	150,000
"	Mar. " 1882	125,000	150,000
"	March quarter, 1882, for arrears, 1876-77	-	100,000

(signed) *Hartington.*

Enclosure 1, in No. 7.

The Under Secretary of State for India to the Secretary of the Treasury.

Sir,

India Office, 4 April 1882.

It will be in the recollection of the Lords Commissioners of Her Majesty's Treasury that in 1878 a proposal was made to the War Office, which was communicated to the Treasury on the 20th of March 1879, that the amounts outstanding against India in regard to the capitalised value of the charges for non-effective services should be adjusted by annual payments to the Treasury extending over 10 years, such annual payments or

annuities being valued at a rate of interest of 4 per cent. per annum, and that the claims for subsequent years valued in like manner should be annually added, the annuities being determined as at present by the official actuaries.

Notwithstanding several requests from this office for a reply to that proposal, and notwithstanding the repeated comments of the Comptroller and Auditor General, and of the Committee of Public Accounts on the unsatisfactory state of the question, no answer has yet been given by the Treasury. In the meantime the hope that the annual charges would diminish has not been realised, the heavy payments on account of officers' half-pay and pensions being found to counterbalance the saving on the pensions of soldiers; and the amount in arrear is now greatly in excess of the sum due at the time that the proposal was first made.

It appears to the Marquis of Hartington that the difficulty felt by the Treasury in arriving at a decision may be due to the inconvenience that would arise from a literal application of the proposal in the earlier years, before time had been afforded for the system to come into operation. Inasmuch as not merely would only a tenth part of the outstanding arrears be discharged each year, but also only a tenth part of the charges appertaining to the year itself, the result would be that in the first year a sum of between 250,000 *l.* and 300,000 *l.* would become payable, which would annually be increased by some 80,000 *l.* for several years, and before the existing arrears were completely discharged the payments would be nearly a million sterling. Such fluctuations are not desired in the interests of India any more than they probably are in those of Her Majesty's Exchequer.

While, therefore, it appears to Lord Hartington that the plan of spreading the capitalised value of the annuities over 10 years affords a proper basis, he considers that it is necessary to arrive at an agreement as to the amount to be advanced on account until the system can come into normal operation, and also until the actual effect of the recent changes in the army can be more precisely determined.

With this view I am directed to propose that a sum of 200,000 *l.* shall be paid to the Treasury every quarter; that from the 1st of April 1882 interest on the amount which, when the actuaries' reports are received, shall be found to be outstanding on the 31st of March 1882, shall be credited to the British Government, as well as interest on all future liabilities as determined; and that on the other hand interest on the quarterly payments shall be allowed to the Indian Government.

In the absence of any data from the War Office as to the probable amount of the non-effective charges in future years only a very rough estimate can be formed of the result of this proposal, but Lord Hartington is led to believe that at the end of 15 years the amount outstanding would at any rate not be larger than it is at present, and that the normal payments might then, including interest, be expected to be about 800,000 *l.* a year.

I am to add that, with due regard to the interests of India, this proposal, involving an increase of 100,000 *l.* a year over the large sum advanced in 1881-82, is the most liberal one which Lord Hartington feels it possible to make; and that as only 700,000 *l.* has been provided in the Estimates for 1882-83, it may be found impracticable in that year to pay the full 800,000 *l.*

Should it, after the experience of a few years, be found that the annual payment of 800,000 *l.* is larger than is needed to meet the annual liabilities, Lord Hartington does not propose that any reduction should be made in the advance until the arrears of liability shall have been extinguished. On the other hand, should the advances prove insufficient to keep the arrears of liability within the present amount (which is not, however, anticipated), the Secretary of State in Council would be prepared to make such an addition to the advances as may appear needful for the purpose in view.

A copy of this letter will be forwarded to the War Office, and Lord Hartington trusts that the proposition now made will meet with the approval of the Lords Commissioners of the Treasury.

I have, &c.
Enfield.

Enclosure 2, in No. 7.

The Assistant Financial Secretary of the Treasury to the Under Secretary of State for India.

Sir,

Treasury Chambers, 12 April 1882.

In reply to Lord Enfield's letter of the 4th instant, submitting a new arrangement for the payment by India of the charges for Army and Non-Effective Services, I am directed by the Lords Commissioners of Her Majesty's Treasury to request that you will inform the Marquis of Hartington that my Lords are in communication with the War Office on the subject of these payments, and that they hope shortly to be able to submit a proposal which will reasonably accord with the interests and requirements of this Board, and of the Secretary of State for India.

I have, &c.
R. E. Welby.

— No. 8. —

The Secretary of State for India to the Governor General of India in Council,
22nd March 1883, No. 94.

My Lord Marquis,

1. IN Lord Hartington's Despatch, dated the 2nd of February 1882, No. 39, your Excellency was informed that the amount due to the Imperial Exchequer on account of the Non-Effective Charges for the British Forces which had served in India, was 1,238,824 *l.* up to the end of the year 1879-80; and in the further Despatch of the 31st of August 1882, No. 271, it was mentioned that a sum of 100,000 *l.* was paid in March of that year on account of the arrears of 1876-77. The estimates for the current year also contain a payment of 100,000 *l.* on the same account, which will be paid in the course of this month; so that there will then remain due for charges to the 31st of March 1880, 1,038,824 *l.*

2. The Account for 1880-81 is expected to amount to about 928,000 *l.*, towards which 550,000 *l.* was advanced during that year: that for 1881-82 to about 900,000 *l.*, for which 600,000 *l.* has been advanced; and that for 1882-83 to a similar sum, while 600,000 *l.* has been placed in the Estimates for this year as the amount to be paid. Hence, on the 31st of this month, the estimated amount outstanding on account of arrears will have been raised to 2,016,824 *l.*

3. Among the correspondence which accompanied the above-mentioned Despatch of the 31st of August last, was a letter to the Treasury dated the 4th of April 1882, with a reply written on the 12th of that month in which it was stated that the Lords Commissioners hoped shortly to submit a proposal which would reasonably accord with the interests of both Governments.

4. I now forward a copy of that communication, dated the 22nd of January last, and of the reply made thereto on the 2nd instant. From a perusal of this correspondence, your Excellency will observe that the Treasury claim compound interest on all arrears of these charges, from the commencement of the agreement in 1870-71.

5. To this claim I have demurred, on the grounds that the payment of compound interest formed no part of the original agreement, and was not mentioned for more than 10 years after it was made, and that such a charge has never been preferred by one Government against the other in all their various transactions, while the accounts for the first six years have been finally closed.

6. At the same time, it cannot but be admitted that the essence of the principle of capitalisation is the payment of such a sum as, if accumulated at compound interest, will be equal, actuarially, to the annual pension. I have therefore considered it only just to agree that henceforward compound interest at 4 per cent. shall be charged on all arrears. I have also agreed to allow simple interest on all sums outstanding, for which the Government of India have failed to provide in the year following that in which the debit was ascertained.

7. The amount which will be due to the Treasury on the 1st of April next is thus estimated, if my proposals should be accepted:—

	£.
Arrears shown in paragraph 2 - - - - -	2,016,824
Interest on arrears of 1876-77—	£.
For 1880-81, 365,977 <i>l.</i> at 4 per cent. - - -	14,639
For 1881-82, 265,977 <i>l.</i> at 4 " - - -	10,639
For 1882-83, 165,977 <i>l.</i> at 4 " - - -	6,639
	31,917
Interest on arrears of 1877-78—	
For three years, 330,756 <i>l.</i> at 4 per cent. - - -	39,691
Interest on arrears of 1878-79—	
For two years, 305,949 <i>l.</i> at 4 per cent. - - -	24,476
Interest on arrears of 1879-80—	
For one year, 336,142 <i>l.</i> at 4 per cent. - - -	13,446
	13,446
Total - - - £.	2,126,354

On this sum 4 per cent. compound interest will be due, subject to reduction by any payments that may be made on account of these arrears.

8. In view of the heavy demands on your Government for remittance to this country, and in the absence of any reply from the Treasury to the repeated requests made during the last five years for an arrangement by which it might be possible to settle the claim, it has not been thought right to include in the estimates more than a moderate sum annually towards the liquidation of the arrears. Owing not merely to the very large number of soldiers enlisted at the time of the Crimean War and the Mutiny who have come on the pension list in recent years, but also to the continual changes in the organisation of the British Army, of which, perhaps, the most important in regard to the present subject are the grant of pensions to officers consequent on the abolition of the system of purchase, and the compulsory retirement of officers at specified ages, the charges have been greatly in excess of those which were anticipated when the agreement to capitalise the Indian portion was arrived at; and from the enclosed statement you will perceive that the actuaries of the War Office have continually underestimated to a very great extent the sums due by the Government of India. Hence it has happened that the payment of the sums so estimated, together with 100,000 *l.* annually for arrears, has been insufficient to prevent the debt from rapidly increasing.

9. The accounts for 1880-81, which are now being examined in this office, show an amount of no less than 928,000 *l.* as due for that year; and for 1881-82 and 1882-83 I am unable, in spite of the lower estimates of the War Office, to adopt a less amount than 900,000 *l.* as that which probably will have to be paid on account of each of those years.

10. I was thus led to suggest, in my telegram* of the 24th of February, that an addition of 200,000 *l.* should be made to the estimate for 1883-84, in order that an earnest effort might be made to perceptibly reduce the arrear. Your Excellency having, however, objected to this proposal, I have consented not to alter the estimate; but I must request that on the receipt of this Despatch, you will take the subject into your serious consideration; and that, if you feel able to make any addition on this account, both to the remittances of the year and also to the military charge, you will apprise me by telegraph, in order that I may lose no time in making a payment to the Treasury on account of the arrear, if the state of the Home balances should admit of it.

11. You will not fail to notice that, large as have been the payments in this country for non-effective charges during the last seven years, they have been insufficient by nearly 300,000 *l.* to meet the annual liability; and the result is that a sum of more than 2,000,000 *l.* has to be paid and added to the military expenditure, which should be done in as short a time as possible, considering the onerous nature of the debt as now arranged.

I have, &c.
Kimberley.

Enclosure 1, in No. 8.

The Secretary of the Treasury to the Under Secretary of State for India.

Sir,

Treasury Chambers, 22 January 1883.

I AM directed by the Lords Commissioners of Her Majesty's Treasury to request that you will recall the attention of the Secretary of State for India in Council to the arrears due by India to Her Majesty's Exchequer on account of the Home non-effective charges of troops serving in India.

2. Lord Enfield's letter of the 4th April contains certain proposals for a settlement, in general terms, of this long outstanding question. Since the receipt of that letter my Lords have been in correspondence with the War Office, with the view of obtaining from their actuaries, with as much accuracy as circumstances permit, the figures upon which a practical settlement of whatever kind must rest, and they hope to receive these figures before the meeting of Parliament. In the meanwhile, they propose to submit to the Secretary of State in Council the general principles upon which, in their opinion, the question as between India and the United Kingdom should be decided.

3. The arrangement between the two Governments, which is still nominally in force, was that India should pay in each year (besides the actual Home charges of the effective force

force serving in India that year) the capitalised value of the pensions due to that year's service of that force, the Home Government undertaking the responsibility for the ultimate payment of those pensions.

4. Into the methods by which these amounts were calculated it is not necessary at the present moment to enter, further than to say that the capitalised sum was to be arrived at by discounting the anticipated future payments at 4 per cent. interest. This arrangement, however, has not in effect been carried out so far as relates to the actual payments by India, which some years ago began to fall into arrear, and have since continued to do so, the amount now overdue being very large.

5. The only question between the two Governments is how this arrear should be paid.

6. Upon this my Lords would observe in the first place that it is plain that interest should be charged on each sum in arrear, from the time at which it became due to the time when it shall have been paid off, and that the rate of interest assumed for this purpose should be the same as that upon which the calculation of the capitalised value of the prospective pensions was originally made. To allow a lower rate of interest, or no interest at all, would amount to varying the agreement in favour of India, because the amount of the original award was fixed on the hypothesis that it would be paid at a certain date, and would have been greater had that date been a later one.

7. The first step then to be taken is to ascertain the amount of the arrears due on (say) the 1st April next, by finding the amount of each arrear with interest at 4 per cent. on it up to that date, and adding these sums together.

8. It would then remain to decide how this debt should be liquidated, and upon this point my Lords will be ready to meet, in a spirit of concession, any proposals relating to the existing arrears which the Secretary of State in Council may put before them; should India be desirous of paying the whole sum at once Her Majesty's Government would be willing to receive it; should she prefer to spread it over any moderate number of years my Lords will raise no objection, provided always that interest at 4 per cent. be added to the deferred payments, or that the equivalent annuity be calculated on that assumption.

9. My Lords gather from Lord Enfield's letter of 4th April, that repayment by means of a 10 years' annuity will probably be suggested, and I am to say that they would not object to this term if the other conditions specified above be agreed to, as my Lords trust they will be, by the Secretary of State in Council.

I have, &c.

Leonard Courtney.

Enclosure 2, in No. 8.

The Under Secretary of State for India to the Secretary of the Treasury.

Sir,

2 March 1883.

I AM directed by the Secretary of State for India in Council to acknowledge the receipt of your letter of the 22nd January, No. 1337, "recalling" his attention to the arrears due by India to Her Majesty's Exchequer on account of the Home non-effective charges of troops serving in India.

You observe that the arrangement between the two Governments, which is still "nominally in force," was that India should pay in each year the capitalised value of the pensions "due to that year's service," which was to be arrived at by discounting the anticipated future payments at 4 per cent. interest. The payments by India, however, began some years ago to fall into arrear, and the only question between the two Governments is, in the opinion of the Lords Commissioners of Her Majesty's Treasury, how this arrear should be paid.

You further remark that it is plain that interest should be charged on each sum in arrear, from the time at which it became due to the time when it shall have been paid off, and that the rate of interest assumed for this purpose should be the same as that upon which the calculation of the capitalised value of the prospective pensions was originally made, since to allow a lower rate of interest, or no interest at all, would amount to varying the agreement in favour of India, because the amount of the original award was fixed on the hypothesis that it would be paid at a certain date, and would have been greater had that date been a later one.

The first step, therefore, is according to their Lordships, to ascertain the amount of arrears due on (say) the 1st of April next, by finding the amount of each arrear, with interest at 4 per cent. on it up to that date, and adding these sums together, Her

Majesty's Government would then, "in a spirit of concession," be willing either to receive the whole amount at once or to be repaid by an annuity for 10 years, interest being calculated at 4 per cent.

In reply, I am desired to say that it is not without some surprise that the Secretary of State in Council has received this proposal. It is believed that this is the only occasion in recent years on which it has been suggested that interest should be charged on sums due by the Indian to the Imperial, or by the Imperial to the Indian Government, with the single exception of the claim raised by the War Office actuaries in regard to the capitalisation of the Indian share of pensions granted prior to the 1st of April 1870, when objection was taken by this office to a charge for interest, and it was admitted in Mr. Law's letter of the 3th of November 1878, No. 15,832, that that was not a case in which a claim for interest should be enforced.

In the instance of the Perak Expedition, which occurred in 1875-76, no repayment of the sums advanced by the Government of India was made until May 1881, and the account was not finally adjusted until June 1882. In the case of the Afghan war, the sum granted by the British Government towards the expenses of the expedition is being spread over six years. And in that of the Abyssinian Expedition, when, in order to make the necessary advances, the Government of India were themselves obliged to borrow, the accounts were not finally closed for more than 12 years after the operations were undertaken. Yet in none of these cases was any application made by the Secretary of State in Council for interest on the sums of which the payment was delayed.

Lord Kimberley cannot but think that the Lords Commissioners of the Treasury are imperfectly acquainted with the facts of the case. The arrangement was that India should pay in each year the capitalised value, not of the pensions "due to that year's service" of the effective force in India, but of the share debitable on account of Indian service of each pension of the whole British force which became for the first time payable during that year. It was, however, known from the first that India's share of those pensions could not be computed until sufficient time had been afforded for the calculations to be framed, and a charge for interest on deferred payments formed no part of the agreement. This is evident from the fact that, for the first five years, the payment of the amount ascertained by the actuaries, without additional interest, was accepted by the Treasury as a settlement of the sum due on account of each of those years; and it is apparent that no claim for such interest would have been raised, if it had been in the power of the Government of India to continue to make the final payment shortly after the receipt of the letter from the Treasury, stating the sum which their Lordships were prepared to accept for the services of the year to which it related.

The delay did not originate with this office. Down to the payment for the year 1874-75, the account was settled within a very short time from the date of the Treasury Letter.* For 1872-73, however, that letter was dated 17 months, for 1873-74 nearly two years, and for 1874-75 about the same time after the close of the year to which it related. The delay may have been caused by the actuarial staff employed at the War Office in making the calculations having been too weak to admit of a prompt rendering of the report, or by the actuaries having been retarded in their work, as was stated in the letter from the War Office to the Treasury, dated the 20th of November 1876, by duties required to be performed for the Imperial Government, but in any case it can form no reasonable basis for a charge of interest against the Government of India.

The quarterly advances made by this office had been increased from 50,000*l.* or 55,000*l.* in 1870-71 to 87,500*l.* in 1875-76, but it was not until the report of the actuaries for the latter year was sent in on the 18th of December 1877, and confirmed by the Treasury on the 15th of January 1878, that it became evident that the payments then made, amounting to 350,000*l.*, were no less than 193,000*l.* short of the sum required.

The Secretary of State in Council thereupon took the subject into his serious consideration. The quarterly payments which were accustomed to be made after personal consultation with the financial officers of the Treasury and War Office, and which, for 1876-77 and 1877-78, had been raised to 100,000*l.*, were further increased in 1878-79 to 137,500*l.*, and, on the 13th November 1878, a letter was addressed to the War Office proposing that the capital payments should be adjusted by annual payments extending over 10 years. A copy of this letter was sent to the Treasury on the 20th of March

1879, and repeated endeavours have been made by the Secretary of State in Council, in letters of which the dates are noted in the margin,* to obtain a reply to the proposal. Yet it is only now, after an interval of four years, that an answer has been received intimating the view taken by their Lordships, namely, that no objection will be raised to such an arrangement, provided that interest at 4 per cent. is paid on the arrears.

It was foreseen that some considerable increase in the non-effective charges was to be anticipated

- * Interval for 1870-71 of 4 months 13 days.
- " 1871-72 of 17 days.
- " 1872-73 of 8 days.
- " 1873-74 of 1 month 13 days.
- " 1874-75 of 2 months 1 day.

1874-75, the account was settled within a very short time from the date of the Treasury Letter.* For 1872-73, however, that letter was dated 17 months, for 1873-74 nearly two years, and for 1874-75 about the same time after the close of the year to which it related. The delay may have been caused

Enclosure 3, in No. 8.

NON-EFFECTIVE CHARGES.

VOTES.	1877-78.			1878-79.			1879-80.			1880-81.			1881-82.		1882-83.		1883-84.	
	Estimated by War Office.	Actual Charge.	Advances made in the Year.	Estimated by War Office.	Actual Charge.	Advances made in the Year.	Estimated by War Office.	Actual Charge.	Advances made in the Year.	Estimated by War Office.	Probable actual Charge.	Advances made in the Year.	Estimated by War Office.	Advances made in the Year.	Estimated by War Office.	Advances made in the Year.	Estimated by War Office.	Estimated to be Advanced.
17. Rewards - - -	£. 2,000	£. 1,839	£. -	£. 2,000	£. 1,949	£. -	£. 2,000	£. 2,249	£. -	£. 2,000	£. 11,100	£. -	£. 2,000	£. -	£. 2,000	£. -	£. 3,000	£. -
18. Pay of General Officers -	38,000	136,843	-	38,000	10,686	-	38,000	963	-	38,000	22,335	-	-	-	-	-	-	-
18. Half-Pay - - -	} 100,000 {	39,317	-	} 100,000 {	51,389	-	} 100,000 {	115,200	-	} 100,000 {	317,036 {	-	38,000	-	18,000	-	13,500	-
19. Retired Pay, &c. - - -		81,174	-		36,724	-		117,940	-			150,000	-	170,000	-	180,000	-	
20. Widows' Pensions - - -	20,000	24,517	-	20,000	21,734	-	20,000	38,390	-	20,000	55,211	-	20,000	-	20,000	-	25,000	-
21. Pensions for Wounds -	-	-	-	-	-	-	-	-	-	-	2,866	-	-	-	-	-	500	-
23. Out-Pensions - - -	340,000	507,066	-	380,000	733,477	-	390,000	611,400	-	390,000	519,584	-	390,000*	-	390,000*	-	508,000	-
TOTAL - - - £.	500,000	730,756	648,841	550,000	855,949	650,000	550,000	826,142	643,085	550,000	928,112	650,000	600,000†	700,000	600,000†	700,000	730,000	800,000
													† Probable Charge	900,000	-	600,000		
													* Ditto	488,000	-	470,000		

— No. 9. —

TELEGRAM from the Viceroy to the Secretary of State, dated 14 April 1883.

YOUR Financial Despatch, No. 94, 22nd March 1883. What do you expect the real non-effective charges for 1883-84 to amount to, and what information can you give as to current charges for future years, exclusive of arrears and interest? It is impossible to deal with the question properly until we know exactly how we stand and what we have to expect in future.

— No. 10. —

TELEGRAM from the Secretary of State to the Viceroy, dated 14 April 1883.

I HAVE received your telegram of April 14th, 1883. Non-effective charges. No further official knowledge unofficially. War Office actuaries estimate Indian capital payments in thousands, beginning with this year, 730, 738, 793, 802, 859, 861, 842, 817, 799, 782, 736. Data so uncertain that good margin should be allowed.

— No. 11. —

(Extract.)

The Government of India to the Secretary of State for India, 29 June 1883,
No. 166 (received 7 August 1883).

As regards the non-effective charges, we shall be glad to receive details for the years 1880-81 and 1881-82, in the form adopted in the statement received with Lord Hartington's Financial Despatch, No. 39, dated the 2nd February 1882.

(signed)

Ripon.
E. Baring.
T. F. Wilson.
C. P. Ilbert.
S. C. Bayley.
T. C. Hope.

— No. 12. —

The Government of India to the Secretary of State for India, 10 August 1883,
No. 223 (Received 4 September 1883).

My Lord,

WE have the honour to acknowledge the receipt of your Lordship's Despatch (Financial), No. 94, of 22nd March 1883. In the 10th paragraph of that Despatch your Lordship requested to be apprised, by telegram, as to whether we felt able to make any addition, both to the remittances of the year, and also to the military charge, with a view to paying off the arrears of the non-effective military charges. We did not think it necessary to send any immediate telegraphic answer on these specific points, for, in fact, neither of these questions can be answered with certainty until a later period of the year. In the meanwhile, we observed that your Lordship was keeping well ahead of the estimate in respect of the amount of weekly bills and telegraphic transfers. This is all that could, for the moment, be done towards the solution of the question. Under

these circumstances, we trust that our action in not sending any immediate telegraphic answer to the questions conveyed in the 10th paragraph of your Lordship's Despatch will not have caused any inconvenience.

2. Before making any definite proposals as regards the treatment of this important question, it may perhaps be convenient that we should summarize the history of the case.

3. Prior to the year 1822, all the effective charges connected with the employment of the British Army in India were borne by the East India Company, but no part of the non-effective charges. From 30th April 1822 to 31st March 1861 the payments made by the Indian to the English Treasury on account of non-effective services were regulated by 4 Geo. IV., cap. 71. Under that Act a sum of 60,000 l. was paid annually by the East India Company to His Majesty's Government on account of the charges "incurred for retiring pay and pensions, and other expenses of that nature arising in respect of His Majesty's forces serving in India."

4. In December 1858 a Committee, on which the India and War Offices were represented, was appointed to ascertain the sufficiency or otherwise of the annual contribution of 60,000 l. towards the pensions of British troops in India. Another Committee was appointed in 1861. One of the results of appointing these Committees was that an Act (24 & 25 Vict. cap. 89) was passed, which declared that the annual sum of 60,000 l. for pensions of British forces serving in India being insufficient to defray the charge, "it is expedient to increase the contribution to be paid out of the said revenues to meet the said charge." It was accordingly enacted that, from 31st March 1861 until 31st March 1862, "there shall be paid out of the revenues of India in respect of the above-mentioned charge, and in lieu of the said annual sum of 60,000 l., a sum calculated at the rate of 3 l. 10 s. per head per annum upon the number of Her Majesty's British forces chargeable upon the said revenues of India, exclusive of the number at the depôt or on passage, as shown by the monthly muster rolls; the payment to be made monthly, and to be calculated upon the number shown in the last monthly muster rolls received in England before each month for which payment is made."

5. This Act was originally only of a temporary character. It extended from 31st March 1861 to 31st March 1862. In the India Office letter to the War Office, dated 8th March 1861, accepting the arrangement which was embodied in the Act, the following passage occurs:—"Sir Charles Wood is, however, desirous that it should be clearly understood that when the time shall arrive for determining the rate to be permanently paid from the revenues of India on this account, the present temporary arrangement is not to be regarded as an admission by the Secretary of State in Council that the rate now agreed on is one which India can be justly called on to pay, when the benefit resulting to Imperial interests from the employment of so large a portion of the British Army in India, and the consequent maintenance of the depôts in this country, is taken into consideration." But although the arrangement was at the time intended to be temporary, as a matter of fact payments continued to be made under the system set forth in the Act up to 31st March 1870.

6. In 1870 another Committee was appointed, upon which the India and War Offices were represented. In the report of this Committee, which is dated 12th August 1870, the following passage occurs:—"The Committee have considered whether it would be practicable to fix an average or capitation rate for the adjustment of the charge on Indian revenues for non-effective services; but as the information available for determining such a rate is very insufficient, they are of opinion that the most satisfactory and, in the end, the least laborious method of fairly adjusting those charges will be by an actual valuation of each grant of out-pension, pensions for officers' services, pensions for wounds, widows' pensions or compassionate allowances, and the proportion of such value due to service rendered to the Indian Government, the payment of which from Indian revenues would be a full discharge and satisfaction for the pensions assessed.

"The Committee therefore recommend that this mode of settlement be adopted

“ adopted; and that in order to carry it into effect, tables be framed for the
 “ assessment of the value of pensions, &c., by two actuaries—one to be named
 “ by the Secretary of State for War, and the other by the Secretary of State for
 “ India in Council; the two actuaries to have power to nominate a third as
 “ umpire, in the event of their not being able to agree as to the principles on
 “ which the tables are to be framed.

“ It would be necessary that the War Department should furnish, from time
 “ to time, to the India Office, statements, with particulars of, and evidence as
 “ to, the pensions granted, and the proportion due to service in India. These
 “ statements would be examined by the officers of the Secretary of State for
 “ India in Council, and the charge to India determined according to the tables
 “ of valuation prepared as already recommended.

“ The Committee recommend that this arrangement should take effect in
 “ respect of all pensions and allowances granted from the 1st April 1870.” The
 proposals of this Committee were adopted.

7. It will be seen, therefore, that prior to 1822 India paid nothing for non-effective charges; that from 1822 to 1861 the principle which governed the division of non-effective charges between England and India was one of a fixed payment by India to England of 60,000 *l.* a year; that from 1861 to 1870 this latter principle was abandoned in favour of a capitation payment; and finally, that in 1870 the principle of a capitation payment was abandoned in favour of a system under which the capitalized value of the pensions was paid by the Indian to the English Treasury. This latter is the system which is still in force.

8. In a Despatch, No. 66, of 8th February 1878, the Government of India pointed out to the Secretary of State (Lord Cranbrook) that, whilst the Estimates of 1878-79, as compared with those of 1869-70, showed a decrease of the military charges in India amounting to about 800,000 *l.* a year, they, at the same time, showed an increase in the Home charges, amounting to about 300,000 *l.* a year. Further, it was shown that the Home charges were really divided into two parts,—the one including the expenditure under the control of the Indian Government, and the other the expenditure not under such control but regulated by the War Office. It was pointed out that, whereas the expenditure under the control of the Indian Government had decreased, that controlled by the War Office had risen since 1874-75 from 800,000 *l.* to 1,400,000 *l.* and that it was anticipated that a further increase would take place. The Government of India then went on to express itself as follows:—“ While these
 “ changes have largely added to the burden thrown on the Indian revenues for
 “ services rather diminished than increased in account, they have at the same
 “ time led to a constantly increasing delay in the rendering of the accounts by
 “ the War Office, and their final settlement by the Secretary of State for India,
 “ to which allusion has already been made.

“ Such delay in itself would have been most inconvenient and objectionable.
 “ But when this is combined with an almost complete uncertainty as to the
 “ ultimate amount of the claims to be made on the Indian Treasury, and, when
 “ at length the claims are actually made, it is found that they are of constantly
 “ increasing magnitude, and in no degree susceptible of control by the Indian
 “ Government, the financial consequences of such a state of things can hardly
 “ be described otherwise than as intolerable. The difficulties and uncertainties
 “ of Indian finance are, as your Lordship will readily admit, of a nature to tax
 “ to the utmost the sagacity of the responsible officers of our Government; but
 “ when charges so incalculable, and so wholly beyond control, as those to which
 “ we have been referring may thus be suddenly thrown upon the revenues, the
 “ most careful and far-seeing must be liable to find their efforts to secure a
 “ proper equilibrium of income and charge defeated from no fault of their own.”
 The Government of India then went on to protest against the increased charges which had been thrown upon Indian revenues. There can, it was said, “ be no
 “ room for doubting that a very large part at least of the costly improvements
 “ of system made of late years in the British Army were rendered necessary
 “ exclusively by reason of the position that England holds as one of the Great
 “ Powers of Europe; and that, for all merely Indian purposes, a far less costly
 “ machinery would have sufficed. For this reason, if for no other, we cannot
 “ acquiesce in the principle, which appears to have been adopted without dis-

“cussion, for regulating the share of the military charges of England to be
 “apportioned to India. It is not just that the two Governments should be
 “treated as partners having an equal interest, and equally liable to bear these
 “charges, in the mere numerical ratio of the men employed by each.

“It is, of course, far easier thus to raise objections to an equal or rateable
 “partition of expenses, than to suggest any other proportion that could be
 “justified by definite arguments. The case, unfortunately, is one in which
 “such arguments cannot be supplied, and in which an arbitrary adjustment of
 “some sort, more favourable to India than that now adopted, is all that can be
 “asked for.

“Rejecting, as we feel bound to do, the principle of a rateable distribution of
 “the charges, we deprecate any further discussion in detail of the elements of
 “which they are made up. To attempt to arrive at the proper proportion to
 “assign to India in respect to each or any of them in this way appears to us
 “only likely to mislead, and to confuse a subject in itself already surrounded
 “with too much uncertainty. We shall therefore not pursue such a course of
 “argument. All that we can do is to appeal to the British Government for an
 “impartial review of the relative financial capacity of the two countries to
 “bear the charges that arise from the maintenance of the Army of Great
 “Britain, and for a generous consideration of the share to be assigned by the
 “wealthiest nation in the world to a dependency so comparatively poor and so
 “little advanced as India. The question we would urge is one to be decided,
 “not by the mere rules of arithmetic, but on broad and statesmanlike views of
 “public policy which shall fairly adjust the claims of England to the capacities
 “of India.

“Should Her Majesty’s Government see fit on a consideration of this subject
 “to entertain a proposal for such a settlement between the two Governments as
 “that which we have suggested, it might take the form either of a capitation
 “rate based on the effective force maintained in this country, or of a yearly
 “lump sum to be fixed in some relation to the established strength of that
 “force.

“The general object aimed at would, in our opinion, be best met by fixing
 “for a term of years, at a stated amount, the total sum to be paid by India to
 “Great Britain for all the military services for which payment is now made to
 “the War Office, and we think that this sum should, for the present, be
 “approximately that paid during the period extending from 1871-72 to 1875-76,
 “or about 800,000 *l.* or 900,000 *l.*

9. The Secretary of State (Lord Cranbrook) replied to this letter in a
 Despatch, No. 282, of 22nd August 1878. He pointed out that it had been
 represented that the system of a capitation payment,* which obtained from the
 years 1861-62 to 1869-70, involved a charge on the Indian revenues which
 “was larger than India could justly be called on to bear.” In answer to the
 remarks made by the Government of India which are quoted in paragraph 8 of
 this Despatch, Lord Cranbrook said that he did not consider it necessary
 “to enter upon an examination of the general military expenditure,” but he
 pointed out, with reference to the statement that the expenditure controlled by
 the War Office had increased from 800,000 *l.* to about 1,400,000 *l.* a year, that
 those figures included certain charges on account of effective services, formerly
 included in the capitation grant, but which are now paid direct by the India
 Office. Lord Cranbrook forwarded copies of several letters, memoranda, &c.,
 which had passed on the subject at home, and added the following words:—
 “You will also observe that it is not at present considered desirable to revise
 “the existing mode of payment for non-effective services.” We may remark,
 however, that in an India Office memorandum of 3rd December 1877, which
 formed one of the enclosures to this Despatch, it was proposed that we should
 revert to the system of a capitation payment.

10. The

* We ought to observe that under this system the capitation payment was fixed at the rate of 10 *l.* per annum for effective, and 3 *l.* 10 *s.* per annum for non-effective services. The discussion on the subject of effective and non-effective charges is intermixed, but we have endeavoured in this summary to eliminate such portions of the correspondence as do not bear upon the immediate point under discussion—namely, the payment of the non-effective charges.

10. The Government of India replied to this Despatch in a letter, No. 96, of 21st March 1879. They explained that, in making their proposal to pay a fixed sum of from 800,000 *l.* to 900,000 *l.* a year, it was their "intention that the proposal should be taken in the broad sense of including all charges formerly covered by the capitation rate for effective and non-effective services, and not in the restricted technical sense in which it is taken to mean only the sums actually paid to the War Office." They then went on to make the following remarks:—"As regards the non-effective services, we are of opinion that no attempt should be made at present to fix any capitation rate to meet these charges, which are now exceptionally high, but which may be expected, owing to the short service system and other causes, to fall considerably after a few years.

"There are, however, we consider, some grounds for urging on your Lordship a reconsideration of the present arrangements in another direction.

"These are, as explained in the Despatch under reply, that the total amount of the half pay, pensions, &c., granted in each year is ascertained, and the proportion of charge to British and Indian revenues determined, according to the service rendered to the Government of India or the Imperial Government respectively, and the capitalized value of the India portion is paid over to the British Exchequer—India not being thenceforward liable to any charge on account of those pensions, but being entitled to credit if any of the officers whose half pay has been capitalized be subsequently employed.

"To the first part of this arrangement there is no objection on the supposition that India is to be required to pay rateably its share of these pensions in a mere arithmetical proportion, and no lower sum to be fixed as a compromise with reference to a balance of advantages, as strongly and clearly represented by the India Office members of the Committee of 1859.

"It is, however, open to doubt whether the second part of this arrangement, under which the total amount of pensions is capitalized, and the sum paid to the War Office, does not operate disadvantageously to Indian finances.

"We have no information as to the average duration of life, or the rate of interest adopted in these actuarial calculations; but if it be the case that the latter is lower than the rate of interest paid on loans raised by the Government of India in England, it is obvious that this payment of capitalized values not only increases *pro tanto* the amount which has to be borrowed, but entails an annual loss, measured by the difference between these two rates. It also adds to the difficulties and loss in remitting money to England, exceptionally great at the present time.

"If our assumption be correct, there would be a sensible and immediate relief to the Home charges by the discontinuance of this arrangement, without in any way adding unduly to the burdens of future years, which will, in fact, be much reduced by the short service system and other causes, as already noticed.

"The result will be merely that the total charges over a series of years will be more evenly distributed; whereas, under the existing system, the future is being relieved at the expense of the present, and an annual loss, as explained above, is incurred without any corresponding advantage.

"In the absence of fuller information than we now possess (and which we shall be glad to receive), we are unable to express any very decided opinion on this point; but we desire to submit these observations for your Lordship's consideration, as indicating a possible mode of reduction in the non-effective charges, which can be carried out without interfering with any future arrangements for their adjustment by means of a capitation rate or otherwise."

11. No further communication was made to the Government of India on this subject until the receipt of the Secretary of State's (Lord Hartington's) Despatch, No. 39 (Financial), of 2nd February 1882, which was "in continuation" of the Despatch, No. 282, of 28th August 1878, to which we have already referred. In the interval between 1878 and 1882, the *personnel* of most of the important posts connected with the administration in India had been changed. With the Despatch of 2nd February 1882 a correspondence was forwarded, from which it appeared that frequent but, so far, unsuccessful endeavours had been made by the India Office to arrive at some definite arrangement as regards the payment

of the arrears. The last letter from the Treasury, which was dated 24th November 1881, stated that they were "not yet in a position to announce any definite decision" on the proposals of the India Office. From the figures furnished in this Despatch it was apparent that between the years 1876-77 and 1879-80 (both inclusive) the actual sums due on account of non-effective charges were considerably in excess of the amounts advanced. It was stated that the amount due on 31st March 1880 was 1,238,824 *l.* Referring to the statement made in the Despatch, No. 282, of 22nd August 1878, to the effect that after the year 1881-82 it was probable that the charge on account of non-effective services would be diminished, Lord Hartington said that he had no reason to modify the opinion then expressed, so far as regards non-commissioned officers and soldiers. "I am, however," he added, "apprehensive that the recent changes which have been made in the British Army will tend to largely increase the charge for the capitalised value of pensions granted to officers on retirement, for the years 1880-81 to 1882-83, inclusive." The Despatch concludes with the following passage:—"When a decision shall have been arrived at for adjusting the non-effective charges by annual payments extending over 10 years or otherwise, a further communication will be made to you; but considering the large amount owing to the Treasury on the 31st of March 1880, viz., 1,238,824 *l.*, and that it is probable that on receipt of the Actuaries' report for 1880-81 it will be found that the total amount owing on the 31st of March 1881 will be at least 1,500,000 *l.*, I cannot hold out any prospect of the annual charge on this account being considerably reduced during the next 10 years, if within that period the large outstanding debt, with interest at 4 per cent., is to be discharged, in addition to the proportion of the liabilities accruing during the same period."

12. When we received this Despatch it did not in any way alarm us. We are rarely consulted on such subjects, and we were content to accept the general conclusion at which we understood Lord Hartington had arrived. We read the Despatch in the only way in which we think it was possible to read it, namely, that although any reduction in expenditure on account of non-effective charges was improbable, on the other hand, that no increase of expenditure would be necessary, whether on account of current charges, or with a view to paying off the arrears.

13. We replied in a Despatch, No. 133, of 15th May 1882. In that Despatch we again requested to be furnished with the information asked for in the last paragraph of the Despatch, No. 96, of 21st March 1879 (*see* paragraph 10 of this Despatch). "We would also," we added, "take this opportunity to suggest that it would be of great advantage to us in dealing with the numerous questions of administration and finance connected with the British troops serving in India, if we could be furnished with the details of the payments made by the India Office to the War Office in the year 1880-81 or 1881-82, for all effective and non-effective services."

14. To this letter, Lord Hartington replied in a Despatch, No. 271 (Financial), of 31st August 1882. He gave us the details as regards the payments for effective and non-effective services in 1881 and 1882, for which we had asked. He also dwelt upon the remarks made in the Government of India Despatch of 21st March 1879 (*see* paragraph 10 of this Despatch). We need not give Lord Hartington's observations under this head in full. It will be sufficient to say that Lord Hartington remarked that the rate of interest upon which capitalised pensions had been calculated had been 4 per cent., which, as he rightly observed, "was a favourable one for the interests of India."

15. We heard nothing more about the matter until the receipt of the Home Estimates for the years 1882-83 (Revised) and 1883-84 (Budget). 730,000 *l.* had been entered for non-effective charges in the Budget Estimate of the year 1882-83. It now appeared that the estimate for the year 1883-84 was 830,000 *l.*, and it was stated in the column of explanations that "provision was made for the gradual liquidation of the arrears." We were disappointed that there should be an addition of 100,000 *l.* (true sterling) to the Home military expenditure, as it went far to swallow up the economies effected in the military expenditure in India. It appeared, however, to be impossible to do anything in

in the way of diminishing the charge, and accordingly provision was made for the sum of 830,000 £ in the Estimates for 1883-84. Shortly, however, before the Financial Statement was made, we received a telegram* from your Lordship, dated 24th February 1883, in which it was proposed to add another 100,000 £, with a view to paying off the arrears of the non-effective charges in England. In reply, we sent a telegram* on 27th February, in which the following passage occurs:—“We should very strongly object to increase either of expenditure or drawings next year in order to pay off non-effective charges beyond the 100,000 £ already in the Home Estimates. We think the best plan about these charges will be to send us out whatever fresh correspondence exists, and after full consultation decide on best steps to be taken for their gradual liquidation.” Your Lordship replied by telegraph* on 6th March: “I write about non-effective charges, and will not increase the estimate on that account.”

* Not printed.

* Not printed.

* Not printed.

16. The Despatch with which we now have to deal, No. 94 (Financial), of 22nd March 1883, is in continuation of this telegram.

17. From Enclosure No. 1 of this Despatch we understand that, on the 22nd of January 1883, the Treasury addressed the India Office and claimed compound interest on all arrears of charges from the commencement of the agreement in 1870-71. It was pointed out by the Treasury that the first step which should be taken was, to “ascertain the amount of the arrears due on (say) the 1st of April next, by finding the amount of each arrear, with interest at 4 per cent. on it up to that date, and adding these sums together.

“It would then remain to decide how this debt should be liquidated, and upon this point my Lords will be ready to meet, in a spirit of concession, any proposals relating to the existing arrears which the Secretary of State in Council may put before them. Should India be desirous of paying the whole sum at once, Her Majesty’s Government would be willing to receive it; should she prefer to spread it over any moderate number of years, my Lords will raise no objection, provided always that interest at 4 per cent. be added to the deferred payments, or that the equivalent annuity be calculated on that assumption.

“My Lords gather from Lord Enfield’s letter of 4th April, that repayment by means of a 10 years’ annuity will probably be suggested, and I am to say, that they would not object to this term, if the other conditions specified above be agreed to, as my Lords trust they will be, by the Secretary of State in Council.”

18. On 2nd March 1883, Mr. Cross, on behalf of your Lordship, replied to the communication from the Treasury. He said that “it is not without some surprise that the Secretary of State in Council has received this proposal. It is believed that this is the only occasion in recent years on which it has been suggested that interest should be charged on sums due by the Indian to the Imperial, or by the Imperial to the Indian Government, with the single exception of the claim raised by the War Office actuaries in regard to the capitalisation of the Indian share of pensions granted prior to the 1st of April 1870, when objection was taken by this office to a charge for interest, and it was admitted in Mr. Law’s letter of the 8th of November 1878, No. 15,832, that that was not a case in which a claim for interest should be enforced.” It was then pointed out that when the Government of India had advanced money for the Perak Expedition, although no repayment was made for some five or six years after the charge was incurred, no interest was charged. Further, in the case of the Afghan War contribution, which is to be paid by the English Treasury to India, the payment has been spread over six years. Lastly, in the case of the Abyssinian Expedition, although, in order to make the necessary advances, the Government of India had itself been obliged to borrow, and, although the accounts were not finally closed for more than 12 years after the operations were undertaken, no interest had been charged. It was also pointed out that very long delays had occurred in ascertaining the amount due to India, and that for these delays the India Office was in no way responsible. After making some further remarks, to which we shall presently allude, Mr. Cross added:—“Had the claim which is now made for interest been preferred in 1878, when the India Office brought the subject to the notice of

“ the British Government, the Secretary of State would have felt bound to
 “ impress on the Government of India the importance, at almost any cost, of
 “ remitting the necessary funds from India; or, if that had been impracticable,
 “ the money could have been obtained at probably less than 3½ per cent. interest
 “ in the open market.”

19. For these reasons, it was said your Lordship could not admit any claim on the part of the Treasury to interest on sums due up to the present date. In view, however, of the importance of coming to some fixed arrangement, your Lordship proposed a compromise. We shall presently allude further to the nature of this compromise; for the present it will be only necessary to say that your Lordship agreed to pay simple interest at 4 per cent. on certain sums since 1st April 1880, and also agreed to pay compound interest on the whole amount of the arrears from 1st April 1883.

20. Supposing these principles to be accepted, the amount due by the Government of India on 1st April 1883 would be 2,126,354 *l.* (true sterling) on which compound interest at 4 per cent. would be due, subject to reduction by any payments that might be made on account of arrears. Your Lordship's Despatch of 22nd March 1883, concludes in the following words:—“ You will
 “ not fail to notice that, large as have been the payments in this country for
 “ non-effective charges during the last seven years, they have been insufficient
 “ by nearly 300,000 *l.* to meet the annual liability; and the result is that a sum
 “ of more than 2,000,000 *l.* has to be paid and added to the military expenditure,
 “ which should be done in as short a time as possible, considering the onerous
 “ nature of the debt as now arranged.”

21. On the receipt of this Despatch, the first thing that struck us was that nothing whatever was said as regards the current charges of the year 1883-84 and subsequent years. It was stated that the actual charge for the year 1880-81 was expected to amount to 928,000 *l.*, towards which 550,000 *l.* was advanced during that year. The charge for 1881-82 was expected to amount to 900,000 *l.*, towards which 600,000 *l.* had been advanced; and the charge for 1882-83 was also expected to amount to 900,000 *l.*, whilst only 600,000 *l.* had been placed in the estimates as the amount to be paid. It will be seen, therefore, that on every occasion the actual amount greatly exceeded the estimate. It appeared to us that the first thing to do was to ascertain whether the charges for the current and for future years could be estimated with greater accuracy than had been the case in respect to those of past years.

22. A telegram was, therefore, sent to your Lordship asking what information could be given as regards the charge for 1883-84 and subsequent years. In the reply, dated 14th April, it was said that your Lordship had “ no further official knowledge ” on the subject, but it was added that “ unofficially the War Office actuaries estimate the Indian Capital Payments ” as follows:—

	£.
1883-84 - - - - -	730,000
1884-85 - - - - -	738,000
1885-86 - - - - -	793,000
1886-87 - - - - -	802,000
1887-88 - - - - -	859,000
1888-89 - - - - -	861,000
1889-90 - - - - -	842,000
1890-91 - - - - -	817,000
1891-92 - - - - -	799,000
1892-93 - - - - -	782,000
1893-94 - - - - -	736,000

The following warning was added, “ Data so uncertain that good margin
 “ should be allowed.”

23. We have thus brought down the history of the correspondence to date. It will be as well that we should now state precisely how the case stands. Your Lordship has admitted on behalf of the Indian Government that, on 1st April 1883, we owed to the Treasury a sum of 2,126,354 *l.* (true sterling), and your Lordship has agreed to pay compound interest on that sum from 1st April 1883. Further, it will be seen that the current charge, exclusive of interest, will go on steadily increasing until the year 1888-89, when it will reach what, so far as we

at

52. It will be seen that the immediate saving would be very large. Next year (1884-85), instead of a charge of 738,000 *l.*, we should only have to pay 78,635 *l.* Any further payment would go to pay off the arrears, which would, under this system, certainly be paid off in a very short time.

53. On the other hand, the increments would be very considerable, and eventually, that is to say, in 1895-96, the payments would reach a sum of little less than 1,060,000 *l.* a year. We think it will be much better to endeavour to equalize the payments, and, by paying something more in the earlier years, to reduce the charge in the later years. The main thing to arrive at is stability. We assume that it will be possible to reduce the arrears by 1st April 1884 to 1,200,000 *l.* (true sterling). Under this assumption the following table shows the payments which would be necessary in order to pay off the arrears and meet the current charges for the next 23 years:—

	£.		£.
1884-85 - - -	- 700,000	1896-97 - - -	- 730,188
1885-86 - - -	- 700,000	1897-98 - - -	- 698,969
1886-87 - - -	- 700,000	1898-99 - - -	- 666,790
1887-88 - - -	- 700,000	1899-1900 - - -	- 663,912
1888-89 - - -	- 700,000	1900-1901 - - -	- 667,563
1889-90 - - -	- 700,000	1901-1902 - - -	- 667,950
1890-91 - - -	- 700,000	1902-1903 - - -	- 665,365
1891-92 - - -	- 700,000	1903-1904 - - -	- 658,746
1892-93 - - -	- 700,000	1904-1905 - - -	- 647,557
1893-94 - - -	- 700,000	1905-1906 - - -	- 634,401
1894-95 - - -	- 702,271	1906-1907 - - -	- 639,312
1895-96 - - -	- 755,547		

This table has been calculated on the assumption that in the first few years the excess payments are devoted to the paying off of arrears, while any excess payment in any year after the arrears are paid off is devoted to reducing the payments for a period extending over 12 years.

54. It will be seen that under this system we shall keep at a fixed sum of 700,000 *l.* for the next 10 years. For the four years following there will be some rise, but the maximum, which will be reached in 1895-96, will be only about 756,000 *l.* After 1895-96 the charge will gradually decrease. We think, on the whole, that this is the best system which can be adopted. Of course, if less than 1,000,000 *l.* of the arrears are paid off this year, something more will have to be paid in subsequent years. If, on the other hand, more than 1,000,000 *l.* of the arrears are paid off during the current year, we might, perhaps, be in a position to construct a table which would show that a charge of 700,000 *l.* a year would never be exceeded in the future. We ought to remark that these figures have been calculated on the assumption that the yearly capital values up to 1893-94 (inclusive) will be those given by your Lordship (*see* paragraph 22 of this Despatch), and that from 1894-95 to 1906-1907 the average capital values will be 500,000 *l.* a year. The calculations would have to be made afresh at the India Office by the light of any information which your Lordship may possess.

55. The advantages of this system are, (1) that it gives stability to our financial arrangements for the future; (2) that it affords a system under which the arrears will be rapidly paid off, supposing our previous proposal under which we shall engage to pay them off by 1st April 1885 be not accepted; (3) that it affords some immediate relief to the Indian finances. From the Treasury point of view it appears to us to be unobjectionable. We beg, therefore, to recommend it strongly to your Lordship's favourable consideration.

We have, &c.

Ripon.

D. M. Stewart.

E. Baring.

T. F. Wilson.

C. P. Ilbert.

S. C. Bayley.

T. C. Hope.

-- No. 13. --

(Extract.)

The Secretary of State for India to the Governor General of India in Council,
11th October 1883 (No. 291).

I HAVE considered in Council your Excellency's letter, dated the 29th of June (No. 166), asking for certain information as to the detailed calculations relating to the effective and non-effective charges for the British troops serving in India.

As regards the inquiry in the concluding paragraph of your letter, respecting the details of non-effective charges for 1880-81 and 1881-82, I have not yet received from the Treasury any statement of their amount. Very recently, however, the actuaries have addressed to me a letter, dated the 4th of September, a copy of which, and of its enclosure, is forwarded for your information. Your Excellency will observe that for 1880-81 the amount payable by India was 917,681 *l.* 10 *s.*

(signed) *Kimberley.*

Enclosure in No. 13.

The Actuaries to the Financial Secretary of the India Office.

Sir,

War Office, 4 September 1883.

WE have the honour to report, for the information of the Secretary of State for India in Council, that the net charge against India for the capitalisation of non-effective payments incurred by the Imperial Exchequer on account of Her Majesty's British Forces during the year 1880-81 (ended on the 31st March 1881) amounted to nine hundred and seventeen thousand six hundred and eighty-one pounds ten shillings (917,681 *l.* 10 *s.*)

The particulars of this charge are shown in the enclosed statement.

We have, &c.

J. Hunnyngton, Actuary,
India Office.*Denham Robinson, Actuary,*
War Office.

Sub-Enclosure.

CHARGE against *India* for Capitalisation of PENSIONS to OFFICERS and MEN who had served in *India*, in respect of ARMY NON-EFFECTIVE SERVICES for the Year 1880-81.

	Number of Officers and Men.	Capitalised Values.		Net Charge.	—
		Charge.	Credit.		
VOTE 17.—Rewards:		£.	£.	£.	£.
Rewards for distinguished services granted to officers	29	10,448·1	—	9,910·5	
Ditto, ditto, ceased from causes other than death	5	—	587·8		
Rewards granted in the year to sergeants already discharged to pension	11	679·7	—	1,014·7	10,925·2
Ditto (previously granted) of sergeants discharged during the year	4	172·5	—		
Supplementary rewards to sergeants	3	162·5	—		
Victoria Cross annuitants discharged during the year	—	—	—		
VOTE 18.—General Officers:				22,006·3	22,006·3
Unattached pay granted	19	27,142·4	—	22,006·3	
Ditto, ceased on appointment to colonelcies of regiments	10	—	5,136·1		
Carried forward	—	—	—	—	32,931·5

ARMY NON-EFFECTIVE CHARGES (EAST INDIA).

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CHARGE against India for Capitalisation of Pensions, &c.—continued.

	Number of Officers and Men.	Capitalised Values.		Net Charge.	£.
		Charge.	Credit.		
Brought forward - - -	-	£.	£.	£.	£.
VOTE 19.—Retired and Half Pay :					32,931·5
Retired full pay granted - - - -	20	26,892·0	—		
Ditto ceased, otherwise than by death - - -	—	—	—		
Pensions and gratuities granted - - - -	157	198,116·3	—	295,008·3	
Half pay granted - - - - -	158	164,394·2	—		
Ditto ceased, otherwise than by death - - -	82	—	80,071·1	104,313·1	
Retired pay of ex-Indian officers, who have served out of India, granted - - - -	12	—	18,371·0		
Ditto, ditto, ditto, ceased - - - - -	—	—	—		
			(Credit) 18,371·0		310,950·4
VOTE 20.—Widows and Children :					
Widows' pensions granted - - - - -	85	45,717·8	—		
Ditto suspended on re-marriage - - - - -	17	—	9,052·2		
Ditto restored after suspension - - - - -	3	632·6	—	37,298·0	
Gratuities to widows and children - - - -	8	1,509·7	—	1,509·7	
Compassionate allowances to children - - -	50	7,678·5	—	7,678·5	
Pensions to relatives - - - - -	1	298·5	—		
Sums paid in lieu of pension - - - - -	7	3,402·5	—		
Sums paid from Royal Bounty or Relief Fund -	23	178·9	—	3,879·9	50,366·1
VOTE 21.—Wounds :					
Pensions for wounds in India.—First grant -	2	1,858·7	—		
Ditto, ditto.—Made permanent - - - - -	—	—	—		
Gratuities for wounds received in India - -	4	898·9	—	2,747·6	2,747·6
VOTE 23.—Pensions to Soldiers :					
Life pensions granted on discharge - - - -	3,926	488,896·6	601·8		
Temporary pensions granted on discharge -	914	10,308·0	—		
Ditto, ditto, corrections for the years 1875-76 and 1877-78 - - - - -	—	—	465·1	498,137·7	
Ditto converted to life pensions - - - - -	284	24,733·5	1,328·0		
Ditto renewed - - - - -	196	1,075·4	453·2		
Ditto, ditto, corrections for the years 1875-76 and 1877-78 - - - - -	—	—	2,085·9	21,991·8	
Schoolmistresses - - - - -	2	556·4	—	556·4	
TOTAL - - - £.		1,035,739·5	118,052·0	Net £.	520,686·9
					917,681·5

War Office, 4 September 1883.

J. Hannington, }
Denham Robinson, } Actuaries.

— No. 14. —

The Secretary of State for India to the Governor General of India in Council,
13th March 1884 (No. 60).

My Lord Marquis,

Para. 1. WITH reference to the letter from your Government, dated the 10th of August 1883, No. 223, I forward, in continuation of the correspondence transmitted with my Despatch of the 22nd of March 1883, No. 94, a copy of two letters that were sent to the Treasury on the 4th October last, and the 23rd ultimo, on the subject of the liquidation of the arrears due on account of the non-effective charges for British troops serving in India.

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I

2. You

2. You will notice that the payment of 1,000,000 *l.*, which has now been

		£.	s.	d.
1876-77	Balance paid - - -	65,977	-	-
1877-78	Ditto - - - - -	330,756	10	-
1878-79	Ditto - - - - -	305,948	17	10
1879-80	Paid on account - - -	297,317	12	2
		£. 1,000,000	-	-

made to the Imperial Government discharges the whole of the arrears owing for the non-effective charges for the years 1876-77, 1877-78, and 1878-79, besides reducing the amount due for 1879-80 from 336,141 *l.* 11 *s.* 5 *d.* to 38,823 *l.* 19 *s.* 3 *d.*, but is exclusive of

any sum that may eventually have to be paid to the Treasury for interest on those arrears, as stated in para. 7 of my Financial Despatch of the 22nd of March 1883.

3. The non-effective charges remaining unadjusted (exclusive of any claim

		£.	s.	d.
1879-80	Balance owing - - -	38,823	19	3
1880-81	Ditto - - - - -	357,081	10	-
1881-82	Estimated ditto (account not yet rendered) - - -	400,000	-	-
1882-83	Ditto, ditto - - - - -	Nil.		
1883-84	Ditto, ditto - - - - -	Nil.		
		£. 806,505	9	3

for interest on the arrears) are given in the margin, according to the latest accounts and estimates. The large amount estimated to be still outstanding for 1881-82 is mainly caused by the capitalisation of the pay of colonels of regiments, commonly known as the honorary colonels, which, previously to the 1st of April 1881, was treated in

the *Effective* account, and for which a sum of about 50,000 *l.* yearly was paid to the Imperial Government. On referring to the enclosures transmitted with para. 7 of Lord Hartington's Despatch to your Government, dated the 31st of August 1882, No. 271, you will see that credit was given to this office, in the effective charges for 1881-82, for 50,000 *l.* for the pay of those colonels. But for this transfer from the effective to the non-effective account, it is estimated that there would have been a considerable decrease in the non-effective charges for 1881-82; as, however, it is estimated that this capitalisation will be effected at less than 4½ years' purchase, it does not appear to be an expensive arrangement.

4. The sums advanced on account of 1882-83 and 1883-84 have been 600,000 *l.* and 800,000 *l.* respectively; or, together, 1,400,000 *l.*, which sum will, it is hoped, be quite sufficient to meet the actual charge for those years, as the returns received of soldiers pensioned during the last two years show a considerable decrease.

I have, &c.
Kimberley.

Enclosure I, in No. 14.

The Under Secretary of State for India to the Secretary of the Treasury.

Sir,

India Office, 4 October 1883.

IN Mr. Cross's letter of the 2nd of March last, regarding the liquidation of the arrears due on account of the non-effective charges for British troops serving in India, proposals were made for fixing the sum to be considered as accrued up to the 31st of March 1883; and it was stated that, on learning from the Treasury that this arrangement was accepted, Lord Kimberley would at once communicate with the Government of India with a view to the reduction as speedily as possible of the outstanding arrears.

Although more than six months have elapsed no reply has been received to that letter. A copy of the correspondence was, however, forwarded to the Government of India, who have now addressed the Secretary of State in Council on the subject. A copy of their letter is enclosed.

While referring, in forcible terms, to the injustice, as they consider it, of charging India with interest on sums due in past years, seeing that the British Government have not paid interest on amounts advanced by India for purposes with which she had no concern, the Government of India make no objection to the payments being placed from the 1st April 1883, on the footing of sums due as they accrue, with compound interest on deferred payments.

The Government of India, moreover, complain of the extreme inconvenience caused by the uncertainty as to the amount of the future payments, and would greatly prefer that a capitation rate, or an annual sum, should be fixed as the charge debitable to India.

In view of the Report of the Committee of 1870, which led to the adoption of the existing system, the Earl of Kimberley is not prepared at present to support such a proposal.

He considers it, however, essential that no further delay should be allowed to occur in the settlement of the amount to be taken as due on account of arrears towards the liquidation of which the Government of India should, if possible, make a large remittance during the current financial year, and also in the adoption of a system of payment for the future liabilities, by spreading them over a period of 10 or 12 years, as may be found most expedient.

I am, accordingly, desired earnestly to request the attention of the Lords Commissioners of Her Majesty's Treasury to the matter, and to press for a speedy reply to the letter of the 2nd of March last.

I have, &c.
J. A. Godley.

Enclosure 2, in No. 14.

The Under Secretary of State for India to the Secretary of the Treasury.

Sir,

India Office, 23 February 1884.

WITH reference to the letter from this office, dated the 4th of October 1883 (to which no reply has been received), regarding the liquidation of the arrears due on account of the non-effective charges for British troops serving in India, and in which it was stated that the Earl of Kimberley considered it essential that no further delay should occur, and that "the Government of India should, if possible, make a large remittance during the current financial year," I am directed by the Secretary of State for India in Council to acquaint you, for the information of the Lords Commissioners of Her Majesty's Treasury, that it has now been arranged with the Government of India that a sum of 1,000,000 *l.* shall be paid to the Imperial Government on account of the arrears in question in this official year.

	£.	s.	d.
*Balance outstanding for 1876-77 -	65,977,	-	-
Ditto, ditto, 1877-78 - - -	390,756	10	-
Ditto, ditto, 1878-79 - - -	305,943	17	10
On account of ditto for 1879-80 -	207,317	14	2
	£. 1,000,000	-	-

The amount shown in the margin* will accordingly be paid to the account of Her Majesty's Paymaster General at the Bank of England, namely, 500,000 *l.* on the 26th, and 500,000 *l.* on the 29th instant, on the receipt of the requisite receivable orders.

I have, &c.
J. K. Cross.

— No. 15. —

The Secretary of State for India to the Governor General of India in Council,
27 March 1884 (No. 75).

My Lord Marquis,

Para. 1. IN my Despatch of the 13th instant, No. 60, I informed your Excellency of the payment of 1,000,000 *l.* to the Treasury, on account of the arrears due for the Indian share of the non-effective charges of the British army.

2. I now forward a copy of a correspondence* with the Treasury and War Office, regarding the decision of the Imperial Government to terminate, with effect from the 31st of this month, the arrangement for the capitalisation of the sums due on this account, substituting for it a half-yearly payment of the proportion debitable to India of all charges coming into course of payment after the 1st of April 1884.

3. The sum of 800,000 *l.* having been inserted in the estimate already forwarded to your Government for 1884-85, I have not thought it right to disturb that calculation; but I trust that this will include a very considerable amount on account of arrears. As these involve compound interest at 4 per cent., it is obviously desirable to make every effort for their early liquidation.

I have, &c.
Kimberley.

* From the Treasury, 4th March 1884.
To the Treasury, 27th March 1884,
To War Office, 27th March 1884.

Enclosure 1, in No. 15.

The Secretary of the Treasury to the Under Secretary of State for India.

Sir,

Treasury Chambers, 4 March 1884.

I AM directed by the Lords Commissioners of Her Majesty's Treasury to inform you that they have had under consideration the arrangement made in 1870, by which the share of non-effective allowances borne on Army Estimates, but chargeable to India in respect of Her Majesty's regular forces serving in the Indian Empire, is capitalised.

I am to inform you that they find that the British exchequer loses so heavily by that arrangement that they have decided, in concert with the Secretary of State for War, to withdraw from it from the 1st of April next.

They propose accordingly:—

- (1.) That the Indian share of Army pensions first coming into course of payment in 1884–1885 and subsequent years shall not be capitalised, but shall be paid half yearly as it falls due;
- (2.) That the capitalisation of pensions coming into course of payment up to 31st March 1884 inclusive, shall be completed as soon as practicable; and
- (3.) That the arrear due by India on the 31st March 1884 shall be converted, by agreement with the India Office, into an annuity for eight or ten years.

If these arrangements are accepted in principle, the War Office would be ready to discuss with the India Office the method in which repayment by India of the pension charge coming first into course of payment in 1884–85 and subsequent years can be effected most conveniently to both Departments.

Mr. Cross's letter of 2nd March 1883 states objections to the claim which my Lords had put forward for interest on the sum which India has permitted to fall into arrear. The instances which Mr. Cross cites in support of the objection do not appear to my Lords analogous; they will not therefore discuss them at length. In the case of capitalisation, prompt payment is an inherent and essential condition of the bargain. Actuaries of the War Office and India Office decide, after a minute investigation, that a certain sum is the present value of an annuity of £x for which India is liable. For the joint convenience of the two Governments the Imperial Treasury consents to undertake payment of the annuity in return for the certain sum fixed by the experts as its present value. The transaction is not to be partly a gift from England to India, but an exchange for joint convenience; and it is only an exchange, if the present value is paid down at present. The terms upon which the present value is determined are already unfavourable enough to England without imposing further loss on the Imperial exchequer.

Nor do my Lords think it altogether becoming that their forbearance to press India at the time of the famine and of the war in Afghanistan should be urged as an argument against them.

It is, however, very desirable that a settlement should be arrived at without further delay; and my Lords would suggest, as a compromise, that the mean between the debt, as computed by the actuaries up to the 31st March 1883, and the debt as admitted by Lord Kimberley, should be accepted by both parties as a final settlement.

It will be seen from the enclosed statement by the actuaries of the War Office that the sum due by India (partly estimated), up to 31st March 1883 amounted to	£.	s.	d.
-	8,437,577	10	3
The amount actually repaid by India, excluding for the moment the sum paid on the 31st March 1883, was	-	-	-
-	6,292,853	11	1
Balance due on the 31st March 1883, previous to payment of a sum on that day	-	-	-
-	2,144,823	19	2

The War Office actuaries, in the second column of the two accounts given in the statement enclosed, charge the Government of India with interest at 4 per cent. on the sums as they become due, and credit it with interest at the same rate on the amounts paid up to the 31st March 1883, and the result raises a charge against India of 2,446,853 *l.*

The difference between this sum and 2,144,824 *l.*, or 302,029 *l.*, is the charge for interest as raised by the War Office. My Lords calculate the interest, which the Secretary of State in Council is ready to admit, as described in Mr. Cross's letter of 2nd March 1883, at 109,529 *l.*; the difference is 192,500 *l.*, and a moiety of that difference would be 96,250 *l.*

My Lords would be glad to find that the Secretary of State in Council is ready thus to meet them half way, and should he so decide, the period over which the outstanding balance of capitalisation due by India is to be spread can be adjusted without delay, and the

the authorities of the War Office and India Office put into communication to decide the most convenient method for adjusting the debt which will be chargeable to India year by year for its share of Army pensions first coming into course of payment on and after 1st April 1884.

I have, &c.
Leonard Courtney.

Enclosure 2, in No. 15.

The Under Secretary of State for India to the Secretary of the Treasury.

Sir, India Office, 27 March 1884.

I AM directed by the Secretary of State for India in Council to acknowledge the receipt of your letter of the 4th instant, stating that the Lords Commissioners of Her Majesty's Treasury have decided, in concert with the Secretary of State for War, to withdraw, with effect from the 1st of April 1884, from the arrangement made in 1870, by which the Indian share of the non-effective charges of the British Army is capitalised, and the value paid by this office to the Treasury.

I reply, I am directed to state that the Earl of Kimberley does not desire to offer any objection to the termination of the arrangement. The capitalisation of pensions coming into course of payment up to the 31st of March 1884, will be completed by the actuaries of the War and India Offices as soon as practicable, and with regard to pensions coming into course of payment on or after the 1st of April 1884, the India share will be paid half yearly as it falls due.

You further propose as a compromise, regarding the claim preferred for interest up to the 31st March 1883, that the mean between the debt, as computed by the War Office Actuaries and that admitted by the Secretary of State in Council, should be accepted as a final settlement. From the "Actuaries' Report, No. 306," dated the 31st January 1883, which is transmitted with your letter, it appears that the amount of 8,437,677*l.* 10*s.* 3*d.*, quoted by you as the sum due by India up to the 31st of March 1883 (partly estimated), included the capital sum due for pensions of soldiers transferred from the East India Company's Army, on which interest was waived by the Treasury Letter of the 25th of March 1879; and the figures given in your letter should be corrected by the omission of that capital sum, amounting to 244,224*l.* 1*s.* 10*d.*, from both sides of the account.

	Without Interest.		With Interest.
	£.	s. d.	£.
With this correction, it appears that the amount estimated as due on the 31st March 1883, is - - -	8,193,453	8 5	9,964,637
And the sums paid on accounts, prior to the 31st of March 1883, were - - - - -	6,048,629	9 3	7,533,227
Leaving an outstanding amount of - - £.	2,144,823	19 2	2,431,410
The difference of these two sums, or the total interest charge, is - -			£. 286,586
While that admitted in Mr. Cross's letter of 2nd March 1883 was - -			109,529
Showing an excess of - - - - - £.			177,057

And Lord Kimberley is ready to accept one-half of that amount, or 88,523*l.* 10*s.*, as payable by this office, under the compromise which you propose, instead of 96,250*l.*, the claim for interest to the 31st of March 1883 being thereby closed.

Subject, then, to the adjustments that may be found necessary in respect of the accounts from the 1st of April 1880, for which only estimates are taken in your letter, the following appears to be a statement of the sum due by this office:—

Estimated charge on 31st March 1883, excluding interest - -	£. 2,144,824
Deduct, paid on 31st March 1883 - - - - -	250,000
	1,894,824
Interest admitted in Mr. Cross's letter of 2nd March 1883 - -	109,529
Moiety of excess, now accepted - - - - -	88,528
Total estimated charges, including interest, due from 1st April 1883	2,092,881
Deduct, paid on account in February 1884 - - - £. 1,000,000	
Deduct estimate of over-payment in 1883-84 - - - 100,000	
	1,100,000
	992,881
Add estimated charge for interest from 1st April 1883 to 31st March 1884, - - - - -	76,000
Total estimated amount at charge on the 1st April 1884 - - £.	1,068,881

In your letter it is proposed that the sum thus due shall be converted into an annuity for eight or ten years, an arrangement which is in accordance with the course suggested in the letter from this office, dated the 23rd of April 1879, and repeated at subsequent times. While expressing his sense of the manner in which the Lords of the Treasury have thus shown their willingness to meet the wishes of the Secretary of State in Council, I am desirous to point out that recent circumstances have greatly changed the position.

The financial condition of India during the year just closing has rendered it possible to repay 1,000,000*l.* of the amount in arrear; and the decision to terminate the system of capitalisation will have the effect of very materially reducing the payments due in the next two or three years. There will also be considerable sums due to India for the prospective credits, as mentioned in the last sentence of the Actuaries' Report dated the 24th of August 1871.

Your letter not having been received until the final revision of the probable amount of the Home charges in 1884-85 had been sent by telegraph to India, provision has been made in the Budget for a payment of 800,000*l.* for these non-effective charges in the coming year, in accordance with Lord Enfield's letter to the Treasury dated the 4th of April 1882.

Lord Kimberley would, therefore, propose that for the coming year the practice recently adopted, of paying 200,000*l.* at the commencement of each quarter should be continued; and he is not without hope that it may be found possible to discharge the remainder of the debt in the year 1885-86.

With the view of ascertaining how far it is likely that this result may be accomplished, a copy of this letter will be transmitted to the Secretary of State for War, with a request to be informed of the probable sum due in 1884-85 under the new arrangement.

I have, &c.
J. A. Godley.

Enclosure 3, in No. 15.

The Under Secretary of State for India to the Under Secretary of State for War.

Sir,

India Office, 27 March 1884.

I AM directed to transmit, for the information of the Secretary of State for War, a copy of a letter which has been this day addressed to the Treasury, in reply to the intimation that it has been decided to terminate, with effect from the 1st of April next, the arrangement by which the Indian share of the non-effective charges of the British forces is now capitalised.

Lord Kimberley will be glad to learn in what manner the Secretary of State for War proposes that the payments due by this office shall be adjusted under the new arrangement, and to be furnished with an estimate of the probable sum due in 1884-85, and of the credits that will be afforded to India in respect of pensions already capitalised.

I have, &c.
J. A. Godley.

EAST INDIA
(ARMY, NON-EFFECTIVE CHARGES)

COPIES of, or EXTRACTS from, CORRESPONDENCE
to 31 March 1884, concerning the ARMY
NON-EFFECTIVE ARMY CHARGES.

(*Mr. Buchanan.*)

Ordered, by The House of Commons, to be Printed
12 August 1884.

[*Price 7d.*]

342.

H.-4. 10. 84.

Under 61

EAST INDIA
(NON-EFFECTIVE CHARGES OF HER MAJESTY'S FORCES)

RETURN to an Order of the Honourable The House of Commons,
dated 30 April 1883; -for,

COPY "of CORRESPONDENCE between the TREASURY, the WAR OFFICE, and
the INDIA OFFICE, on the Subject of the HOME NON-EFFECTIVE CHARGES
of HER MAJESTY'S FORCES in INDIA."

Treasury Chambers,
30 April 1883. }

JOHN T. HIBBERT.

— No. 1. —

MVA(Y 756) 2

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The Secretary to the Treasury to the Financial Secretary, War Office.

Sir,

Treasury Chambers, 29 December 1881.

I AM directed by the Lords Commissioners of Her Majesty's Treasury to inform you that they have considered the proposal made to the War Office by the India Office on the 13th November 1878, and forwarded to this Board in Sir R. Loyd Lindsay's letter of November 1879, on the subject of the payment of the capitalised value of military pensions chargeable against the Indian Government.

My Lords had hoped to include this question with that of the effective home charges of regiments serving in India in one final and comprehensive arrangement, but as it appears not to be practicable at present to decide the principle which is to regulate permanently the adjustment of the last-named charge, they are unwilling to delay longer the consideration of the non-effective charge.

My Lords must begin by stating that in their opinion the practice of paying the whole of the sum at which the Indian pensions of each year are capitalised into the Exchequer is unsound. It would be sound to repay the actual charge borne on the Army Estimates of the year for those pensions, but it is not sound to increase the revenue of the year by sums in excess of the amount actually expended on the service which they represent, especially when it is evident that the assistance thus given to the finance of the current year must be at the expense of the finance of future years.

It would consequently, in any circumstances, have been desirable to re-consider present arrangements, but the arrear into which payments due by the Government of India have fallen, makes such reconsideration imperatively necessary. When a pension is capitalised, its present value, ascertained by agreement, is paid down to the person accepting liability for future payment of the pension, but if the capital sum so ascertained is not paid down, the basis of the agreement is invalidated, the person accepting the future liability of the pension does not receive its present value, and if right is to be done the calculation must be reviewed. India has agreed with the Imperial Government to pay down the present value of the Indian share of military pensions which become payable in each year, and thus gets the benefit of the discount which attends the immediate payment of a future liability. India, however, does not fulfil her part of the bargain; the sum ascertained to be the value at the present moment is not paid at the present moment; India falls, in fact, two years or more

PAPERS RELATING TO HOME NON-EFFECTIVE

more into arrear, and as she has hitherto not paid interest upon such arrear, she makes a proportional profit. Thus it may be said that she gains, and the Imperial Government loses probably 80,000*l.* a year.

My Lords can understand that their predecessors were unwilling to press India at a time of great financial difficulty, but now that peace is happily restored, there is no longer reason for delaying a return to sound and more business-like arrangements. My Lords would, however, be quite ready to spread the payment of the arrears over a period to be agreed on, provided that interest be charged upon such arrears at the rate upon which the capitalisation is based, viz., 4 per cent.

My Lords would suggest for the consideration of the Secretary of State whether a new point of departure should not be taken with the financial year 1882-83, and that India should undertake the payment of her share of the pensions as they become due. For that purpose the principle which finds favour for the effective charge of troops serving in India might be adopted, and a round sum might be fixed in each year as representing the probable amount of the Indian share to become due in the year, which might be capitalised and spread over a certain number of years, if India preferred it, say 15, but bearing interest in respect of the postponed time at the rate of 4 per cent. The dates of payment by the Indian Government should be definitely fixed and accurately observed.

The existing arrear up to 31st March 1882 should be treated separately; it should be charged 4 per cent. interest from the time that it became due, and it should be arranged with India that this arrear should be liquidated by instalments so graduated that, when added to the sum to be paid yearly on the new accruing pensions, a fairly constant contribution from India would be secured. Four per cent. interest would of course be charged on the sum in arrear on 31st March next, and from time to time on so much of that arrear as remains outstanding.

If the Secretary of State agrees generally with this proposal, the Treasury and he might make a joint representation to the India Office, and on receiving the adhesion of the Secretary of State in Council of India, they might commit the working out of a detail plan to officers representing the three Departments.

My Lords think that it is essential to a new arrangement that as correct an estimate as circumstances permit should be made of the sum actually borne in Army Estimates, and paid out of Army Votes on account of Indian pensions which have been already capitalised, and they would be obliged to the Secretary of State if he would cause such an Estimate to be prepared, say for five years to 31st March next, and they would be glad if a similar Estimate for the year 1882-83 could be added.

I have, &c.
(signed) *F. Cavendish.*

The Financial Secretary, War Office.

— No. 2. —

ACTUARIES' REPORT, No. 306.

CAPITALISATION OF CHARGES against INDIA for NON-EFFECTIVE SERVICES,
as on the 1st April 1883.

- I.—Indebtedness of India.
- II.—Appropriation in Past Years of the Sums Paid by India.
- III.—Liabilities of Future Years.

I.—INDEBTEDNESS of INDIA on 1st April 1883.

1. Taking the Capitalisation of a year to be due at that year's expiration, the *gross* amount chargeable to India, accumulated at 4 per cent. interest to the 1st April 1883, may be estimated to stand as follows:—

INDIAN LIABILITY Accumulated to 1st April 1883.

Y E A R.	Capitalised Amount of Proportion of Pensions in respect of Service in India.		Amount at 4 per Cent. Interest of the Capital Sum in previous Column, on 1st April 1883.
	£.	s. d.	£.
1870-71	428,724	17 8	686,401
1871-72	281,147	18 -	432,814
1872-73	318,500	10 6	471,468
1873-74	348,320	10 9	405,768
1874-75	428,841	1 2	586,808
1875-76	543,085	2 7	714,064
1876-77	765,977	- -	969,203
1877-78	780,756	10 -	880,077
1878-79	855,948	17 0	1,001,386
1879-80	886,141	11 5	996,789
1880-81	* 984,000	- -	1,010,214
TOTAL	£. 6,521,453	8 5	8,254,637
1881-82 (Estimated)	950,000	- -	968,000
1882-83 (Estimated)	722,000	- -	722,000
	8,193,453	8 5	9,964,637
Capitalisation of Pensions of Ex-Indian Soldiers referred to in Section 8, from 1st October 1876 -	244,224	1 10	315,141
	£. 8,437,677	10 3	10,279,778

* Subject to slight corrections.

PAPERS RELATING TO HOME NON-EFFECTIVE

2. Similarly, the sums paid by India accumulated at 4 per cent. interest to the same date, viz., the 1st April 1883, will have amounted to the total stated below :—

INDIAN PAYMENTS Accumulated to 1st April 1883.

Payments to Imperial Government.		Amount of Sum shown in previous Column Accumulated at 4 per Cent. Interest to the 1st April 1883.
Nearest Quarterly Date.	Amount.	
	£. s. d.	£.
1st October 1870	108,500	177,185
1st January 1871	50,000	80,852
1st April	55,000	88,057
1st July	56,000	88,795
1st October	56,000	87,933
1st April 1872	353,224 17 8	543,772
1st July	75,000	114,349
1st October	75,000	113,238
1st April 1873	171,147 18 -	253,340
1st July	70,000	102,623
1st October	70,000	101,627
1st January 1874	70,000	100,630
1st April	70,000	99,634
1st July	70,000	98,674
1st October	70,000	97,715
1st January 1875	70,000	96,757
1st April	98,500 10 0	134,805
1st July	87,500	118,598
1st October	87,500	117,447
1st January 1876	87,500	116,296
1st April	87,500	115,145
1st July	168,329 19 9	219,381
1st October	100,000	129,062
1st January 1877	200,000	255,594
1st July	248,841 1 2	311,837
1st April 1878	500,000	608,327
1st July	137,500	163,680
1st October	137,500	164,072
1st January 1879	85,000	100,432
1st April	290,000	339,257
1st October	275,000	315,625
1st January 1880	161,724 1 10*	206,429
1st April	280,585 2 7	315,614
1st July	137,500	153,182
1st October	137,500	151,694
1st January 1881	137,500	150,207
1st April	187,500	202,800
1st July	150,000	160,680
1st October	150,000	159,120
1st January 1882	150,000	157,560
1st April	250,000	260,000
1st July	150,000	154,500
1st October	150,000	153,000
1st January 1883	150,000	151,500
TOTAL	6,292,853 11 1	7,832,925

3. The indebtedness of India on the 1st April 1883 may therefore be estimated at the difference between these amounts :—

Due	£.
	10,279,778
Paid	7,832,925
Owing	£. 2,446,853

* Note.—These sums include payments made under Section 8.

CHARGES OF HER MAJESTY'S FORCES IN INDIA.

II.—APPROPRIATION in past Years of SUMS paid by INDIA.

4. From the year 1823 to the year 1860-61, India paid, under the Act 4 Geo. 4, c. 71, an annual sum of 60,000 *l.* in aid of non-effective charges.

5. This payment having become insufficient, a Committee reported in 1860 on the subject; and, under the Act 24 & 25 Vict. c. 89, the payment by India in aid of non-effective charges was changed to an annual capitation rate of 3 *l.* 10 *s.* per man on the average strength maintained in India during the year.

For the years 1861-2 to 1869-70 this capitation produced the following sums :—

			£.				£.
1861-2	-	-	220,000	1866-7	-	-	210,000
1862-3	-	-	233,000	1867-8	-	-	220,500
1863-4	-	-	245,000	1868-9	-	-	217,000
1864-5	-	-	217,750	1869-70	-	-	217,000
1865-6	-	-	222,500				

6. We calculate that the pensions payable, for Indian service, in 1883-4 and thereafter (which pensions were paid for by India, as explained in Sections 4 and 5, in the years from 1823 to 1869-70), require for their payment until extinct that a capital sum of 977,135 *l.* should be in hand, and invested at 4 per cent., on the 1st April 1883.

7. In 1870-71 was adopted the present system under which India pays the exact capitalised value (according to the ratio of service in India) of all pensions granted in the year. The annual capitalisations have been as shown in Section I.

8. As from the 1st April 1874, pensions granted before the 1st April 1870 to men who had served in regiments transferred from the former army of the Hon. East India Company were capitalised. These pensions had previously been paid partly by Britain and partly by India according to a rough estimate of the liability of each country which had been formed by the Commissioners of Chelsea Hospital. This rough estimate assessed the payment by India at a rate inferior to that which would have obtained under the rule stated in Section 7. This reduced payment by India was, however, adopted for the capitalisation, which amounted as on the 1st April 1874 to 244,224 *l.* 1 *s.* 10 *d.* As the claim was not completed till October 1876, interest upon it to that time from the 1st April 1874, should have been paid to make the sum in hand equal to its liabilities. The Treasury, however, (by letter of the 25th March 1879), saw fit to waive the claim for this interest, say 25,167 *l.*

9. The pensions payable in each year, from 1870-71 onwards, covered by the capitalisations referred to in Sections 7 and 8, and by the previous payments in Sections 4 and 5, have been, we calculate, as follows :—

ESTIMATE of PENSIONS payable in each Year, from 1870-1 to 1883-4, for which INDIAN PAYMENTS have been made or will be made by way of CAPITALISATION.

	1870-1.	1871-2.	1872-3.	1873-4.	1874-5.	1875-6.	1876-7.	1877-8.	1878-9.	1879-80.	1880-1.	1881-2.	1882-3.	1883-4.
	£.	£.	£.	£.	£.	£.	£.	£.	£.	£.	£.	£.	£.	£.
Vote 17.—Rewards - - - - -	138	283	551	793	980	1,254	1,228	1,340	1,464	1,591	2,803	2,802	2,993	3,176
„ 18.—Half-pay - - - - -	50,152	51,05	55,751	55,790	60,226	63,719	67,678	88,199	95,770	103,418	124,858	170,859	188,535	205,888
„ 19.—Retired Pay - - - - -														
„ 20.—Widows, &c. - - - - -	787	1,858	3,746	6,108	7,522	8,212	11,081	11,793	13,181	17,862	20,641	22,104	23,530	24,776
„ 21.—Wounds - - - - -	194	263	233	230	162	224	222	219	152	150	342	388	239	235
„ 22.—Out-Pensions - - - - -	181,001	196,257	209,273	226,140	265,630	291,308	332,371	359,264	403,754	438,720	465,857	484,081	497,194	510,505
Total payable on Army Estimates from 1870-1 to 1883-4, for Indian Pensions Capitalised from 1823 to 1883-4	232,342	250,506	269,553	288,061	334,520	363,717	412,580	460,821	514,921	561,741	614,301	*680,184	*712,491	*744,380
Referable to Capitalisation prior to 1870-1 - -	105,580	187,751	180,110	172,642	165,341	158,225	151,284	144,541	137,969	131,551	125,313	119,211	113,268	107,431
Referable to Capitalisation from 1870-1 to 1883-4	23,762	62,815	89,443	115,419	169,179	205,492	261,296	316,280	376,352	430,190	†488,988	560,973	599,223	636,809

* In the 2 years the pensions are referable to an estimate of the Capitalisation payable by India so far as concerns the pensions first granted in the years 1881-2, 1882-3, and 1883-4.

† Note.—In Actuaries' Report No. 220, of the 21st November 1879, we calculated roughly that the pensions payable from British Estimates for the Indian share of Army Pensions capitalised from 1870-1 to 1878-9 would amount to £. 411,530
To this must be added the charge for pensions capitalised in 1879-80 - - - - - 71,533
And in 1880-81 - - - - - 83,160
And also the ex-Indian pensions referred to in Section 8 - - - - - 18,290
Giving a Total - - - - - £. 484,423

Which rough forecast compares with our present calculation of 188,988 £, being within 1 per cent.

10. The sums shown in the last line of the foregoing table represent the money which should have been devoted in each year to the payment of Indian pensions granted from 1870-71 onwards. The difference between such sums and the total sums payable by India constituted, at 4 per cent. interest, the capital out of which the future payments to the same pensions should be made. The British Treasury is consequently liable on the 1st April 1883 for future payments in respect of these pensions, of which the present value is the amount shown in the last column of the subjoined Table.

BRITISH LIABILITY on the 1st April 1883.

Y E A R.	Amount Payable on Army Estimates for Indian Pensions. (See Section 9.)	Amount actually Paid to Treasury by India. (See Section 2.)	Balance.	Balance accumulated at 4 per Cent. to the 1st April 1883.
	£.	£.	£.	£.
1870-71	36,762	158,500	121,738	194,006
1871-72	62,815	167,000	104,185	160,388
1872-73	89,443	503,225	413,782	612,408
1873-74	115,119	381,148	266,029	378,215
1874-75	169,179	280,000	110,821	151,666
1875-76	205,492	361,001	155,509	204,639
1876-77	261,296	555,880	294,584	372,679
1877-78	316,280	248,841	Excess 67,439	Excess 82,049
1878-79	376,352	860,000	483,648	565,796
1879-80	430,190	746,724	316,534	356,058
1880-81	488,988	693,055	204,067	220,751
1881-82	560,973	637,500	76,527	79,588
1882-83	599,223	700,000	100,777	100,777
TOTAL			£.	3,315,912

11. The Fund which is required to be in hand on the 1st April 1883, and to be producing 4 per cent. interest per annum, in order that the future claims of pensioners (whose Indian pensions have either been paid for or are already owed for by India) shall be met as they come on for payment, must be as follows:—

	£.
A.—The accumulated balances from payments shown in Section 10	3,315,912
B.—The debt due by India as in Section 3	2,446,853
C.—The liability for pensions, payments for which were made by India before 1870-71 (Section 6)	977,135
D.—The interest (25,167 l.) foregone, as explained in Section 8, accumulated to the 1st April 1883	32,475
	<u>£. 6,772,375</u>

12. The items A. and B. in Section 11 are so far based on an *estimate* that the Indian capitalisations have not been yet calculated for the years 1881-82 and 1882-83. The annual expenditure on Indian pensions for those years, and also for 1883-84, therefore consists—

	1881-82.	1882-83.	1883-84.
	£.	£.	£.
First—of the calculated amount consequent upon the capitalisations of previous years, viz.	484,819	468,340	452,277
<i>Note.</i> —The Honorary Colonelcies actually held on the 1st April 1881 are included in this amount.			
Second—of the <i>estimated</i> additions for the years 1881-82, 1882-83, 1883-84, viz.	76,354	130,883	184,622
TOTAL	560,973	609,223	636,909
Add, calculated amount attributable to Indian payments prior to 1870-71	119,211	113,268	107,481
Probable Total Charge on British Estimates for Indian Pensions	680,184	712,491	744,380

When the capitalisations are completed, some alterations may be expected in the second line of this table. It is hoped that in future years the capitalisations (which from 1881-82, inclusive, are to be made quarterly) will, when the arrear shall have been once overcome, be completed within three months after the periods to which they refer.

III.—LIABILITIES OF FUTURE YEARS.

13. The capitalisations up to 1880-81, inclusive, provide for payment of Indian pensions in future years to the following amount:—

YEAR IN WHICH PAYABLE.	a. Indian Payments up to 1860-61, Section 4.	b. Capitation from 1861-62 to 1869-70, Section 5.	c. Special Capitalisation of Ex-Indian Pensions, Section 8.	d. Capitalisation, 1870-71 to 1880-81.	e. TOTAL.
	£.	£.	£.	£.	£.
1881-82	26,999	92,212	17,460	467,159	603,830
1882-83	24,787	88,481	16,710	451,680	581,658
1883-84	22,679	84,802	16,000	436,277	559,758
1884-85	20,675	81,165	15,280	421,319	538,439
1885-86	18,778	77,558	14,590	406,884	516,810
1886-87	16,990	73,961	13,930	390,606	495,487
1887-88	15,306	70,396	13,210	375,409	474,321
1888-89	13,726	66,844	12,530	360,614	453,714
1889-90	12,253	63,282	11,890	345,966	433,391
1890-91	10,880	59,771	11,250	332,202	414,103
1891-92	9,607	56,290	10,590	317,743	394,230
1892-93	8,429	52,841	9,954	304,095	375,319
1893-94	7,346	49,426	9,311	290,325	356,408
1894-95	6,356	46,065	8,690	277,748	338,859
1895-96	5,449	42,796	8,054	264,987	321,236
1896-97	4,623	39,614	7,482	252,381	304,100
1897-98	3,879	36,518	6,902	240,031	287,330
1898-99	3,214	33,526	6,368	227,062	271,070
1899-1900	2,627	30,609	5,834	215,036	254,790
1900-1	2,106	27,821	5,309	203,550	238,795
1901-2	1,680	25,051	4,853	191,753	223,317
1902-3	1,365	22,184	4,416	180,057	208,022
1903-4	1,095	19,513	3,972	168,463	193,048
1904-5	866	16,999	3,540	157,140	178,545
1905-6	678	14,636	3,112	146,108	164,534
1906-7	516	12,473	2,773	135,547	151,309
1907-8	388	10,478	2,213	124,940	138,019
1908-9	288	8,675	1,581	114,885	125,379
1909-10	212	7,025	1,315	105,137	113,689
1910-11	152	5,671	1,119	95,791	102,733
1911-12	106	4,671	923	87,067	92,767
1912-13	71	3,890	809	77,615	82,385
1913-14	45	3,047	692	69,020	72,744
1914-15	27	2,413	499	61,166	64,105
1915-16	15	1,858	373	52,999	55,245
1916-17	7	1,411	301	45,235	46,954
1917-18	3	1,043	228	38,962	40,236
1918-19	-	701	176	33,846	34,383
1919-20	-	537	135	27,277	27,949
1920-21	-	367	93	21,243	21,703
1921-22	-	238	62	17,587	17,687
1922-23	-	142	42	14,076	14,260
1923-24	-	76	21	11,265	11,362
1924-25	-	32	10	9,222	9,264
1925-26	-	4	-	7,130	7,134
1926-27	-	1	-	5,527	5,528
1927-28	-	-	-	4,142	4,142
1928-29	-	-	-	3,142	3,142
1929-30	-	-	-	2,290	2,290
1930-31	-	-	-	1,654	1,654
1931-32	-	-	-	1,161	1,161
1932-33	-	-	-	772	772
1933-34	-	-	-	473	473

CHARGES OF HER MAJESTY'S FORCES IN INDIA.

9

YEAR IN WHICH PAYABLE.	a.	b.	c.	d.	e.
	Indian Payments up to 1880-81. Section 4.	Capitalisation from 1861-62 to 1860-70. Section 5.	Special Capitalisation of Ex-Indian Pensions. Section 8.	Capitalisation, 1870-71 to 1880-81.	TOTAL.
	£.	£.	£.	£.	£.
1934-35 - - -	-	-	-	297	297
1935-36 - - -	-	-	-	150	150
1936-37 - - -	-	-	-	70	76
1937-38 - - -	-	-	-	16	16
1938-39 - - -	-	-	-	9	9
1939-40 - - -	-	-	-	5	5
1940-41 - - -	-	-	-	2	2
1941-42 - - -	-	-	-	1	1

14. The totals given in Section 13 represent the expenditure which can fairly be calculated as coming on hereafter, in respect to the capitalisations which have been actually made; that is, up to the year 1880-81. As each later year's capitalisation is completed, these totals for future years would have one item added to each; a corresponding item being eliminated from the *estimated* portion of the calculation shown in Section 16.

15. In Section 9 we show the estimated expenditure on the votes, which, according to our calculations, may be regarded as having taken place in 1881-82 and 1882-83, and as being probable in 1883-84, as a result of the capitalisation for those and previous years. Considering the large element in capitalisation afforded by voluntary retirement and the consequent uncertainty as to the amount in future years, we should have preferred to have stopped at this point, which includes three hypothetical years. Sir Reginald Welby has, however, expressed a wish to have a forecast for the next 10 years, and we have accordingly made, vote by vote, the best estimate we can. For the reasons stated above, it is improbable that it will be verified so far as individual years are concerned.

16. Taking as a foundation the totals arrived at from past capitalisations, as shown in Section 13, and adding to them our estimate of the expenditure consequent on Indian payments for years for which the capitalisation has not yet been completed, we find that the total charge on British Estimates for non-effective charges incurred on account of Indian service may be expected, during the next 10 years, to be as follows:—

Y E A R.	Total from past Capitalisations. Section 13.	Estimate for Capitalisations not yet Completed.	Total probable Charge on Estimates.
	£.	£.	£.
1884-85 - - -	538,439	252,027	790,466
1885-86 - - -	516,810	313,986	830,796
1886-87 - - -	495,487	371,668	867,155
1887-88 - - -	474,821	432,565	907,386
1888-89 - - -	453,714	491,392	945,106
1889-90 - - -	433,391	546,320	979,711
1890-91 - - -	414,103	596,470	1,010,573
1891-92 - - -	394,230	643,463	1,037,693
1892-93 - - -	375,319	687,087	1,062,406
1893-94 - - -	356,408	725,734	1,082,142

17. The capitalisations payable by India, which, with those of previous years, would have provided the estimate charges shown in Section 16, would be:—

Y E A R.	Capitalisation.	Y E A R.	Capitalisation.
	£.		£.
1884-85 - - -	738,279	1889-90 - - -	841,668
1885-86 - - -	793,261	1890-91 - - -	816,925
1886-87 - - -	801,575	1891-92 - - -	798,902
1887-88 - - -	858,634	1892-93 - - -	781,719
1888-89 - - -	860,798	1893-94 - - -	736,471

PAPERS RELATING TO HOME NON-EFFECTIVE

18. Assuming that India pays, irrespective of arrears, in each year the capitalisation due, the estimate charges, shown in Section 16, would require for their payment out of the accumulation, shown in Section 11, sums which on the 1st April 1883 are represented by a present value of 1,086,144*l.*

Y E A R.	Estimated Charge on Estimates.	Estimated Indian Capitalisation.	Estimated Deficiency of Capitalisation.	Present Value on 1 April 1883 of Estimated Deficiency (4 per Cent.).
	£.	£.	£.	£.
1883-4 - - - -	744,380	730,000	14,380	13,827
1884-5 - - - -	790,466	738,279	52,187	48,250
1885-6 - - - -	830,796	793,261	37,535	33,369
1886-7 - - - -	867,155	801,575	65,580	56,058
1887-8 - - - -	906,886	858,634	48,252	39,060
1888-9 - - - -	945,106	860,796	84,310	66,647
1889-90 - - - -	979,711	841,668	138,043	104,901
1890-1 - - - -	1,010,573	816,925	193,648	141,497
1891-2 - - - -	1,037,693	798,902	238,791	167,771
1892-3 - - - -	1,062,406	781,719	280,687	189,622
1893-4 - - - -	1,082,142	736,471	345,671	224,542
			£.	1,086,144

£.

19. The balance due on the 1st April 1883, as shown by Section 11, is - - - - - 6,772,375
 This, as shown in Section 18, will have to be drawn upon during the next 10 years to an amount of which the present value is - - - - - 1,086,144

Leaving on the 1st April 1883 a capital } £. 5,686,231
 to accumulate at interest of - - - - - }

No further demand need be expected on this before the year 1894-5, by which time it will have accumulated, at 4 per cent. interest, to 8,753,682 *l.*, which at 4 per cent., will produce in perpetuity a revenue of 350,147 *l.*

20. It is probable that by the year 1894-5 the annual vote will have reached, or nearly reached, its maximum, after which it will gradually fall, and the Indian capitalisation will be diminishing towards its normal amount. The difference between the vote and the capitalisation, will, we estimate, average about 350,000 *l.* a year, so that the interest on capital will cover, in perpetuity, the deficiency in Indian payments.

21. In order to make the statements in this calculation as useful as possible we would suggest that as each year's Indian capitalisation is determined, the figures should be recast by removing one estimated year, and inserting one actual year.

31 January 1883.

Denham Robinson.
Robert Davey.

— No. 3. —

The Secretary to the Treasury to the Financial Secretary, War Office.

Treasury Chambers,
24 August 1883.

Sir,

1. I AM directed by the Lords Commissioners of Her Majesty's Treasury to acquaint you, for the information of the Secretary of State for War, that they have carefully considered the clear and exhaustive report of the actuaries of the 31st January last, enclosed in Mr. Knox's letter of 17th March, on the subject of the arrears due by the Government of India to the Imperial Government in respect of the home non-effective charges of troops serving in India. It is difficult to over-estimate the value of such a report, and my Lords can only state their belief that if the Treasury and War Office had had before them in 1870 a similar calculation of the liabilities already incurred or about to be incurred, a different and more satisfactory arrangement would have been concluded.

2. The case is this: India pays her own military charges. Her military force consists in great part of regiments belonging to the British Army, about one-third of that army being stationed in India. But the pension, or non-effective charge of the whole of the British Army, whether in India or elsewhere, is paid out of Army Votes, *i.e.*, out of the Imperial Exchequer, and India has therefore to repay to the Imperial Exchequer her share of such non-effective charge, for if she does not do so, the British taxpayer must make up the deficiency, contributing to that extent to the military charges of India.

3. From the year 1823 up to the present time, three different arrangements have been in force.

(1.)—1823 to 1860-61.

From 1823 to 1860-61, India paid to the Imperial Exchequer, under Act of Parliament, a fixed annual sum of 60,000 *l.* in reimbursement of her share of non-effective allowances defrayed out of Army Votes, being an amount much less than her proper charge. During this period, therefore, the British taxpayer was defraying part of the military charge of India. A Committee which sat in 1859-60 reported that if the arrangement were then changed, the Indian share of pensions granted previous to such alteration would amount to 128,000 *l.* a year, and the actuaries of the War Office estimate the cost of these pensions payable in the year 1883-84 at 22,000 *l.*

(2.)—1861-62 to 1869-70.

4. In 1861-62 a new arrangement was adopted, and India paid under it to the Imperial Exchequer, an annual sum of 3 *l.* 10 *s.* per man on the average strength of the British regiments in India during the year. The Committee of 1859-60 reckoned the annual non-effective charge of an army of 30,000 in India at 200,000 *l.* per annum, and the War Office actuaries in the Report now under consideration reckon the charge of Indian pensions paid out of Army Votes in 1870-71 at 232,000 *l.* It may be assumed therefore that the average annual charge during the nine years was about 220,000 *l.*, and as the average annual sum received from India during those years was in round figures 220,000 *l.*, the contribution from India paid into the Exchequer during those nine years may be roughly said to have equalled the charge of Indian pensions, including those granted prior to 1861-62, paid out of the Exchequer. Objection, however, was taken to the somewhat rude manner in which this result was obtained, and the India Office and the War Office proposed, and the Treasury agreed to a new arrangement, *viz.*, that now in force.

(3.)—1870-71 to 1882-83.

5. Under this arrangement the Departments ascertain every year the exact amount of the Indian non-effective charge which first becomes payable in that year, that is to say, the ratio of Indian to other service of every soldier placed on the pension list within the year, and the actuaries capitalise the amount so

ascertained on the basis of interest at 4 per cent. India pays the capitalised amount over to the British Government, and is quit of the charge for ever. This method is much more exact than that previously in force, and if the transaction had been completed on the same exact principle, very little difficulty would have been experienced. For that purpose the Imperial Government ought to have invested the sum received each year from India at 4 per cent., and ought, out of the fund thus created, to have paid over to the Exchequer in each year the actual charge on Army Votes for that year of Indian pensions granted in and after 1870-71. If this had been done, if India had paid up the capitalised value of each pension as soon as the pension itself became payable, and if the Imperial Government could have invested the sum received at 4 per cent., the result would have been equilibrium, and India would have paid her own non-effective charge, so far as pensions granted in and after 1870-71 are concerned, without trespassing on the Imperial Exchequer.

6. These precedent conditions, however, were not realized. The policy of the Treasury and of Parliament was opposed to the creation of special funds invested in public securities and producing interest to be appropriated in aid of public expenditure, and the general rule of the imperial administration requires that all monies of the nature of income or revenue should be paid into the Exchequer to the credit of the year in which they are received. In pursuance of this rule the yearly payments made by India on account of non-effective allowances were paid into the Exchequer as received. There can be little doubt now that this method of proceeding was mistaken; that the amount of Indian pensions paid out of Army Votes should have been calculated year by year; that the sums received from India should have been invested, and it should have been ascertained year by year whether the Exchequer was gaining or losing under the somewhat complex system of repayment adopted.

7. But further, if the Exchequer ought to escape loss, the sum for which each pension was capitalised should have been paid over by India at the date when the pension itself became payable out of Army Votes. This was not the case. The War Office and India Office did not complete their calculations until two or more years had elapsed from the time when the pensions became payable; in the meantime India paid only a sum on account, which as experience has proved, fell far short of the sum proved to be due, and the Exchequer lost interest on the balance. Lastly, the British Government could not invest at 4 per cent.

8. So far it is evident that the conditions of the actuarial problem have not been observed, and that the result must be, as it has been, a loss to the Exchequer.

9. But this is not all. It has been shown that the contributions paid by India on account of her non-effective charge between 1823 and 1860 were altogether inadequate to the charge itself, and that the British Exchequer lost heavily during that period; it has also been shown that between 1861 and 1870 the sum received from India, and paid into the Exchequer, as nearly as possible equalled the sum paid out of the Exchequer. The War Office actuaries calculate that there was in 1870-71 a charge on the War Office Estimates of 196,000 *l.* on account of pensions granted prior to 1870-71, and that this charge will not finally expire until 1926. The new arrangement of 1870-71 only dealt with the men who retired in that and subsequent years. It made no provision for a contribution from India in repayment of Indian Pensions existing at the commencement of that year, but the Exchequer had paid more than it had received up to 1860, and had only received as much as it paid between 1860 and 1869. The Imperial Government had therefore after 1869-70 no assets in hand to meet the charge of Indian pensions granted up to that year, and as India was to make no further contribution on account of these pensions it is clear that every payment out of Army Votes after 1869-70, on account of Indian pensions payable at the beginning of 1870-71, was a direct gift to India. My Lords have calculated the value of these future payments at the beginning of 1870-71, and find that at 4 per cent. it amounted to about 2,300,000 *l.*, and at 3 per cent. to about 2,560,000 *l.* The Government of India has constantly complained that the Imperial Government exacts too much for Army charges from the Indian Exchequer. My Lords fear that these complaints have been somewhat one-sided,

sided, for they do not recollect that the Indian Authorities thought this free gift from the Imperial Exchequer of near 2,500,000 *l.* deserving even of mention as a set-off upon the other side.

10. The attention of my Lords was directed, some time since, to the unsatisfactory working of the present arrangement, and it became evident, on examination, that under it the Exchequer was suffering loss. The difficulty was to provide the remedy, and it should be added that the extent of the loss was not measured, until the receipt of the Actuaries' Report now under consideration.

The gist of the Report is to be found in paragraph 11, which shows that if the Indian share of the non-effective service paid from Army Votes is not to create a charge on the taxpayer of the United Kingdom, the Treasury ought to have held at the close of the last financial year on account of the Indian contribution for non-effective service a sum of 6,772,375 *l.* invested at 4 per cent. interest. At that time they had only 100,000 *l.* on that account in the hands of the Paymaster General; and as a large part of the sums on deposit with the Paymaster General are invested in Exchequer Bills, it may be said that that sum was invested at interest varying from $2\frac{1}{2}$ to 3 per cent.

11. At the same time, however, the Government of India owed to the Imperial Government 2,144,824 *l.*, being their contribution overdue but not paid up.

12. If interest were charged upon this arrear the debt would amount to 2,446,853 *l.*, but the Secretary of State in Council of India has expressed his views, in a letter dated 2nd March last,* a copy of which is enclosed, from which Lord Hartington will learn that Lord Kimberley will only allow interest on the amounts in arrear for 1876-77, 1877-78, 1878-79, and 1879-80, and upon these accounts only from the date of the Actuaries' Report. He refuses interest altogether on the arrears of 1880-81, 1881-82, and 1882-83, upon which the actuaries have not yet reported.

13. My Lords calculate the amount of interest thus admitted at about 110,000 *l.*

14. The result therefore is as follows: My Lords had in hand on the 31st March a sum, including interest, of about 102,500 *l.*, and the Government of India acknowledged a debt due to the Imperial Government of about 2,254,000 *l.*, making a total asset of 2,356,000 *l.*

15. On the other hand, the actuaries assess the liability of the Imperial Government at 6,772,375 *l.*

The balance of 4,416,000 *l.* (or 4,223,000 *l.* on the actuaries' computation), must at some time or other be made good out of the Consolidated Fund, *i. e.*, it must be provided out of the taxes of the United Kingdom.

16. In order to prevent misunderstanding, my Lords note that the actuaries, for convenience sake, carry the receipt actually due from India on the 31st March to the account of the next year. A sum of 250,000 *l.* received on 31st March last has in consequence been excluded from the account up to 31st March last. It is necessary to bear this in mind in handling the figures of the period to which the report refers. It may be noted further, that although the report extends to the 31st March last the figures for the year 1880-81, 1881-82, and 1882-83 are not yet ascertained, and are therefore subject to correction.

17. Subject to these savings, my Lords proceed to examine the figures which the actuaries place before them.

In the first place, they remark that even if the sum of 6,772,375 *l.* was at this moment at their disposal, the taxpayer of the United Kingdom could not escape a charge for Indian pensions. The arrangement between the United Kingdom and India assumes that the capitalised sum paid yearly by India will be invested, and will accumulate at 4 per cent. It is well known that the English Government can only invest now at 3 per cent., and it would therefore require the investment of a larger sum than 6,772,000 *l.* to secure the desired result. The difference must be added to the charge imposed upon the British taxpayer.

18. Further, the actuaries assume that India pays the capitalised value of the pensions as soon as the pensions themselves become payable, or at most within

* See House of Commons' Paper, No. 312 of 1884, 2nd Enclosure in No. 8.

within a few months of that date, but unluckily her action is not so prompt; first, because the capitalised amount cannot be ascertained until some time after date; and next, because when the amount has been ascertained, she only pays in accordance with her financial convenience. Thus, as very large amounts were proved to be due during the time of the late Indian famine and of the Afghan War, the Treasury did not urge immediate payment, out of consideration for the financial pressure to which India was subjected. It is doubtful whether the Indian Government understood or appreciated this forbearance.

19. Nor must it be forgotten that the loss from assuming too high a rate of interest is not confined to the sum of 6,772,000*l.*, but applies equally to each capital sum to be yearly assessed hereafter. My Lords think it very important that Parliament and the public should clearly know the amount of the subsidy so to be paid out of the Exchequer for the benefit of India, and they would be glad to receive an estimate from the actuaries of the loss arising on the assumed payments up to 1893-4, supposing India to make these payments six months or twelve months in arrear, and the sums received to earn 3 instead of 4 per cent.

20. The first item in paragraph 11 is "accumulated balance against the Exchequer, arising from payments having been made into the Exchequer during past years in excess of the actual charge of Indian pensions borne on Army Votes."

21. This item amounts to the large sum of 3,315,912*l.* The responsibility for such over-payment rests with the Treasury, which, as has been above explained, followed a general rule of policy without recognising that a contribution of this nature should be treated exceptionally. My Lords have already recorded their impression that the misapprehension which caused the error is chiefly due to the fact that the important change of 1870 was made without the assistance of such an actuarial report as that under consideration. It was thus extremely difficult for the Departments concerned to understand or appreciate the financial results of the change which they were about to adopt.

22. The next item in paragraph 11 is the debt still due by India, reckoned by the actuaries at 2,446,853*l.*, but admitted by Lord Kimberley at about 2,250,000*l.*; so that on this item there may arise a deficit of 200,000*l.*, to be made good eventually out of the Consolidated Fund.

23. The third and fourth items are a liability for pensions granted before 1870	£. 977,135
Interest foregone by the Treasury on the capitalisation of certain ex-Indian soldiers' pensions	32,475
	£. 1,009,610

The first of these sums is the remnant of the free gift to India, the value of which has been stated above as amounting in 1870 to 2,300,000*l.* or 2,500,000*l.*

24. My Lords have now to consider the steps which should be taken to make good the loss already incurred by the Exchequer, and to prevent, if possible, a recurrence of it for the future. The debt eventually payable out of the Consolidated Fund is from 4,200,000*l.* to 4,400,000*l.*, assuming interest to be earned at the rate of 4 per cent., but, as that rate cannot be earned, the debt is in reality larger. The debt moreover must constantly increase because the capitalised sum assessed each year on India is reckoned at 4 per cent., and will not when invested suffice to cover the pension charge for which it is commuted, while further loss to the Exchequer results from the long delay in assessing year by year the capitalisation due by India.

25. My Lords assume that the Secretary of State will agree with them that India ought to pay its proper share of the pensions payable in respect of the services rendered by Her Majesty's forces in India, and that no charge ought to be imposed upon the Exchequer in respect of such pensions.

26. This

26. This, however, is impossible. The Imperial Government must pay without claim to reimbursement the annual charge of Indian pensions granted before 1870-71. My Lords have shown that the abandonment of any claim on that account was equivalent to a gift in 1870 of nearly 2,500,000 £. to India. The charges of these old pensions is estimated for the current year at 107,000 £, and it will not expire altogether until 1926. But further loss to the Exchequer arises under the present arrangements from delay on the part of India in paying her contribution, and also from fixing the basis of the commutation on a rate of interest which my Lords cannot earn. They do not anticipate that the Indian Government will be ready to accept a change in the rate of interest, and it is clear that delay must inevitably occur in ascertaining the amount of pensions to be capitalised, and in agreeing upon the capitalisation value. My Lords would therefore suggest for the consideration of the Secretary of State the following measures :

1. That the capitalisation arrangement should cease from 1st April next; that in the year 1884-85 and succeeding years India should repay to Army Funds her share of Army pensions granted on and after 1st April next, and paid out of Army Votes.

2. That the amount of Indian pensions become payable up to 31st March last, but not yet ascertained, be ascertained, and the capital value of them assessed as soon as practicable; and further, that arrangements be made for ascertaining and capitalising as soon as practicable, the Indian pensions coming first into charge in the current financial year. My Lords will sanction any reasonable charge for assistance to the actuaries, if that should be found necessary.

3. That the Indian Government be permitted to convert its debt up to 31st March next into an annuity for a given number of years, say eight or ten, the annuity being so calculated that the sums unpaid by India shall bear the same rate of interest as that in use for the capitalization, viz., 4 per cent.; but that interest on the outstanding debt from the time that it became due be made a condition of such conversion.

4. That the actuaries of the War Office be requested to calculate the liability of the Consolidated Fund for Indian pensions granted; 1, up to 31st March last; 2, up to 31st March next, interest being assumed at 3 per cent. These calculations can, of course, only be made when the assessment of the sums due by India up to these dates have been completed.

5. That the contribution to be received from India up to 31st March next in excess of the Indian Pension Charge computed by the actuaries to be payable out of Army Votes in the current year, viz., 636,899 £, and the sums now on deposit with the Paymaster General on account of Indian Non-effective Service, be deducted from the liability of the Consolidated Fund as ascertained under suggestion 4.

6. That the balance of the Consolidated Fund liability then remaining uncovered be liquidated by an annuity payable for such period as may be agreed upon.

This measure will have the following effect on the finance of the ensuing and future years :—Whereas during several years after 1870-71 larger sums were paid into the Exchequer out of the Indian contribution than the actual charge of Indian pensions paid out of the Exchequer during those years; and whereas, during the two or three last years an endeavour has been made to restrict the sums paid into the Exchequer to the actual charge of Indian pensions paid out of the Exchequer; in 1884-85 and subsequent years the sums paid out of the Exchequer on account of Indian Pensions charged to Army Votes, will exceed, during the currency of the annuity, the sums paid into the Exchequer on account of the Indian contribution by the amount of the annuity. The change will, of course, be unfavourable to Army finance by that amount; but my Lords would point out that sooner or later such an unfavourable change cannot be avoided; that one day or other the Consolidated Fund must bear the charge which it has incurred, and that postponement will only make the burthen heavier. The scheme which my Lords propose puts an end to future loss, and meets the loss already

already incurred by a moderate yearly provision. It will lie with my Lords to devise the machinery by which effect will be given to their suggestion; the description of it would be somewhat complex; they have, therefore, confined themselves to stating the general result. They would be glad if the Secretary of State would give their proposals his early consideration, as the arrangements, of whatever nature they may be, putting an end to the present growing liability of the Consolidated Fund, must be completed with the least practicable delay.

The Financial Secretary,
War Office.

I am, &c.
Leonard Courtney.

— No. 4. —

The Financial Secretary, War Office, to the Secretary to the Treasury.

Financial Secretary's Department,
War Office, 31 January 1884.

Sir,

I AM directed by the Secretary of State for War to acknowledge the receipt of your letter of 24th August last, having reference to the subject of the arrears due by the Government of India to the Imperial Government, in respect of the non-effective charges of troops serving in India, and to the proposed change in the system now in force of the capitalisation of non-effective charges due by India.

In reply, I am to state that Lord Hartington is prepared to assent to the cessation of the capitalisation arrangement from 1st April next, and also, subject to the following conditions, to the proposals as regards the future settlement of these charges, as set forth in their Lordships' suggestions in page 5 of the letter now under reply.

1. His Lordship has no objection to offer to the proposal to raise by means of an annuity the sum necessary to produce the accumulated balance against the Exchequer (3,315,912 *l.*), arising from payments having been made into the Exchequer during past years, in excess of the actual charge of Indian pensions borne on Army Votes. But, inasmuch as Army Votes have not had any benefit or credit of those sums, he is most strongly of opinion that the duty of raising the required annuity should not be imposed on this Department, and further, that it should not be in any way mixed up with Army Votes.

2. As to the process to be adopted hereafter, when capitalisation has ceased, I am to observe that if the pension of every non-effective officer and man is to be divided into two sums in every account, the one to be charged to Army and the other to be claimed from Indian Funds, such a course would create a maximum of administrative disturbance, involving a considerable addition to the clerical staff, both at this office and at out-stations, and in all probability at the Indian Office as well.

On the other hand, it is possible when the pension is determined to forecast actuarially in each case the sum which will be payable in each future year, and so, by a cumulative process, to recover from India, at the beginning of every financial year (or, if necessary, quarter), a sum which shall suffice to pay the Indian share of the non-effective pay granted after 1883-84, payable in such year or quarter. This mode of settlement will be equitable to both departments, if a fair life table is employed, and there will be no complication in the matter of the rate of interest involved. More work must of necessity be thrown on the Actuarial Branch of this Office, but the administrative arrangements under this scheme of settlement would remain the same as at present, and this is, in Lord Hartington's opinion, essentially necessary.

I have, &c.
(signed) *R. H. Knox*

The Secretary, Treasury.

— No. 5. —

*ACTUARIES' REPORT, No. 321.

ACTUARIAL REPORT ON THE CAPITALIZATION OF CHARGES AGAINST INDIA FOR
NON-EFFECTIVE SERVICES, AS ON THE 1ST APRIL 1884.

(Called for by Treasury Letter of the 24th August 1883.)

- I.—Indebtedness of India.
- II.—Appropriation in past Years of the Sums paid by India.
- III.—Liabilities of Future Years.

I.—INDEBTEDNESS OF INDIA ON 1ST APRIL 1884.

1. Taking the Capitalization of a year to be due at that year's expiration, the gross amount chargeable to India, accumulated at 4 per cent. interest to the 1st April 1884, may be estimated to stand as follows:—

INDIAN LIABILITY accumulated to 1st April 1884.

Y E A R.	Capitalized Amount of Proportion of Pensions in respect of Service in India.			Amount at 4 per Cent. Interest of the Capital Sum in previous Column, on 1st April 1884.
	£.	s.	d.	£.
1870-71	428,724	17	3	713,857
1871-72	281,147	18	-	450,126
1872-73	318,500	10	6	490,310
1873-74	348,329	19	9	515,614
1874-75	428,841	1	2	610,374
1875-76	543,085	2	7	743,250
1876-77	765,977	-	-	1,007,071
1877-78	780,756	10	-	924,640
1878-79	855,948	17	9	1,041,389
1879-80	886,141	11	5	1,036,660
1880-81	917,681	10	-	1,032,266
TOTAL	6,505,134	18	5	8,566,463
1881-82 (estimated)	950,000	-	-	1,027,520
1882-83 (estimated)	722,000	-	-	750,880
1883-84 (estimated)	750,000	-	-	750,000
	8,927,134	18	5	11,094,863
Capitalization of Pensions of Ex-Indian Soldiers referred to in section 8, from 1 October 1876	244,224	1	10	327,746
	£ 9,171,359	-	3	11,422,609

* This Report is substantially the same as that printed on page 3 : the calculations are carried to a later date, and the figures altered in consequence. The two Reports are printed *in extenso*, in order to make the sequence of the papers intelligible, and to facilitate reference.

18 . PAPERS RELATING TO HOME NON-EFFECTIVE

2. Similarly, the sums paid by India, accumulated at 4 per cent. interest to the same date, viz., the 1st April 1884, will have amounted to the total state below :—

INDIAN PAYMENTS accumulated to 1st April 1884.

Payments to Imperial Government.		Amount of Sum shown in previous Column, accumulated at 4 per Cent. interest, to the 1st April 1884.	
Nearest Quarterly Date.	Amount.		
	£. s. d.	£.	
1st October 1870 - - -	108,500 - -	184,273	
1st January 1871 - - -	50,000 - -	81,086	
1st April " - - -	55,000 - -	91,579	
1st July " - - -	56,000 - -	93,347	
1st October " - - -	56,000 - -	91,450	
1st April 1873 " - -	859,224 17 3	565,522	
1st July " - - -	75,000 - -	118,923	
1st October " - - -	75,000 - -	117,787	
1st April 1873 " - -	171,147 18 -	263,473	
1st July " - - -	70,000 - -	106,727	
1st October " - - -	70,000 - -	105,692	
1st January 1874 - - -	70,000 - -	104,655	
1st April " - - -	70,000 - -	103,619	
1st July " - - -	70,000 - -	102,621	
1st October " - - -	70,000 - -	101,623	
1st January 1875 - - -	70,000 - -	100,627	
1st April " - - -	98,500 10 6	140,197	
1st July " - - -	87,500 - -	123,339	
1st October " - - -	87,500 - -	122,145	
1st January 1876 - - -	87,500 - -	120,948	
1st April " - - -	87,500 - -	119,750	
1st July " - - -	168,329 19 9	228,156	
1st October " - - -	100,000 - -	134,224	
1st January 1877 - - -	200,000 - - *	265,817	
1st July " - - -	248,841 1 2	324,310	
1st April 1878 - - -	500,000 - - *	632,660	
1st July " - - -	137,500 - -	172,307	
1st October " - - -	137,500 - -	170,733	
1st January 1879 - - -	85,000 - -	104,449	
1st April " - - -	290,000 - -	352,827	
1st October " - - -	275,000 - -	328,146	
1st January 1880 - - -	181,724 1 10 *	214,686	
1st April " - - -	280,583 2 7	328,286	
1st July " - - -	137,500 - -	159,309	
1st October " - - -	137,500 - -	157,761	
1st January 1881 - - -	137,500 - -	156,215	
1st April " - - -	137,500 - -	210,912	
1st July " - - -	150,000 - -	167,107	
1st October " - - -	150,000 - -	165,484	
1st January 1882 - - -	150,000 - -	163,862	
1st April " - - -	350,000 - -	270,400	
1st July " - - -	150,000 - -	160,620	
1st October " - - -	150,000 - -	159,120	
1st January 1883 - - -	150,000 - -	157,560	
1st April " - - -	450,000 - -	468,000	
1st July " - - -	200,000 - -	206,000	
1st October " - - -	200,000 - -	204,020	
1st January 1884 (assumed) -	200,000 - -	202,000	
TOTAL - - - £.	7,342,852 11 1	9,226,407	

* Note.—These sums include payments made under Section 8.

3. The indebtedness of India on the 1st April 1884, may therefore be estimated at the difference between these amounts :—

	£.
Due - - - - -	11,422,609
Paid - - - - -	9,226,407
Owing - - - - -	<u>£. 2,196,202</u>

II.—APPROPRIATION in past Years of Sums paid by India.

4. From the year 1823 to the year 1860-61, India paid, under the Act 4 Geo. IV. c. 71, an annual sum of 60,000 *l.* in aid of non-effective charges.

5. This payment having become insufficient, a Committee reported in 1860 on the subject; and, under the Act 24 & 25 Vict. c. 89, the payment by India in aid of non-effective charges was changed to an annual Capitation rate of 3*l.* 10 *s.* per man on the average strength maintained in India during the year.

For the years 1861-62 to 1869-70 this Capitation produced the following sums :—

	£.
1861-62 - - - - -	220,000
1862-63 - - - - -	233,000
1863-64 - - - - -	245,000
1864-65 - - - - -	217,750
1865-66 - - - - -	222,500
1866-67 - - - - -	210,000
1867-68 - - - - -	220,500
1868-69 - - - - -	217,000
1869-70 - - - - -	217,000

6. We calculate that the pensions payable for Indian service in 1884-85 and thereafter (which pensions were paid for by India, as explained in sections 4 and 5, in the years from 1823 to 1869-70), require for their payment until extinct that a capital sum of 904,440 *l.* should be in hand, and invested at 4 per cent., on the 1st April 1884.

7. In 1870-71 was adopted the present system under which India pays the exact capitalized value (according to the ratio of service in India) of all pensions granted in the year. The annual capitalizations have been as shown in section 1.

8. As, from the 1st April 1874, pensions granted before the 1st April 1870 to men who had served in regiments transferred from the former army of the Honourable East India Company were capitalized. These pensions had previously been paid partly by Britain and partly by India, according to a rough estimate of the liability of each country which had been formed by the Commissioners of Chelsea Hospital. This rough estimate assessed the payment by India at a rate inferior to that which would have obtained under the rule stated in section 7. This reduced payment by India was, however, adopted for the capitalization, which amounted, as on the 1st April 1874, to 244,224 *l.* 1 *s.* 10 *d.* As the claim was not completed till October 1876, interest upon it to that time from the 1st April 1874, should have been paid to make the sum in hand equal to its liabilities. The Treasury, however (by letter of the 25th March 1879), saw fit to waive the claim for this interest, say 25,167 *l.*

9. The pensions payable in each year, from 1870-71 onwards, covered by the capitalizations referred to in sections 7 and 8, and by the previous payments in sections 4 and 5, have been, we calculate, as follows :—

ESTIMATE of PENSIONS Payable in each Year, from 1870-71 to 1883-84, for which Indian Payments have been made, or will be made, by way of Capitalization.

	1870-71.	1871-72.	1872-73.	1873-74.	1874-75.	1875-76.	1876-77.	1877-78.	1878-79.	1879-80.	1880-81.	1881-82.	1882-83.	1883-84.
	£.	£.	£.	£.	£.	£.	£.	£.	£.	£.	£.	£.	£.	£.
Vote 17.—Rewards - - - - -	138	283	551	708	980	1,254	1,228	1,346	1,464	1,591	2,542	2,744	2,984	3,118
„ 18.—Half pay - - - - -	50,152	51,905	55,751	55,790	60,226	62,719	67,678	88,199	95,770	108,418	124,488	170,502	188,176	205,341
„ 19.—Retired Pay - - - - -														
„ 20.—Widows, &c. - - - - -	767	1,858	3,745	5,108	7,622	8,212	11,081	11,793	13,161	17,862	20,274	21,731	23,170	24,220
„ 21.—Wounds - - - - -	194	263	233	230	162	224	222	219	152	150	353	349	250	246
„ 23.—Out-Pensions - - - - -	181,091	196,257	209,273	226,140	265,630	291,308	332,371	359,264	403,754	438,720	465,737	483,971	497,084	510,405
Total payable on Army Estimates from 1870-71 to 1883-84, for Indian Pensions Capitalised from 1823 to 1863-84 - - - - -	232,342	250,366	269,553	288,061	334,520	363,717	412,580	460,821	514,321	561,741	613,394	*679,297	*711,614	*748,330
Referable to Capitalizations prior to 1870-71 - - - - -	193,580	187,751	180,110	172,642	165,341	158,225	151,294	144,541	137,969	131,551	125,313	119,211	113,268	107,481
Referable to Capitalization from 1870-71 to 1883-84 - - - - -	36,762	62,815	89,443	115,419	169,179	205,492	261,296	316,280	376,352	430,190	488,081	560,086	598,346	635,849

* In these years the pensions are referable to an estimate of the Capitalization payable by India so far as concerns the pensions first granted in the years 1831-32, 1832-33, and 1833-34.

CHARGES OF HER MAJESTY'S FORCES IN INDIA.

21

10. The sums shown in the last line of the foregoing table represent the money which should have been devoted in each year to the payment of Indian pensions granted from 1870-71 onwards. The difference between such sums and the total sums payable by India constituted, at 4 per cent. interest, the capital out of which the future payments to the same pensions should be made. The British Treasury is consequently liable on the 1st April 1884 for future payments in respect of these pensions, of which the present value is the amount shown in the last column of the subjoined table.

BRITISH LIABILITY on the 1st April 1884.

Y E A R.	Amount payable on Army Estimates for Indian Pensions. (See Section 9.)	Amount actually paid to Treasury by India. (See Section 2.)	Balance.	Balance accumulated at 4 per Cent. to the 1st April 1884.
	£.	£.	£.	£.
1870-71	86,783	158,500	121,788	202,702
1871-72	62,815	167,000	104,185	166,861
1872-73	69,443	503,225	413,782	636,998
1873-74	115,419	381,148	265,729	393,343
1874-75	169,179	280,000	110,821	157,732
1875-76	205,492	361,001	155,509	212,924
1876-77	261,296	555,880	294,584	387,586
1877-78	316,280	248,841	Excess. 67,439	Excess. 85,331
1878-79	378,352	860,000	483,648	588,428
1879-80	430,190	746,724	316,534	370,300
1880-81	488,081	693,085	205,004	230,801
1881-82	560,086	687,500	77,414	83,781
1882-83	598,346	700,000	101,654	105,720
1883-84	635,849	1,050,000	414,151	414,151
			TOTAL - £.	3,865,746

11. The Fund which is required to be in hand on the 1st April 1884, and to be producing 4 per cent. interest per annum, in order that the future claims of pensioners (whose Indian pensions have either been paid for or are already owed for by India) shall be met as they come on for payment, must be as follows:—

A.—The accumulated balances from payments shown in Section 10	£. 3,865,746
B.—The debt due by India as in Section 3	2,196,202
C.—The liability for pensions, payments for which were made by India before 1870-71 (Section 6)	904,440
D.—The interest (25,167 l.) foregone as explained in Section 8, accumulated to the 1st April 1884	33,774
TOTAL - - - £.	7,000,162

12. The items A. and B. in Section 11 are so far based on an estimate that the Indian Capitalizations have not been yet calculated for the years 1881-82, 1882-83, and 1883-84. The annual expenditure on Indian pensions for those years therefore consists—

	1881-82.	1882-83.	1883-84.
	£.	£.	£.
1st. Of the calculated amount consequent upon the Capitalizations of previous years, viz. - - - -	483,732	467,453	451,227
2nd. Of the estimated additions for the years 1881-82, 1882-83, 1883-84, viz. - - - -	76,354	130,883	184,022
TOTAL - - -	560,086	598,336	635,849
<i>Add,</i> Calculated amount attributable to Indian payments prior to 1870-71 -	119,211	113,268	107,481
Probable Total Charge on British Estimates for Indian Pensions - } £.	679,297	711,604	743,330

When the Capitalizations are completed, some alterations may be expected in the second line of this Table.

III.—LIABILITIES OF FUTURE YEARS.

13. The Capitalizations up to 1880-81, inclusive, provide for payment of Indian Pensions in future years to the following amount:—

Year in which Payable.	a. Indian Payments up to 1880-1. Section 4.	b. Capitalization from 1861-9 to 1869-70. Section 5.	c. Special Capitalization of Ex-Indian Pensions. Section 8.	d. Capitalization 1870-1 to 1880-1.	e. TOTAL.
	£.	£.	£.	£.	£.
1881-2	26,999	92,212	17,460	466,272	602,943
1882-3	24,787	88,481	16,710	450,743	580,721
1883-4	22,679	84,802	16,000	435,227	558,708
1884-5	20,675	81,165	15,280	420,426	537,546
1885-6	18,778	77,558	14,590	404,934	516,920
1886-7	16,990	73,961	13,930	389,817	494,698
1887-8	15,306	70,396	13,210	373,745	472,657
1888-9	13,726	66,844	12,530	359,776	452,876
1889-90	12,253	63,282	11,890	345,299	432,724
1890-1	10,880	59,771	11,250	331,363	418,264
1891-2	9,607	56,290	10,590	317,026	393,513
1892-3	8,429	52,841	9,954	303,393	374,617
1893-4	7,846	49,426	9,311	289,898	358,081
1894-5	6,856	46,065	8,690	277,091	344,202
1895-6	5,449	42,706	8,054	264,284	329,589
1896-7	4,623	39,614	7,482	251,765	303,484
1897-8	3,879	36,516	6,902	239,434	286,739
1898-9	3,214	33,526	6,308	227,393	270,591
1899-1900	2,627	30,609	5,834	215,080	254,150
1900-1	2,106	27,821	5,309	202,998	238,224
1901-2	1,680	25,091	4,853	191,230	222,794
1902-3	1,365	22,184	4,416	179,552	207,517
1903-4	1,095	19,513	3,972	167,975	192,555
1904-5	866	16,999	3,540	156,676	178,081
1905-6	678	14,636	3,112	145,654	164,080
1906-7	516	12,473	2,773	135,119	150,881
1907-8	388	10,478	2,213	124,760	137,839
1908-9	288	8,675	1,631	114,465	124,989
1909-10	212	7,025	1,315	104,766	113,318
1910-1	152	5,671	1,119	95,433	102,377
1911-2	106	4,671	923	86,751	92,451
1912-3	71	3,890	809	77,907	82,077
1913-4	45	3,047	682	68,730	72,454
1914-5	27	2,413	499	60,860	63,828
1915-6	15	1,858	373	52,748	54,989
1916-7	7	1,411	301	44,999	46,718
1917-8	3	1,043	228	38,744	40,018
1918-9	-	761	176	33,151	34,088
1919-20	-	537	135	27,102	27,774
1920-1	-	397	63	21,092	21,552
1921-2	-	298	62	17,457	17,757
1922-3	-	142	42	13,968	14,150
1923-4	-	76	21	11,170	11,267
1924-5	-	32	10	9,143	9,185
1925-6	-	4	-	7,654	7,658
1926-7	-	1	-	5,476	5,477
1927-8	-	-	-	4,101	4,101
1928-9	-	-	-	3,110	3,110
1929-30	-	-	-	2,266	2,266
1930-1	-	-	-	1,637	1,637
1931-2	-	-	-	1,148	1,148
1932-3	-	-	-	764	764
1933-4	-	-	-	470	470
1934-5	-	-	-	296	296
1935-6	-	-	-	151	151
1936-7	-	-	-	76	76
1937-8	-	-	-	16	16
1938-9	-	-	-	9	9
1939-40	-	-	-	5	5
1940-1	-	-	-	2	2
1941-2	-	-	-	1	1

14. The totals given in section 13 represent the expenditure which can fairly be calculated as coming on hereafter, in respect to the Capitalizations which have been actually made, that is, up to the year 1880-81. As each of the three later year's Capitalization is completed, these totals for future years would have one item added to each; a corresponding item being eliminated from the estimated portion of the calculation shown in section 15.

15. Taking as a foundation the totals arrived at from past Capitalizations as shown in section 13, and adding to them our estimate of the expenditure consequent on Indian payments for the three years for which the Capitalization has not yet been completed, we find that the total charge on British Estimates for non-effective charges incurred up to the 31st March 1884 on account of Indian service may be expected, during the next 10 years, to be as follows:—

Y E A R.	Total from past Capitalizations up to 1880-81, Section 13.	Estimate for Capitalizations not yet completed, 1881-82, 1882-83, 1883-84.	Total probable Charge on Estimates for Capitalizations up to 1883-84.
	£.	£.	£.
1884-85 - - - -	537,546	189,586	727,132
1885-86 - - - -	515,920	182,499	698,419
1886-87 - - - -	494,608	176,384	671,082
1887-88 - - - -	472,657	171,404	644,061
1888-89 - - - -	452,876	166,254	619,180
1889-90 - - - -	432,724	160,659	593,383
1890-91 - - - -	413,284	156,032	569,316
1891-92 - - - -	393,513	150,970	544,483
1892-93 - - - -	374,617	146,138	520,755
1893-94 - - - -	355,981	141,892	497,873

16. The liability of the British Exchequer, shown in section 11 as 7,000,162*l.* on the 1st April 1884, is on the assumption that money will be invested at 4 per cent. interest. With interest at only 3 per cent., the total liability, that is, the total sum necessary to have in hand for payment of future pensions, would be 7,713,571*l.*

17. The Indian debt being taken (as shown in section 11) as 2,196,202*l.* on the 1st April 1884, that sum would be paid by an annuity for eight years (first payment at end of 1884-85) of 362,197*l.*, on the understanding that all sums unpaid bear interest at 4 per cent.

18. The sum of 102,500*l.*, referred to in section 14 of the Treasury letter, may be taken as amounting on the 1st April 1884 (with interest at 3 per cent.) to 105,575*l.* To this has been added, as we understand, 100,000*l.* paid on the 30th March 1883, and 164,000*l.* paid on the 1st January 1884.

These sums will together amount at 3 per cent. on the 1st April 1884, to 373,805*l.*, which will be a deduction from the 7,713,571*l.* which is required to be provided, leaving a balance of 7,339,766*l.*

19. The following sums to be voted annually, with payment at the beginning of each financial year, would produce, by investment at 3 per cent., the total required:—

Period during which Annuity would be Payable.	Gross Annuity required.	Aid from India during first Eight Years.	British Payment during first Eight Years.	British Payment during remainder of Term.	Uniform British Payment during whole of Term.
Years.	£.	£.	£.	£.	£.
10	770,158	326,197	443,961	770,158	461,776
15	567,306	326,197	241,109	567,806	350,860
20	462,276	326,197	136,079	462,276	297,612
25	398,615	326,197	72,418	398,615	260,188
30	356,292	326,197	30,093	356,292	234,670
40	304,368	326,197	Credit—21,829	304,368	202,896
50	274,592	326,197	Credit—51,605	274,592	184,018

War Office,
28 February 1884.

Denham Robinson.
J. G. Ashley.

— No. 6. —

The Secretary of the Treasury to the Under Secretary of State for India.

Sir,

Treasury Chambers, 4 March 1884.

I AM directed by the Lords Commissioners of Her Majesty's Treasury to inform you that they have had under consideration the arrangement made in 1870, by which the share of non-effective allowances borne on Army Estimates, but chargeable to India in respect of Her Majesty's regular forces serving in the Indian Empire, is capitalised.

I am to inform you that they find that the British exchequer loses so heavily by that arrangement that they have decided, in concert with the Secretary of State for War, to withdraw from it from the 1st of April next.

They propose accordingly :—

(1.) That the Indian share of Army pensions first coming into course of payment in 1884-85 and subsequent years shall not be capitalised, but shall be paid half yearly as it falls due ;

(2.) That the capitalisation of pensions coming into course of payment up to 31st March 1884, inclusive, shall be completed as soon as practicable ; and

(3.) That the arrear due by India on the 31st March 1884 shall be converted, by agreement with the India Office, into an annuity for eight or ten years.

If these arrangements are accepted in principle, the War Office would be ready to discuss with the India Office the method in which repayment by India of the pension charge coming first into course of payment in 1884-85 and subsequent years can be effected most conveniently to both Departments.

Mr. Cross's letter of 2nd March 1883 states objections to the claim which my Lords had put forward for interest on the sum which India has permitted to fall into arrear. The instances which Mr. Cross cites in support of the objection do not appear to my Lords analogous ; they will not therefore discuss them at length. In the case of capitalisation, prompt payment is an inherent and essential condition of the bargain. Actuaries of the War Office and India Office decide, after a minute investigation, that a certain sum is the present value of an annuity of £*x* for which India is liable. For the joint convenience of the two Governments the Imperial Treasury consents to undertake payment of the annuity in return for the certain sum fixed by the experts as its present value. The transaction is not to be partly a gift from England to India, but an exchange for joint convenience ; and it is only an exchange, if the present value is paid down at present. The terms upon which the present value is determined are already unfavourable enough to England without imposing further loss on the Imperial exchequer.

Nor do my Lords think it altogether becoming that their forbearance to press India at the time of the famine and of the war in Afghanistan should be urged as an argument against them.

It is, however, very desirable that a settlement should be arrived at without further delay ; and my Lords would suggest, as a compromise, that the mean between the debt, as computed by the actuaries up to the 31st March 1883, and the debt as admitted by Lord Kimberley, should be accepted by both parties as a final settlement.

	£.	s.	d.
It will be seen from the enclosed statement by the actuaries of the War Office that the sum due by India (partly estimated), up to 31st March 1883 amounted to	8,437,677	10	3
The amount actually repaid by India, excluding for the moment the sum paid on the 31st March 1883, was	6,292,853	11	1
Balance due on the 31st March 1883, previous to payment of a sum on that day	2,144,823	19	2

The

The War Office actuaries, in the second column of the two accounts given in the statement enclosed, charge the Government of India with interest at 4 per cent. on the sums as they become due, and credit it with interest at the same rate on the amounts paid up to the 31st March 1883, and the result raises a charge against India of 2,446,853 *l.*

The difference between this sum and 2,144,824 *l.*, or 302,029 *l.*, is the charge for interest as raised by the War Office. My Lords calculate the interest, which the Secretary of State in Council is ready to admit, as described in Mr. Cross's letter of 2nd March 1883, at 109,529 *l.*; the difference is 192,500 *l.*, and a moiety of that difference would be 96,250 *l.*

My Lords would be glad to find that the Secretary of State in Council is ready thus to meet them half way, and should he so decide, the period over which the outstanding balance of capitalisation due by India is to be spread can be adjusted without delay, and the authorities of the War Office and India Office put into communication to decide the most convenient method for adjusting the debt which will be chargeable to India year by year for its share of Army pensions first coming into course of payment on and after 1st April 1884.

I have, &c.

Leonard Courtney.

— No. 7. —

The Secretary to the Treasury to Sir *A. Hayter*, Bart., War Office.

Treasury Chambers,

4 March 1884.

Sir,

I AM directed by the Lords Commissioners of Her Majesty's Treasury to acquaint you, for the information of the Secretary of State for War, that they learn with satisfaction from Mr. Knox's letter of the 31st January that Lord Hartington assents to the cessation of the arrangements under which the pensions of Her Majesty's regular forces on account of service in India are capitalised.

My Lords will be ready to sanction a fair agreement between the India Office and War Office, for forecasting actuarially at the time of the granting of a pension the sum which will be payable on account of it in each future year.

It is evident now that the arrangements for giving effect to the capitalisation scheme of 1870 were imperfect, in consequence partly of imperfect knowledge of the conditions under which the capitalisation payments must be made, but also because sufficient care was not taken to protect the interest of the Exchequer. My Lords feel sure with the exhaustive Reports of the War Office actuaries before them that such error will not be allowed to recur.

In the first paragraph of the letter under reply, the Secretary of State argues that the annuity which must be paid in order to spread the uncovered liability of the Consolidated Fund in respect of Indian pensions over a number of years, should not be imposed upon the War Office, inasmuch as Army Votes have not had benefit or credit from the sums paid by India into the Exchequer in excess of the charge of Indian pensions borne on Army Votes. I am to point out in reply that the charge of Indian pensions on Army Votes must for this subject be divided into pensions granted up to 1870-71, and pensions granted subsequent to 1870-71.

All claim for repayment from India in respect of pensions granted prior to 1870-71 was given up on the recommendation of a War Office Committee, on which my Lords will refrain from an expression of opinion; the Secretary of State accepted the recommendation of the Committee, and submitted it for the approval of this Board. The primary responsibility for the surrender must lie with the War Office, and the War Office must bear the charge of Indian pensions granted before 1870-71.

Turning now to Indian pensions granted since 1870-71, my Lords would remind the Secretary of State that, at Lord Cranbrook's instance, since 1877-78, they have taken a separate Vote for the Home charges of Her Majesty's Forces serving in India, the amount of which is paid over to the War Office, and subtracted by it from the Army Votes. The Secretary of State will remember that this Vote was taken simply as a device to enable the War Office to get credit for the repayments made by India. It appears from the Report of the

actuaries that the actual charge of Indian pensions granted since 1870-71 on Army Votes during the years 1877-78 to 1883-84, amounted to 3,400,000 *l.*, and that the sums paid over to the War Office out of the Indian repayment Vote for the same years will amount to 4,080,000 *l.*, or an excess of 670,000 *l.* over actual charge. My Lords fear; therefore, that the plea that the War Office has not benefited by the over-payments will hardly hold good. As, however, they are anxious as far as they can to meet the wishes of the Secretary of State, they will exclude from Army Estimates the charge of the annuity required to redeem the liability of the Consolidated Fund in respect of the Indian share of pensions granted since 1870-71, making that charge the subject of a separate Vote.

Sir A. Hayter, Bart. M.P.,
War Office.

I have, &c.
Leonard Courtney.

— No. 8. —

The Under Secretary of State for India to the Secretary of the Treasury.

Sir,

India Office, 27 March 1884.

I AM directed by the Secretary of State for India in Council to acknowledge the receipt of your letter of the 4th instant, stating that the Lords Commissioners of Her Majesty's Treasury have decided, in concert with the Secretary of State for War, to withdraw, with effect from the 1st of April 1884, from the arrangement made in 1870, by which the Indian share of the non-effective charges of the British Army is capitalised, and the value paid by this office to the Treasury.

In reply, I am directed to state that the Earl of Kimberley does not desire to offer any objection to the termination of the arrangement. The capitalisation of pensions coming into course of payment up to the 31st of March 1884, will be completed by the actuaries of the War and India Offices as soon as practicable, and with regard to pensions coming into course of payment on or after the 1st of April 1884, the India share will be paid half-yearly as it falls due.

You further propose as a compromise, regarding the claim preferred for interest up to the 31st March 1883, that the mean between the debt, as computed by the War Office Actuaries and that admitted by the Secretary of State in Council, should be accepted as a final settlement. From the "Actuaries' Report, No. 306," dated the 31st January 1883, which is transmitted with your letter, it appears that the amount of 8,437,677 *l.* 10 *s.* 3 *d.*, quoted by you as the sum due by India up to the 31st of March 1883 (partly estimated), included the capital sum due for pensions of soldiers transferred from the East India Company's Army, on which interest was waived by the Treasury Letter of the 25th of March 1879; and the figures given in your letter should be corrected by the omission of that capital sum, amounting to 244,224 *l.* 1 *s.* 10 *d.*, from both sides of the account.

	Without Interest.	With Interest.
	£ s. d.	£.
With this correction, it appears that the amount estimated as due on the 31st March 1883, is -	8,193,453 8 5	9,964,637
And the sums paid on accounts, prior to the 31st of March 1883, were - - - - -	6,048,629 9 3	7,533,227
Leaving an outstanding amount of - - - - - £.	2,144,823 19 2	2,431,410
		£.
The difference of these two sums, or the total interest charge, is -		286,586
While that admitted in Mr. Cross's letter of 2nd March 1883 was		109,529
Showing an excess of - - - - - £.		177,057

And

And Lord Kimberley is ready to accept one-half of that amount, or 88,528 *l.* 10 *s.*, as payable by this office, under the compromise which you propose, instead of 96,250 *l.*, the claim for interest to the 31st of March 1883 being thereby closed.

Subject, then, to the adjustments that may be found necessary in respect of the accounts from the 1st of April 1880, for which only estimates are taken in your letter, the following appears to be a statement of the sum due by this office:—

Estimated charge on 31st March 1883, excluding interest	- - -	£.	2,144,824
Deduct, paid on 31st March 1883	- - - - -		250,000
			1,894,824
Interest admitted in Mr. Cross's letter of 2nd March 1883	- - -		109,529
Moiety of excess, now accepted	- - - - -		88,528
			2,092,881
Total estimated charges, including interest, due from 1st April 1883			2,092,881
Deduct, paid on account in February 1884	- - -	£. 1,000,000	
Deduct estimate of over-payment in 1883-84	- - -	100,000	
			1,100,000
			992,881
Add estimated charge for interest from 1st April 1883 to 31st March 1884	- - - - -		76,000
			1,068,881
Total estimated amount at charge on the 1st April 1884	- - -	£.	1,068,881

In your letter it is proposed that the sum thus due shall be converted into an annuity for eight or ten years, an arrangement which is in accordance with the course suggested in the letter from this office, dated the 23rd of April 1879, and repeated at subsequent times. While expressing his sense of the manner in which the Lords of the Treasury have thus shown their willingness to meet the wishes of the Secretary of State in Council, I am desirous to point out that recent circumstances have greatly changed the position.

The financial condition of India during the year just closing has rendered it possible to repay 1,000,000 *l.* of the amount in arrear; and the decision to terminate the system of capitalisation will have the effect of very materially reducing the payments due in the next two or three years. There will also be considerable sums due to India for the prospective credits, as mentioned in the last sentence of the Actuaries' Report dated the 24th of August 1871.

Your letter not having been received until the final revision of the probable amount of the Home charges in 1884-85 had been sent by telegraph to India, provision has been made in the Budget for a payment of 800,000 *l.* for these non-effective charges in the coming year, in accordance with Lord Enfield's letter to the Treasury dated the 4th of April 1882.

Lord Kimberley would therefore propose that for the coming year the practice recently adopted, of paying 200,000 *l.* at the commencement of each quarter should be continued; and he is not without hope that it may be found possible to discharge the remainder of the debt in the year 1885-86.

With the view of ascertaining how far it is likely that this result may be accomplished, a copy of this letter will be transmitted to the Secretary of State for War, with a request to be informed of the probable sum due in 1884-85 under the new arrangement.

I have, &c.

J. A. Godley.

— No. 9. —

MEMORANDUM on the method to be adopted in carrying out the decision of the Treasury that the CAPITALISATION of the CHARGES against INDIA for NON-EFFECTIVE PAY, &c., shall be abolished.

1. THE great convenience of the system of capitalisation has lain in the fact that after the Indian liability has been once capitalised, no further accounts had to be rendered to the India Office, as regards the particular pensioner; and it was unnecessary to follow his career, quarter by quarter, for the rest of his life.

2. With capitalisation abolished, and no other system substituted, it would be necessary to mark every officer and man retiring (some thousands yearly), to ascertain the proportion of the retired pay or pension payable by India to follow him up, quarter by quarter, for the remainder of his life, and to divide in each quarter his pension between British and Indian funds. It would thus happen, after a few years, that an account comprising many thousand names, compiled from the pay-lists of all the districts, would have to be made out periodically (probably quarterly) against India, examined, and paid. The labour and consequent expense which this account would throw upon Army Accountants, the War Office, and the India Office it is impossible to estimate, but it may be safely said that it would be enormous.

3. The difficulty felt by the Treasury, which has caused that Department to abolish the capitalisation, is mainly the fact that while India claims discount at 4 per cent., the Treasury is only able to invest the money at 3 per cent. The interest of money being the difficulty, it remains to be seen whether any method can be adopted to avoid the immense labour shown in Section 2.

4. As the interest of money has to be eliminated from the transaction, India can no longer pay up a lump sum on each pensioner which shall extinguish her liability. I propose that at the time of retirement or going to half-pay the transaction shall nevertheless be final; so that there shall be no necessity thereafter of keeping the pensioner in view. Having first ascertained the proper Indian share of the annual payment to each pensioner on the basis of past service [as has hitherto been done under the capitalisation system], I would debit India for the financial year during which the retirement takes place with one-half of her annual share, reduced by the chance of the recipient not living one year. This would be fair on the average.

For later years, the charge against India (settled once for all at the time of retirement) should be the original Indian share, multiplied by the chance of the pensioner being alive in the year.

If fair rates of mortality be adopted, this result must be absolutely just as between the two departments.

5. It would thus be practicable to forecast for each future year the sums which India should pay in respect to the non-effective charges first incurred under each vote in any particular year. The cumulation of these amounts would be the sum India should transfer to Army Votes when the year came. The following is an imaginary table to illustrate my meaning; the columns would be carried on towards the right to the extremity of life:—

VOTE 23.—OUT-PENSIONS.

Year of First Grant of Pension.	Sum Payable by India in								
	Total for Year.	1884-5.	1885-6.	1886-7.	1887-8.	1888-9.	1889-90.	1890-1.	1891-2.
	£.	£.	£.	£.	£.	£.	£.	£.	£.
1884-5	42,000	20,999	40,000	38,000	36,000	35,000	34,000	33,000	32,100
1885-6	48,000	-	23,800	46,000	44,000	42,000	40,800	39,600	37,000
1886-7	45,000	-	-	22,300	43,000	41,000	39,600	37,000	36,000
1887-8	-	-	-	-	19,800	38,000	36,000	34,000	32,000
1888-9	39,000	-	-	-	-	19,400	37,000	35,000	33,000
1889-90	41,000	-	-	-	-	-	20,100	39,000	37,000
1890-1	47,000	-	-	-	-	-	-	22,000	45,000
1891-2	32,000	-	-	-	-	-	-	-	15,800
&c.	-	-	-	-	-	-	-	-	-
Payable by India for the Year	-	20,900	68,800	106,300	142,800	175,400	206,900	239,600	267,900

Of course, without this method and with the complicated accounts alluded to in Section 2, the charge would be very similar.

6. In the case of temporary non-effective pay, such as half-pay, there would be a counter-charge in favour of India from the year in which the individual should revert to full pay.

7. For

7. For convenience of working, persons pensioned on the same vote in the same year could be grouped together according to age. This would be a detail for the actuaries of the respective offices.

8. The Life Table to be employed should, I submit, be as follows:—

For Officers.—Officers' experience (1800-70).

„ (for Wounds Pensions), the same table depreciated 10 years.

For Warrant Officers and Men.—Pensioners' experience, *with* and *without* Indian Service (1822-70).

For Widows and Children.—Finlaison's Government Annuity Table.

D. R.

26 April 1884.

— No. 10. —

Assistant Under Secretary of State for India to the Under Secretary for War.

Sir,

India Office, S.W., 22nd August 1884.

I AM directed by the Secretary of State for India in Council to acknowledge the receipt of your letter of the 8th of July, forwarding a copy of a memorandum by Mr. Robinson, explaining the course which it is proposed to adopt, with effect from the 1st of April last, respecting the payment of the Indian portion of the non-effective charges for the British Army in consequence of the discontinuance of the system of capitalising the payments.

Mr. Robinson points out very forcibly the immense labour involved in the examination of the quarterly accounts with the view of ascertaining what portion of each pension is claimable from Indian revenues; and as the rejection by the Treasury of the system of capitalisation excludes the idea of interest, and consequently of present value, he suggests that, after the Indian share of each pension has been ascertained, as hitherto, India should be debited with her share in each year multiplied by the chance of the pensioner being alive throughout the year.

Such a plan, although undoubtedly accurate, appears to involve a great amount of labour in the calculation respecting each pension; and, although the charge will, as Mr. Robinson says, be "settled once for all at the time of retirement," the payment will be by no means settled, but will be continued in each group of pensions for every year up to the age of 100; that is to say, for perhaps 45 to 65 years.

The most simple method would appear to be that, it having been ascertained what is the expectation of life in each pensioner's case, India should pay her share of the pension for that number of years, and no more. But, unfortunately, this plan is impracticable, because the tables of expectation of life are all prepared to include the chance of life in every year up to the age of 100; and hence, under such a system, India would be paying in a short term of years the amount which is due from her only when spread gradually over a long period.

In these circumstances, the Earl of Kimberley is led to propose a reversion to the system of capitalisation, on terms which may be not unacceptable to the Treasury. In the 3rd paragraph of Mr. Robinson's note, the difficulty felt by that Department is said to be "mainly the fact that, while India claims discount at 4 per cent., the Treasury is only able to invest the money at 3 per cent." The plan, then, which Lord Kimberley would propose is that the Indian share of the pensions shall, as formerly, be capitalised, but at 3 instead of 4 per cent., and that the amount so ascertained to be due shall be converted into an annuity, based on the same rate of interest, for 10 years in each case.

The rate of interest would be subject to alteration by agreement between the Treasury and the Secretary of State in Council, if it should appear to either of them to be working unfairly to its interests.

If the Marquis of Hartington should agree, in Lord Kimberley's opinion, that this method is a more convenient one for adoption than that proposed in the War Office Memorandum, I am directed to request that it may be laid before the Lords Commissioners of Her Majesty's Treasury for their concurrence.

I have, &c.

(signed) *Horace Walpole.*

The Under Secretary of State for War,
War Office.

— No. 11. —

COPY of TREASURY MINUTE, dated 30 April 1885.

MY Lords read their letter of the 29th December 1881 to the War Office, in which it was laid down that only so much of the capitalised sums received from India in respect of the non-effective service of Her Majesty's Forces serving in that part of the Empire, as represents the actual charge borne on the Army Estimates of the year for that service ought to be paid into the Exchequer, and that the Revenue of the year should not, as had hitherto been the custom, be increased by sums received in excess of the amount actually expended in the year upon the Service.

They read the Report of the Actuaries of the War Office (No. 306), dated 31st January 1883, analysing the financial results of the arrangements under which the non-effective charge in question was capitalised, and showing the contingent liability which had in consequence been thrown upon the Consolidated Fund; the letter of the Board of Treasury to the War Office, dated 24th August 1884; the letter from the War Office, dated 31st January 1884; the further Report of the Actuaries, dated 28th February 1884 (No. 321); the letters from the Treasury to the India Office and War Office, dated the 4th March 1884; the reply of the India Office, dated 29th March; Memorandum by the Actuary of the War Office, Mr. Denham Robinson, dated 26th April 1884, on the method of giving effect to the Treasury decision putting a stop to capitalisation; and, lastly, the letter of the India Office to the War Office, dated 22nd August, on Mr. Denham Robinson's Memorandum.

My Lords desire to acknowledge the fair and conciliatory spirit in which Lord Kimberley has treated the question in proposing that capitalisation shall be continued, but on the basis that the capitalised sums are invested at 3 instead of 4 per cent. per annum. This offer undoubtedly removes one of the main objections of the Treasury to capitalisation, but it is accompanied by a condition which would make the working of the scheme even more complicated than heretofore, for his Lordship would convert the capitalised sum into an annuity having 10 years' currency. It leaves, moreover, untouched the delay which now occurs in ascertaining the capitalised sum payable by India, the Actuaries' Reports being now three years in arrear in spite of the efforts made to reduce the interval. My Lords may also observe that the sums re-credited to India on account of pensioners re-employed, &c., introduce a further and important element of uncertainty, the amount so re-credited having reached in the period between 1st April 1870 and 31st March 1882, the sum of 1,339,000 *l.*

After careful consideration of the whole question, my Lords come to the conclusion that it will be best to adhere to their original decision, and that the capitalisation arrangement should be held to have expired on the 31st of March 1884. The Secretary of State for War has already assented to that decision, and my Lords have reason to anticipate that the Secretary of State for India in Council will not object. He has acknowledged the accuracy of Mr. Denham Robinson's proposal for ascertaining in the least costly manner the charge which the Government of India will year by year be called upon to pay, and my Lords believe that that proposal may be carried out with fairness to all parties.

The 11th paragraph of the Report of the Actuaries of the 28th February 1884 gave the following calculation :—The fund which ought to have been in hand on

1st April 1884, and laid out at 4 per cent., in order that the future claims of pensioners, whose Indian pensions either has come into course of payment or were already owing by India, might be met year by year as they came on for payment:

1. The liability for pensions granted before 31st March 1870 was	£. 904,440
2. The liability in respect of the capitalisation of certain pensions of the old East India Company's Army was	35,774
3. (a.) The Government of India owed, but had not paid for capitalisation of pensions granted between 1st April 1870 and 31st March 1884	2,196,202*
(b.) The deficit on account of these last-named pensions was eventually to be made good from the Consolidated Fund	3,865,746
	£. 7,000,162

But as, has often been pointed out, the Treasury cannot invest at 4 per cent., and the Actuaries accordingly calculate, in paragraph 16 of the Report, that if 3 per cent. can only be realised by investment, the sum in hand on the 31st March 1884 should have been 7,713,571 *l.*

The first of these items of liability represents pensions in respect of which no claim has been made on the Government of India. The recommendation of the Committee of the War Office and India Office, which sat in 1870, led directly to this result, and this item must, therefore, remain a dead charge on Army Estimates. It is calculated in 1885-86 at 96,336 *l.* It will have diminished to 10,866 *l.* in 1907-8, and will finally expire in 1926-27. A sum of about 997,000 *l.* now in hand, and invested at 3 per cent., would cover the liability which it involves. As, however, there has been no claim on India in respect of this charge, it has become simply an item of ordinary Army expenditure, and no further measures are required for its adjustment.

The remaining liability on the account, as above stated, amounted on the 1st April 1884 to 6,095,722 *l.* at 4 per cent., or about 6,717,000 *l.* at 3 per cent., and the uncovered liability at 3 per cent. may, in round figures, be computed at 4,521,000 *l.* But the India Office have not accepted in full the calculation of the War Office Actuaries, and the principle of a compromise has been established, which will make an addition, not yet completely ascertained, to the uncovered liability of a sum varying from 100,000 *l.* to 115,000 *l.* The gross liability of the Consolidated Fund may therefore be calculated on 31st March 1884, at an outside sum of 4,650,000 *l.*

But since the year 1881-82 my Lords have acted on the sounder principle of finance, for which they are anxious to obtain the sanction of Parliament. The actual charge of Indian pensions paid out of Army Votes (paragraph 9 of Actuaries' Report of 28th April 1884), in the years 1881-82, 1882-83, and 1883-84, and representing pensions granted between 1st April 1870 and 31st March 1884, is calculated at 1,794,000 *l.*, while the sum actually paid into the Exchequer was 1,800,000 *l.* The sums received from India during these years on account of the current capitalisation of the years in question was 2,200,000 *l.* Therefore a sum of 400,000 *l.* is in hand as an asset to be put against the above stated liability, reducing it to a net liability, on 31st March 1884, of more than 4,200,000 *l.* and less than 4,250,000 *l.*

It may be taken for granted therefore that an eventual liability on the Consolidated Fund existed on 31st March 1884, for about the amount just stated, and my Lords have now to submit to Parliament proposals for meeting this

*The Report of the Actuaries was dated the 28th February 1884. Further sums were received from India before 31st March, which are not included in their calculations.

this liability. In the year 1884-85 India paid to the Imperial Government a sum of 800,000 £., of which 600,000 £. was transferred to the Secretary of State for War, a sum somewhat less than the actual charge of Indian pensions belonging to the period since 31st March 1870 and paid out of Army Votes during the year, a charge which is estimated at about 625,000 £.; the balance of 200,000 £., being the difference between 800,000 £. received from India and 600,000 £. paid to the War Office, was added to the Reserve Fund, mentioned in the preceding paragraph.

My Lords must in the first instance ask that the Actuaries of the War Office may be instructed to re-calculate the figures given in paragraphs 11, 16, 17, and 18 of their Report of 28th February 1884, so as to arrive at the net liability of the Consolidated Fund on 1st April 1885, assuming that capitalisation ceased on 31st March 1884.

The figures previously given will, however, have expressed with sufficient accuracy the position on 31st March 1884, and there is no need to postpone a decision as to the principle of the measure to be submitted to Parliament, because the actual figures for the 31st March 1885 cannot be ascertained for a short time.

In the first place, my Lords come to the conclusion that it would not be correct to leave the very heavy charge of Indian pensions, granted between 1870 and 1884, as a dead weight on Army Estimates. Faulty arrangements have produced a heavy deficit on the Capitalisation Account, and it is better to acknowledge the liability at once, and to spread the liquidation of it over a period of time. For this purpose my Lords will ask Parliament to sanction the creation of a fund in the hands of the National Debt Commissioners, to which will be paid (1) The arrears of Capitalisation up to 31st March 1884, which have been set aside since 1881-82; (2) The sums received by my Lords out of current Capitalisation, as above described; (3) Further arrears of Capitalisation, which India will have to pay; (4) An annuity, to be charged on the Consolidated Fund, of 150,000 £., for the term of years found necessary to liquidate the deficiency, as finally established.

The National Debt Commissioners will, in their turn, pay over to the Secretary of State for War, year by year, the amount which the Actuaries of the War Office may determine to be the actual charge on the Army Estimates of the year for Indian pensions, granted between 1st April 1870 and 31st March 1884, including the old East Indian Company's pensions, mentioned in paragraph 8 of the Actuaries' Report of 28th February 1884, as capitalised from 1st April 1874. The National Debt Commissioners will present yearly to the Treasury a Report of the transactions of the fund; and at intervals, say of five years, a re-valuation of the annuity will take place, so as to secure the attainment of the object which my Lords have in view.

My Lords proceed to communicate their proposals to the Secretary of State for India in Council, to the Secretary of State for War, and to the National Debt Commissioners; and they will also give directions for the preparation of a Bill to be presented to Parliament without delay.

— No. 12. —

The Secretary of the Treasury to the Under-Secretary of State for India.

Sir,

Treasury Chambers,
30 April 1885.

I AM directed by the Lords Commissioners of the Treasury to acquaint you, for the information of the Secretary of State for India in Council, that they have had under consideration the letter addressed to the Under-Secretary of State for War by Mr. Walpole, on the 22nd August last, on the method of providing for the non-effective charge of Her Majesty's Forces serving in India.

It will be in the recollection of the Secretary of State that my Lords, on the 4th of March 1884, proposed to put an end, as from the 1st of April 1884, to the arrangement whereby the Indian Share of Pensions, granted or first becoming payable in each year, is capitalised, on the assumption that the capitalised sum is invested at 4 per cent. The main reasons which led my Lords to this conclusion were, (1) That they are not able to invest the capitalised sum at 4 per cent.; and (2) That they suffer loss by the delay which occurs in calculating

lating the amount of capitalisation. In order to assist the conclusion of a new arrangement, my Lords proposed to fix the amount of the arrear debt then due by India at the mean between the amount computed by the Actuaries of the War Office, and the amount admitted by Lord Kimberley, the difference between the two amounts being about 192,000 *l*.

On the 27th March, the Secretary of State for India in Council replied. He raised no objection to terminating the capitalisation arrangement, and he accepted, in principle, the compromise of the existing debt which my Lords had offered, but he calculated the difference to be compromised at about 177,000 *l*. instead of 192,000 *l*.

The Actuary of the War Office then drew up for Lord Hartington a memorandum giving the outline of a working arrangement by which the Government of India might in future pay, year by year, their charge for these pensions coming first into course of payment after the 31st of March 1884. A copy of the memorandum was communicated by Lord Hartington to this Board, and to the Secretary of State for India in Council, and my Lords have before them, in Mr. Walpole's letter of the 22nd August above-mentioned, Lord Kimberley's remarks upon the arrangement which, it is suggested, should replace the old capitalisation arrangement.

Lord Kimberley thinks that the plan of Mr. Denham Robinson, the War Office Actuary, although undoubtedly accurate, would involve a great amount of labour, and his Lordship finds practically no alternative plan to suggest. He therefore proposes to revert to capitalisation, but that the capitalisation should be based upon the assumption that the capitalised sum is invested at 3 instead of 4 per cent.; that the amount so ascertained should be converted into an annuity for ten years, based on the same rate of interest; and that the rate of interest should be subject to alteration by agreement between the Treasury and the Secretary of State in Council, if it should appear to either of them to be working unfairly.

My Lords are anxious to acknowledge the fair and conciliatory spirit in which Lord Kimberley has treated the question. His offer undoubtedly removes a great objection which my Lords entertain to capitalisation. They themselves prefer repayment in each year by the Indian Government of the Indian Share of the Pensions which is calculated by the Actuaries to be actually payable in that year, inasmuch as an arrangement of that nature avoids the creation of an accumulating fund in respect of pensions becoming payable after 1st April 1884, and avoids in consequence questions of interest and investment which complicate the adjustment of a difficult transaction; but in spite of their preference for the simpler arrangement, they would defer to the wishes of the Secretary of State, and revert to capitalisation, if the capitalisation proposal, though modified in some particulars, were of the same general character as that which has been superseded. That, however, is not the case, for Lord Kimberley suggests that the sum representing the capitalised value of the pensions granted or coming first into course of payment in each year should not be paid over to the Imperial Government, as contemplated by the arrangement hitherto in force, but should be converted into an annuity for 10 years. The scheme must obtain the approval of Parliament, and it will be sufficiently difficult to make it intelligible even in its simplest form. It is desirable, in consequence, to avoid any further complication of details. It should be added that the objection to capitalisation arising out of the delay in obtaining the Actuaries' Reports has not been overcome at present. No Report has been furnished to this Board for a later date than the 30th June 1882; so that the actuarial calculations, in spite of the efforts made to lessen the interval between the date at which the capitalised sum falls due and the date at which the sum so due is ascertained, remain still three years in arrear. Lastly, my Lords find no inconsiderable objection to capitalisation in the uncertainty of the amounts to be re-credited to India in respect of pensioners re-employed, etc., and the largeness of the amounts in some years so re-credited. In 1881-82 the sum re-credited was 425,179 *l*. The total sum re-credited between 1870-71 and 1881-82 amounted to 1,339,399 *l*. Delay of three years in ascertaining the amount to be paid by India, and uncertainty in hundreds of thousands of pounds as to the amount to be repaid to India within the year, are fatal objections to any scheme of capitalisation, and this leads my Lords to the conclusion that the principle of capitalisation should be abandoned.

My Lords do not understand from Mr. Walpole's letter of 22nd August last that the Secretary of State for India in Council has decided finally against the plan of procedure described in the memorandum of the Actuary to the War Office of 26th April 1884, which he admitted to be accurate in principle; and they would be glad to learn that his Lordship, on consideration of the argument against capitalisation set forth in the preceding paragraph, will consent to the adoption of Mr. Denham Robinson's plan, subject to revision at intervals to be fixed by agreement between his Lordship and this Board.

Mr. Robinson proposes (1) that the proper Indian share of the annual payment to each pensioner, on the basis of past service, should be ascertained in the same manner as has hitherto been the practice for the purpose of capitalisation; (2) that India should be debited for the financial year, in the course of which the retirement occurs, with one-half of her annual share, reduced by the chance of the pensioner not living one year; (3) that for subsequent years India should pay her original share, adjusted by the chance of the pensioner being alive in the year, as ascertained from rates of mortality which the actuaries of the India Office and War Office accept as fair; (4) that in the case of temporary non-effective pay, such as half-pay, there should be a counter charge in favour of India from the year in which the individual reverts to full-pay; (5) that the life-table should be as follows:—

For Officers.—Officers' experience, 1800-70. For wounds pensions, the same table depreciated 10 years.

For Warrant Officers and Men.—Pensioners' experience, with and without Indian service, 1822-70.

For Widows and Children.—Finlaison's Government annuity table.

If the Secretary of State assents to this arrangement, the actuaries should be instructed to report, shortly before the completion of the Army Estimates, the sum which they anticipate will be payable by India, under the new arrangement, in the year to which the Estimates relate; they should report further and as soon as practicable after the close of the quarter or of the year, the actual amount ascertained for the quarter or year to be payable by India. The difference between estimate and actual result should be adjusted when the annual payment by India is fixed for the next ensuing Estimates.

The main question being thus determined, the adjustment of outstanding arrears ought not to present much difficulty.

My Lords proposed, in their letter of the 4th of March 1884, that capitalisation should cease as from 1st April 1884, inclusive, and they understand that Lord Kimberley would prefer that the new arrangement should be held to have come into force at the date originally named, although another year will have elapsed before the details can be completed and the assent of Parliament obtained. In any case some inconvenience must be caused by the delay, but the course preferred by Lord Kimberley is not specially open to objection upon that ground, and my Lords will therefore consider capitalisation as having ceased on the 31st of March 1884.

They have before them a Paper prepared by the Financial Secretary of the India Office, showing that an arrear of capitalisation, amounting to about 100,000 *l.*, was owing by the Government of India on the 31st March last, and my Lords understand that that sum, subject to confirmation on examination here and at the War Office, will be paid over to the Imperial Government in the course of the year 1885-86.

One item forming part of the charge raised by the Actuaries of the War Office against the Government of India, but disallowed by the Government of India, has been fully discussed, and may now be disposed of. Pensions granted before the 1st April 1870 to men who had served in regiments transferred from the former Army of the East India Company to the Army of the Queen were capitalised by agreement. These pensions had previously been paid partly by the Imperial Government and partly by the Government of India, according to a rough estimate framed by the Commissioners of Chelsea Hospital of the respective liabilities of the two Governments. The Actuaries of the War Office point out that the basis of the Estimate was more favourable to India than to the

the Imperial Government. It was, however, adopted as the basis of capitalisation, and on that basis the sum of 244,224 *l.* 1 *s.* 10 *d.* was ascertained by the Actuaries of the two Governments to be due as from 1st April 1874. But the Actuaries' Report was not completed until October 1876, and the Indian Government, as matter of fact, only paid 100,000 *l.* on 1st January 1877, 100,000 *l.* on 1st April 1878, and 44,224 *l.* 1 *s.* 10 *d.* on 1st January 1880. It is evident that the sum of 244,224 *l.* was adjudged to be the capital value of the pensions on 1st April 1874; that the money was due to the Imperial Government on that day, and that the Imperial Government would lose by every day's delay if interest was not paid. When, however, interest was claimed, the Government of India, pleaded that the Actuaries' Report was not presented until October 1876, and after correspondence the Treasury agreed, in 1878, not to press the claim for interest. The words of the Treasury concession are wide enough to justify the Government of India in refusing any claim in excess of the exact sum of 244,224 *l.* 1 *s.* 10 *d.* declared to be due on 1st April 1874. Under it, however, the Indian Government saved, and the Imperial Government lost, between 1st April 1874 and October 1876, the date of the Actuaries' Report, 25,167 *l.*, and a further loss of 15,443 *l.* between the date of the Actuaries' Report and the actual payment of the capitalised sum by India. In short, the Imperial Government lost, and the Indian Government saved, on this one transaction, a sum of 40,610 *l.* My Lords cannot but think that in equity the Government of India should accept liability for interest between the date of the presentation of the ascertained claim in October 1876, and the date on which they actually made payment. My Lords, however, in face of what has been said already, do not propose to press the point, should the Secretary of State for India in Council demur to their suggestion.

I am, Sir,

Your obedient Servant,

The Under Secretary of State for India.

John T. Hibbert.

— No. 13. —

The Secretary of the Treasury to the National Debt Commissioners.

Treasury Chambers,

30 April 1885.

My Lords and Gentlemen,

I AM directed by the Lords Commissioners of Her Majesty's Treasury to forward for your information copies of two Reports of the Actuaries of the War Office, dated respectively 31st January 1883 and 28th February 1884, and also of a Treasury Minute, dated 24th August 1883, showing that the Consolidated Fund has incurred a heavy liability under an arrangement for capitalising the Indian share of pensions payable out of Army Votes.

I am to say that my Lords have agreed with the Secretary of State for War that the practice of capitalising such pensions is to cease as from the 1st April 1884 inclusive, and they have reason to anticipate the acquiescence of the Secretary of State for India in Council in that arrangement. From 1st April 1884, therefore, the Government of India will pay over year by year to the Imperial Government, not the capitalised value of the Indian share of army pensions first becoming payable on and after the said 1st day of April, but the amount estimated by the Actuaries of the War Office to be payable out of Army Votes in respect of the pensions themselves. No further notice, therefore, need be taken of pensions granted or coming first into course of payment on and after 1st April 1884.

You will learn from paragraphs 13 and 15 of the Actuaries' Report of 28th February 1884 (No. 321), that there is an extremely heavy charge on War Office Votes for the Indian share of pensions coming first into course of payment previous to the 1st April 1884. These pensions may be divided into two classes; viz., (1), those which came first into course of payment before 1st April 1870; and (2), those which came first into course of payment between 1st April 1870 and the 31st March 1884 inclusive. Any contribution on account of the first class has been practically remitted to the Government of India; and the charge of these pensions will therefore remain a dead weight on Army Votes until they expire, a date which, according to the Actuaries'

estimate, will not arrive until 1926-27. The charge of the second class is shown in column *d* of paragraph 13, and in column 3 of paragraph 15 of the Actuaries' Report of 28th February 1884. This is the class of pensions to which I am to ask your attention, as my Lords are anxious to obtain your co-operation in providing for them in the future.

There is another small class of pensions, the charge of which is given in column *c* of paragraph 13 of the said Report, to which reference will be made hereafter, but which need not be taken into consideration at present.

Reverting to pensions of the period between 1870 and 1884, I am to say that paragraph 11 of the Report shows that in the estimate of the Actuaries a charge on the Consolidated Fund could only be avoided if a sum of 3,865,746*l.* had been in hand on the 1st of April 1884. This calculation, however, assumes that for the required purpose a fund of that amount must be invested to earn interest at the rate of 4 per cent.; and as the Imperial Government cannot invest at that rate, it will be found that the sum required on 31st March 1884 is 4,500,000*l.*, or, under a compromise effected with the India Office, about 4,650,000*l.*

Of this sum only about 400,000*l.* was actually in hand. The deficit is due to various causes: first, because in the years between 1st April 1870 and 31st March 1881, the capitalised sums received from India were paid into the Exchequer in accordance with ordinary practice. These capitalised sums much exceeded the actual charge on Army Votes of the pensions which the capitalised sums represented, and thus the Budgets of those years benefited to the prejudice of Budgets of future years. Secondly, the capitalisation was based upon the assumption that money could be invested at 4 per cent., and that not being the case, the capitalised sum was not the equivalent, as it professed to be, of the pensions capitalised. My Lords may mention that in the year 1881 a change of practice took place, and that from that time sums have been paid into the Exchequer considerably less than the charge of Indian Pensions actually paid within the year out of Army Votes; the balance of the sums received from India has been carried to a reserve fund in the hands of the Paymaster General, pending the obtaining from Parliament of power to provide for the deficiency which the Actuaries of the War Office have shown to exist. This reserve amounted on 31st March 1884, as above stated, to about 400,000*l.*, and it constitutes an asset to be put against the liability named above. Other sums have been received from India, and carried to the reserve fund. These sums represent arrears of former years, and must be set against the item B. in paragraph 11 of the Actuaries' Report of 28th February 1884, "Debt due by India." Provision must now be made to meet the net deficiency which is shown to exist, and my Lords desire to consult you as to the best method of meeting it. They proceed, therefore, to explain the proposal which the Chancellor of the Exchequer will make in the forthcoming Budget speech.

It will be seen that the total charge of Indian Pensions payable in 1885-86, out of Army Votes for the period between the 1st April 1870 and the 31st March 1884, is estimated by the War Office Actuaries at 587,503*l.*; that is to say, at the amount stated in the last column of the account given in paragraph 15, after deducting the amounts stated in the columns *a*, *b*, and *c*, of paragraph 13 of the Actuaries' Report of 28th February 1884. The charge is 602,093*l.* if the amount given in column *c* is included. My Lords do not think that it would be reasonable to throw the whole of this charge on the War Office Estimates of the current year. On the other hand, they do not think that it would be reasonable simply to use up the funds reserved out of the Indian capitalised payments in discharge of the above liability, without making any effort to provide for the deficiency which has been ascertained to exist, and which must one day be defrayed out of the Consolidated Fund. They propose accordingly to create a fund, and, if you do not object, to confide the management of it to your hands. The fund will consist: 1. Of the sums received from India and now on a reserve account in the hands of the Paymaster General. 2. Of any arrears which are due from India under the head of Capitalisation up to the 31st March 1884. 3. Of an annuity charged on the Consolidated Fund of 150,000*l.*, for which the Chancellor of the Exchequer will make provision in his estimate of charge on the Consolidated Fund for the current year. Out of this fund, or out of moneys to be advanced on the security of the said annuity of 150,000*l.* payable from the Consolidated Fund, you will provide the amount calculated in each year by the War Office Actuaries to represent the charge

charge of the Indian Share of War Office Pensions granted between 1st April 1870 and 31st March 1884, and actually payable out of War Office Votes in each year.

My Lords have just made mention of an annuity of 150,000 *l.* This annuity is to be charged as dead-weight on the Consolidated Fund, and by means of it they propose eventually to liquidate the deficiency created by former practice or by the insufficiency of the terms of capitalisation. They proceed to explain the basis on which they frame their estimate. You will see from paragraph 11 of the Actuaries' Report under reference, that if the sum of 3,865,746 *l.* had been in hand on the 31st March 1884, and invested at 4 per cent., the fund would be solvent. But it is impossible for this Board or for the National Debt Commissioners to invest money entrusted to them at 4 per cent., and a larger sum must therefore be taken in order to ensure solvency. In paragraph 16 of the Actuaries' Report, it is stated that, assuming a total sum of 7,000,162 *l.* to be required to secure solvency, if the rate of investment be 4 per cent., a sum of 7,713,571 *l.* would be required to secure solvency, if the rate of investment be 3 per cent. My Lords calculate the ultimate deficiency on the basis of 3 per cent. at about 4,500,000 *l.*, reduced by so much of the reserve in hand as does not represent arrears of capitalisation paid by the Government of India, and therefore set against item B., in paragraph 11 of the Actuaries' Report. An annuity of 150,000 *l.* based upon a rate of interest of 3 per cent. would probably discharge that liability in about 60 years.

My Lords propose further that you should make an annual Report to them of receipts and payments in respect of the Indian Army Pension Fund, and that every five years you should review the position of the fund with a view, if necessary, to re-adjustment of the annuity.

My Lords have only further to notice two sums which will increase the deficiency. The first is the Capitalisation Fund of the special pensions mentioned in column *c.* of paragraph 13 of the Actuaries' Report. You will observe from paragraph 8, that the capitalised sum in respect of these pensions, which should have been paid on the 1st April 1874, was not paid until after October 1876, and that a claim for interest up to October 1876 had in consequence accrued, amounting to 25,167 *l.*, which my Lords agreed not to press; but the capitalised sum was not actually paid by the Indian Government until very long after October 1876, and a further claim for interest in consequence accrued of 15,443 *l.*, which the Indian Government claim to have been also forgiven. These sums may increase the deficiency (*see item D.* in paragraph 11) by 50,000 *l.* Further, the full sum of interest claimed in the Actuaries' Report has not been accepted by India, and a compromise has been effected, resulting in a loss to the Imperial Government of 88,529 *l.* or 96,250 *l.*, the difference depending on the admittance or rejection of the claim for 15,443 *l.* just mentioned. The increase of the ultimate deficiency through these causes is considered in a preceding paragraph, where it is stated that the ultimate gross deficiency may be 4,650,000 *l.*

I am to say that my Lords would be glad to learn at your early convenience, whether you are prepared to accept charge of the fund now proposed to be created with its contingent provisions, and further they trust that you will favour them with your remarks upon the scheme thus laid before you.

I am, &c.
(signed) *John T. Hibbert.*

— No. 14. —

The Secretary to the Treasury to the Financial Secretary, War Office.

Treasury Chambers,
30 April 1885.

Sir,

I AM directed by the Lords Commissioners of the Treasury to acquaint you, for the information of the Marquis of Hartington, that they have had under consideration Mr. De la Bère's letters of the 8th July and 2nd September last, forwarding a copy of Mr. Denham Robinson's memorandum on the best method of giving effect to the decision of the Treasury that the capitalisation of the charges

against India for non-effective pay shall be abolished, and also a copy of the opinion of the Secretary of State for India in Council upon Mr. Robinson's plan.

Lord Kimberley admits the accuracy of the plan, but objects to the labour which it would involve, and having practically no alternative plan to recommend, he proposes to revert to capitalisation. The calculation, however, is to be based upon the assumption that the capitalised sum will be invested at 3 instead of 4 per cent., and the amount so ascertained is to be converted into a ten years' annuity at the same rate of interest.

Lord Kimberley's proposal undoubtedly removes one of the great objections which my Lords entertain to the old capitalisation arrangement, viz., that it assumed a rate of interest which my Lords cannot realise. On the other hand, it introduces a fresh subject of complication, by spreading the new capitalisation over a period of ten years; and it does not remove the objection arising out of delay in ascertaining the capitalisation charge. In spite of the efforts which have been made to reduce the delay inseparable from any scheme of capitalisation, the Actuaries' Reports are practically three years in arrear, the last rendered to this Board being for the year ended 30th June 1882. My Lords may notice further, as an objection to capitalisation, the considerable sums repayable to India on account of pensioners re-employed. These repayments amounted, from an account now before my Lords, to no less a sum than 1,339,399 *l.* for the period between 1st April 1870 and 31st March 1882.

In fine, my Lords, after a careful review of the arguments for and against capitalisation, come to the conclusion that the financial objections are greater than the advantages. They think it best, therefore, to adhere to the decision announced in their letter of the 4th March 1884, and to determine the capitalisation arrangements as from the 1st April 1884 inclusive. Lord Hartington has already given his assent to this proposal by letter of 31st January 1884, and my Lords have reason to anticipate that objection will not be raised on the part of the Secretary of State for India in Council.

Assuming a new arrangement to be made upon this basis, my Lords proceed to consider the method by which it is to be carried into effect. They propose, in the first place, that the yearly charge against India in each year subsequent to 1883-84 should be raised in the manner suggested by Mr. Denham Robinson's Memorandum of 26th April 1884, enclosed in Mr. De la Bère's letter of the 8th July of that year. Lord Kimberley, as has been stated, admits the accuracy of the method, and my Lords do not anticipate that practical objection will be raised by the Government of India to the adoption of it. I am accordingly to ask that the actuaries of the War Office may be instructed to calculate, in concert with the actuary of the India Office, the sum payable by the Government of India, under Mr. Robinson's plan, in the year 1884-85, and they would be glad to receive also from the Secretary of State an estimate of the sum so payable in 1885-86. This charge in future years, for the receipt of which provision will be duly made in the Army Estimates of those years, will be paid to the War Office year by year, at dates to be determined by the two Secretaries of State. The provision made in the Estimates for the Indian share of pensions to be granted in a year not yet begun, can, of course, only be an estimate, and errors in that estimate must be adjusted in the Estimates next following the completion of the pension account for the year in question.

The charge of Indian Pensions, dating previous to 1st April 1870, must remain on the War Office Estimates uncovered, inasmuch as the arrangements made by the War Office Committee of 1870 contemplated that no claim would be made on India in respect of those pensions.

My Lords propose that the National Debt Commissioners, under regulations which are more fully explained in the enclosed copy of a letter to those Commissioners, shall, year by year, pay over to the Secretary of State for War the amount which the actuaries of the War Office calculate to represent the charge on the Army Estimates of the year of Indian Pensions belonging to the period between 1st April 1870 and 31st March 1884. My Lords need not dwell further upon this point as the Secretary of State will only ask to be satisfied that he will duly receive the amounts of such charge.

I am also to forward a copy of a letter from the India Office dated 27th March 1884, and of a letter from this Board to the India Office of even date with that which I am now addressing to you. The Secretary of State will see from this correspondence

correspondence that my Lords have agreed with the Secretary of State for India in Council to a compromise, whereby the Indian Government will pay the mean between the claim for interest to 31st March 1883, as put forward by the actuaries of the War Office, and the amount of interest on the same debt as admitted by the Secretary of State in Council. This compromise involves a further loss to the Imperial Government of 96,250 *l.*; Lord Kimberley, however, makes a further deduction. He considers that the amount of the claim should be diminished by the interest charged by the War Office actuaries on capitalisation of the Old East India Company's Army Pensions for the period between October 1876 and the actual date of payment by the India Office. The sum thus in dispute amounts, my Lords understand, to 15,443 *l.*, and the abandonment of the claim would reduce the loss above stated from 96,250 *l.* to 88,528 *l.* On the other hand, the uncovered liability on account of the East India Companies' pensions would be increased by 16,000 *l.* or 17,000 *l.* My Lords think that, in equity, the Government of India should pay interest on those capitalised pensions for the period between October 1876 and the date of actual payment, for the reasons which are stated in the letter of which copy is enclosed. They have, however, to admit that the letter in which they abandoned the claim might be held in strict interpretation to cover the whole period to date of payment.

I am to ask that the actuaries of the War Office may be instructed to recalculate paragraph 11 of their Report of the 28th February 1884, upon the basis given in this letter, and on the assumption that money can be invested at 3 per cent. only. They will understand that subsequent to the date of the above-named Report and up to the 31st March 1885, further payments have been made by India to the Imperial Government, amounting to 1,800,000 *l.*

The Secretary of State for War is aware that if these proposals are accepted, the charge for pensions granted before 1870-71, and shown in columns *a* and *b* of paragraph 13 of the Report of the War Office Actuaries will remain a dead weight on Army Votes, no set-off being paid over to Army Votes against it. The arrangement will provide, on the other hand, for the payment yearly to the Secretary of State for War of the sum which the actuaries calculate as representing the charge in the year on Army Votes of Indian pensions first come into course of payment between 1st April 1870 and 31st March 1884, and of the Old East India Company pensions to which paragraph 8 of the Report refers.

My Lords desire to obtain the assent of the Secretary of State to the principle of these proposals as early as convenient, as the general outline of the scheme should be explained in the Budget, and the necessary powers should be obtained from Parliament as soon as may be practicable.

In conclusion, I am to summarise for convenience the information required from the Office of the Secretary of State.

1. A re-calculation of paragraph 11 of the Actuaries' Report, number 321.
2. An estimate of the sums receivable as the Indian share of pensions, granted after 31st March 1884, and payable respectively in the years 1884-85 and 1885-86.
3. Information as to the date at which the actuaries would be able to ascertain the pension charge of each year, on the principle laid down in Mr. Denham Robinson's Memorandum of 26th April 1884.
4. Information as to the time at which it would be possible to complete the capitalisation charge against India up to 31st March 1884.

I am, Sir,
Your obedient Servant,
John T. Hibbert.

— No. 15. —

The Secretary of the Treasury to the Parliamentary Counsel.

Treasury Chambers,
30 April 1885.

Sir,

I AM directed by the Lords Commissioners of Her Majesty's Treasury to transmit to you herewith copy of their Minute of this day's date, respecting the Home Non-Effective Charges of Troops serving in India, and of the letters appended thereto ; and I am to request you to prepare a Bill on the lines indicated in the Minute, creating an Indian Pension Fund in the hands of the National Debt Commissioners, transferring to the Commissioners all funds now in the hands of the Paymaster on the Indian Army non-effective arrear account, all moneys hereafter receivable from the Government of India on the capitalisation account up to 31st March 1884, and charging an annuity not exceeding 150,000 *l.* on the Consolidated Fund, payable to the National Debt Commissioners for such period as the Treasury may find necessary, in order to liquidate the liability of the Consolidated Fund. The National Debt Commissioners should be empowered to invest all or any part of the sum so received in Parliamentary securities.

The Bill should further authorise the National Debt Commissioners to pay at prescribed dates to the Secretary of State for War, out of the above-mentioned fund, the sum which may be calculated by the actuaries of the War Office as representing the charge payable from Army Votes in the year of Indian Army Pensions granted between 1st April 1870 and 31st March 1884, and of the Army Pensions granted to men who had served in regiments of the Old East India Company transferred to the Queen's Army before 1870.

For this purpose the National Debt Commissioners should have power to lend moneys in their hands to the fund, taking in return out of the annuity of 150,000 *l.* charged on the Consolidated Fund, an annuity for a term of years based on a rate of interest of 3 per cent.

I am, &c.
(signed) *John T. Hibbert.*

**EAST INDIA,
(NON-EFFECTIVE CHARGES OF HER
MAJESTY'S FORCES).**

**COPY of CORRESPONDENCE between the TREASURY
the WAR OFFICE, and the INDIA OFFICE, on
Subject of the HOME NON-EFFECTIVE CHARGES
of HER MAJESTY'S FORCES in INDIA.**

(Mr. Hibbert.)

*Ordered, by The House of Commons, to be Printed
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EAST INDIA (CANTONMENT REGULATIONS).

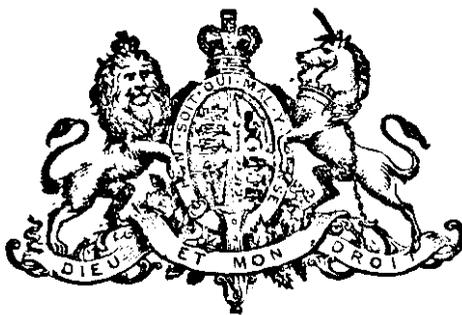
RULES AND APPLIED ENACTMENTS

ISSUED BY THE

GOVERNMENT OF INDIA,

16th JUNE, 1899.

Presented to both Houses of Parliament by Command of Her Majesty.



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GENERAL ORDERS.—MILITARY DEPARTMENT.

Simla, 16th June, 1899.

In exercise of the powers conferred by sections 25, 26, and 27 of the Cantonments Act, 1889 (XIII. of 1889), the Governor-General in Council is pleased to direct that, on and with effect from the first day of October, 1899, the following rules and applied enactments shall be in force in every cantonment in British India, other than Aden, save in so far as it may be for the time being excepted from the operation of any such rule in pursuance of an order made under subsection (2) of the said section 27.

2. On and with effect from the date aforesaid, the rules, regulations and notifications herein-after set forth shall be cancelled and cease to have effect, that is to say :

- (1) all rules and regulations made under—
 - (a) Act XXII. of 1864 (*an Act to make provision for the administration of military cantonments*) ;
 - (b) Madras Act IV. of 1865 (*an Act to make provision for the administration of military cantonments in the Presidency of Fort St. George*) ;
 - (c) Madras Act I. of 1866 (*an Act to repeal Madras Act IV. of 1865 and to make provision for the administration of military cantonments in the Presidency of Fort St. George*) ;
 - (d) the Bombay Cantonment Act of 1867 (Bombay Act III. of 1867) ; and
 - (e) the Cantonments Act, 1880 (III. of 1880), sections 25 and 26 ; and
 - (2) the following Notifications of the Government of India in the Military Department, namely :
 - (a) Notification No. 597, dated the 22nd May, 1896 ;
 - (b) Notification No. 723, dated the 19th June, 1896 ;
 - (c) Notification No. 1,117, dated the 9th October, 1896 ;
 - (d) Notification No. 26, dated the 8th January, 1897 ;
 - (e) Notification No. 162, dated the 5th February, 1897 ;
 - (f) Notification No. 1,148, dated the 15th October, 1897 ; and
 - (g) Notification No. 229, dated the 3rd March, 1899.
-

THE CANTONMENT CODE, 1899

CHAPTER I.

PRELIMINARY.

Short Title.

1. These rules and applied enactments may be called the Cantonment Code, 1899.

Short title.

General Definitions.

2. (1) In this Code, unless there is anything repugnant in the subject or context,—

Definitions.

- (a) "Accountant-General" means the Civil Accountant-General or Comptroller :
- (b) "bazar" means any land in a cantonment which has been set apart for the purposes of trade or the residence of natives or any other purpose, and the boundaries of which have been demarcated by pillars or posts and specified, by or under the authority of the General Officer of the Command, in Command Orders ;
- (c) "Command" means one of the principal portions into which the Army in India is for the time divided :
- (d) "dairy" includes every farm, shed, milk-store, milk-shop or other place from which milk is supplied, or in which milk is kept for purposes of sale :
- (e) "dairyman" includes the keeper of a cow, buffalo, goat, ass or other animal, the milk of which is offered, or intended to be offered, for sale for human consumption, any purveyor of milk and any occupier of a dairy :
- (f) "Executive Engineer" means the Public or Military Works officer of that grade having charge of the military works in the cantonment, and includes the officer, of whatever grade, in immediate executive engineering charge of a cantonment :
- (g) "General Officer of the Command" means the General Officer commanding the Forces in the Command :
- (h) "infectious or contagious disorder" includes cholera, leprosy, enteric fever and every infectious or contagious disorder other than a venereal disease :
- (i) "keeper of sarai" includes the owner of a sarai, any person having the care or management of a sarai and the lessee of any land, whether belonging to the Government or not, occupied by a sarai :
- (j) "lessee" means a person who has been granted permission, whether before or after the commencement of this Code, to occupy for the purposes of a building-site, land belonging to the Government in a cantonment, and includes the successors in interest of a lessee :
- (k) "licensed market" means a private market licensed by the cantonment authority :
- (l) "licensed slaughter-house" means a private slaughter-house licensed by the cantonment authority :
- (m) "market" means a place in a cantonment where persons periodically assemble for purposes of selling meat, fish, fruit, vegetables, milk, or any other perishable articles of food for human consumption :
- (n) "notification" means a notification in the local official Gazette :
- (o) "notified" means published by notification :
- (p) "private market" means a market not maintained by the cantonment authority.
- (q) "private slaughter-house" means a slaughter-house not maintained by the cantonment authority.

- (r) "public market" means a market maintained by the cantonment authority :
- (s) "public slaughter-house" means a slaughter-house maintained by the cantonment authority.
- (t) "regimental bazar" means a bazar under the management of regimental authorities :
- (u) "Sanitary Officer" means, where no sanitary officer has been specially appointed, the senior executive Medical Officer in military employ on duty in a cantonment :
- (v) "sarai" means a building in a cantonment ordinarily used, whether wholly or in part, for the accommodation of native travellers and not maintained by the cantonment authority :
- (w) "slaughter-house" means a place in a cantonment ordinarily used for the slaughter of animals for the purpose of selling the flesh for human consumption :
- (x) "source of public water-supply" includes every public well, tank, river, stream, spring, channel, reservoir or other source in a cantonment from which water is or may be made available for public use, whether or not it is used for the purposes of water-works, and also every source of water-supply situate on private premises to the use of which the public is entitled :
- (y) "street" includes any way, road, lane, square, court, alley, passage or open space in a cantonment, whether a thoroughfare or not, and whether built upon or not, over which the public have a right of way, and also the roadway and footway over any bridge or causeway : and
- (z) "treasury" means the Government treasury or sub-treasury, or the bank or place prescribed by or under section 22 of the Cantonments Act, 1889, for the custody of the cantonment fund of a cantonment.
- (2) Where any question arises as to whether a building is or is not a sarai, or a place is or is not a slaughter-house, it shall be decided by the cantonment authority ; and the decision of the cantonment authority thereon shall be final and conclusive.

XIII. of
1889.

CHAPTER II.

CANTONMENT COMMITTEES AND CONTROL.

Constitution.

3. (1) In every cantonment with respect to which the Local Government has determined that a cantonment committee is to be constituted, the cantonment committee shall ordinarily consist of the following members, namely :
- Ordinary members of cantonment committee.
- (a) the Commanding Officer of the cantonment or, where he is the Officer Commanding the District, the officer who would succeed to the command of the cantonment during his temporary absence ;
 - (b) any Magistrate of the first class, being also a Justice of the Peace, appointed by the District Magistrate to represent him ;
 - (c) such Commanding Officers in the cantonment as may be appointed in Station Orders to be members ;
 - (d) the Cantonment Magistrate ;
 - (e) the Sanitary Officer ;
 - (f) the Executive Engineer ; and
 - (g) the District Superintendent of Police.
- (2) The Commanding Officer of the cantonment or, where he is the officer Commanding the District, the officer who would succeed to the command of the cantonment during his temporary absence, shall be the President, and the Cantonment Magistrate shall be the Secretary, of the committee.
- (3) If the President is absent from any meeting, the next senior combatant officer present shall preside on that occasion.

4. The General Officer of the Command may, by order in writing, appoint any residents of the cantonment, whether officials or non-officials, to be additional members of the cantonment committee for such period as may be stated in the order.

Additional members of cantonment committee.

Cantonment committee (if any) to discharge functions of cantonment authority.

5. The cantonment committee (if any) shall discharge the functions of the cantonment authority under this Code.

6. (1) The Governor General in Council, after consultation with the Local Government and the General Officer of the Command, may, by notification, direct, in respect of any cantonment in which a cantonment committee has not been constituted or has ceased to exist or cannot be convened, that any of the functions of the cantonment authority under this Code—

Provision where there is no cantonment committee.

(a) shall be in abeyance ; or

(b) shall, with such modifications as may be prescribed in the notification, be discharged by the Commanding Officer of the cantonment.

(2) Subject to any notification for the time being in force under sub-section (1), the Commanding Officer of any such cantonment as aforesaid may discharge any of the functions of the cantonment authority under this Code.

Meetings of Cantonment Committee.

7. (1) The cantonment committee (if any) shall meet for the transaction of business once at least in every month, and at such other times as the President may direct.

Time and place of meetings, and notice of business.

(2) The time and place of each meeting shall be announced in Station Orders, and shall be communicated to each member by a notice in writing issued by the Secretary.

(3) Every notice issued under sub-section (2) shall,—

(a) unless the President in any case otherwise directs, be issued so as to reach each member three clear days before the meeting takes place ; and

(b) be accompanied by an agenda paper specifying the business to be transacted at the meeting.

(4) The President may permit the consideration of any business not specified in the agenda paper as aforesaid, unless a majority of the members require its postponement to a later meeting.

(5) The President may, by order in writing, adjourn any meeting to any date to be fixed by the order.

8. No business relating to the imposition, abolition or modification of any tax shall be transacted at a meeting unless at least six clear days' notice in writing of the date fixed therefor has been given.

Six days' notice required in certain cases.

9. No business shall be transacted at a meeting unless there are present, in addition to the President,—

Quorum.

(a) three members of the committee, or

(b) half the total number of members,

whichever number is the greater.

10. (1) Minutes of the proceedings at each meeting shall be recorded in a book, shall be signed by the President, and shall, at such times and in such place as shall be fixed by the cantonment committee, be open, free of charge, to the inspection of any inhabitant of the cantonment.

Minutes of proceedings to be kept.

(2) A copy of the minutes shall, as soon as possible after each meeting, be forwarded for the information of the District Magistrate.

11. Every meeting shall be open to the public, unless in any case the President, for reasons to be recorded in the minutes, otherwise directs.

Meetings to be public.

12. (1) All questions coming before a meeting shall be decided by a majority of the votes of the members present and voting.
 Decision by majority of votes.

(2) In the case of an equality of votes, the President shall have a second or casting vote.

(3) The dissent of any member from any decision of the cantonment committee, with an abstract of the grounds therefor, shall, if the member so requests, be entered by the Secretary in the minutes.

Control.

13. (1) If the President dissents from any decision of the cantonment committee, he may, for reasons to be recorded in the minutes, by order in writing, direct the suspension of action thereon for any period not exceeding one month; and, if he does so, he shall forthwith refer the matter to the Officer Commanding the District.

Power of President and District Magistrate to suspend action pending reference to higher authority.

(2) If the District Magistrate considers any decision of the cantonment committee to be prejudicial to the public health, safety or convenience, he may, whether on a report made by the Magistrate representing him on the cantonment committee or otherwise, after giving notice in writing of his intention to the President, refer the matter to the Local Government through the Commissioner (if any) of the Division; and the President shall, on receipt of such notice, direct the suspension of action on the decision pending the disposal of the reference to the Local Government, and shall forthwith report the matter to the General Officer of the Command through the Officer Commanding the District.

(3) If the Magistrate appointed to represent the District Magistrate on the cantonment committee is present at a meeting and dissents from any decision which he considers prejudicial to the public health, safety or convenience, he may, for reasons to be recorded in the minutes and after giving notice in writing of his intention to the President, report the matter to the District Magistrate; and the President shall, on receipt of such notice, direct the suspension of action on the decision for a period sufficient to admit of the District Magistrate being communicated with and taking proceedings as provided by sub-section (2),

Controlling powers of Officer Commanding the District. 14. (1) The Officer Commanding the District may, by order in writing,—

- (a) call for any book or document in the possession or under the control of the cantonment authority;
 - (b) require the cantonment authority to furnish such statements, accounts, reports and copies of documents relating to its proceedings or duties as he may think fit;
 - (c) require the cantonment authority to furnish plans and estimates for all works to be constructed out of the cantonment fund at a cost exceeding five hundred rupees, and to conform to such directions as he may think fit to give with respect to the superintending authority by whom such works shall be approved; and
 - (d) direct that any matter or any specific proposal, other than one which has been referred to the Local Government under section 13, sub-section (2), be brought before the cantonment committee.
- (2) The Officer Commanding the District may, by a like order,—
- (e) direct the suspension, for such period as may be stated in the order, of action on any decision of the cantonment committee which has not been referred to him under section 13, sub-section (1); or
 - (f) when any decision of the cantonment committee has been referred to him under section 13, sub-section (1), either—
 - (i) cancel the order given by the President directing the suspension of action, or
 - (ii) extend its duration for such period as may be stated in his order, or
 - (iii) declare the modifications with which the decision may be carried into effect by the cantonment committee.

- (3) When the Officer Commanding the District directs the suspension of action on any decision of the cantonment committee, or extends the duration of any order of suspension, he shall forthwith refer the matter to the General Officer of the Command.

Controlling powers of General Officer of the Command. 15. The General Officer of the Command may, by order in writing,—

- (a) exercise any of the powers conferred by section 14, sub-section (1), on the Officer Commanding the District ;
- (b) direct the suspension, for such period as may be stated in the order, of action on any decision of the cantonment committee which has not been reported to him under section 13, sub-section (2), or referred to him under section 14, sub-section (3) ; or
- (c) when any decision of the cantonment committee has been referred to him under section 14, sub-section (3), either—
 - (i) cancel the order given by the President or the Officer Commanding the District, as the case may be, directing the suspension of action, or
 - (ii) extend the duration of the order for such period as may be stated in his order, or
 - (iii) declare the modifications with which the decision may be carried into effect by the cantonment committee.

16. When any decision of the cantonment committee has been referred to the Local Government under section 13, sub-section (3), the Controlling powers of Local Government. Local Government shall consult the General Officer of the Command and may then, by order in writing, either—

- (a) cancel the order given by the President directing the suspension of action ; or
- (b) extend its duration for such period as may be stated in its order ; or
- (c) direct that no action be taken on the decision ; or
- (d) declare the modifications with which the decision may be carried into effect by the cantonment committee.

CHAPTER III.

THE CANTONMENT MAGISTRATE AND CANTONMENT SERVANTS.

Cantonment Magistrate.

17. (1) The Cantonment Magistrate shall be the executive officer of the cantonment authority, and all orders of the cantonment authority shall be issued through him.
 Position and general duties of Cantonment Magistrate.

(2) The Cantonment Magistrate shall see that all orders of the cantonment authority are duly obeyed.

(3) The Cantonment Magistrate shall, as far as practicable, keep a record of every final order issued by him in his official capacity.

Cantonment Servants.

18. (1) With the previous sanction of the General Officer of the Command and subject to the provisions of sections 30 and 33 and to the control over the cantonment fund which is vested in the Local Government by section 23 of the Cantonments Act, 1889, the cantonment authority shall fix the number and salaries of the servants to be employed by it.
 Number and salaries of servants of cantonment authority.

(2) Every alteration in the number of such servants or in their salaries shall be subject to the sanction and control aforesaid :

Provided that temporary servants may, in cases of emergency and if funds are available, be employed without such sanction for any period not exceeding three months.

XIII. of 1889.

Explanation.—Nothing in this section shall be deemed to apply to the police employed in a cantonment beyond the limits of a Presidency-town, or to affect the provisions relating to the employment and constitution of the police-force of—

XIII. of
1889.
V. of 1861.
Bo. Act
VII of 1876
III. of 1888.
Bo. Act IV.
of 1890.

- (a) the Cantonments Act, 1889, section 12 ;
- (b) Act XXIV of 1859, section 8 ;
- (c) the Police Act, 1861, section 2 ;
- (d) the Bombay District Police Act, 1867, section 3 ;
- (e) Bengal Act VII of 1869 ;
- (f) the Police Act, 1888 ; and
- (g) the Bombay District Police Act, 1890, section 4.

19. The Cantonment Magistrate shall maintain such public register of menial servants employed by the cantonment authority as may be instituted by that authority.

Register of menial
servants of cantonment
authority.

Appointment and
supervision of servants
of cantonment authority.

20. The Cantonment Magistrate shall—

- (a) appoint all servants required by the cantonment authority ;
- (b) apportion, control and superintend the performance of the duties of all such servants ;
- (c) disburse the salaries of all such servants ; and
- (d) deal with applications from such servants for leave of absence :

Provided that no person shall be appointed under this section who has been dismissed for misconduct from employment under any other cantonment or local authority, or any Department of the Government.

21. The Cantonment Magistrate may, for reasons to be recorded by him in writing, fine, suspend, dismiss or reduce to a lower grade or salary any servant of the cantonment authority :

Punishment of ser-
vants of cantonment
authority.

Provided, first, that no fine so imposed shall exceed one week's salary of the servant fined :

Provided, secondly, that the Cantonment Magistrate shall submit to the cantonment authority a monthly list of all such fines, suspensions, dismissals and reductions : and

Provided, thirdly, that the Cantonment Magistrate shall not dismiss any servant whose salary is not less than twenty-five rupees a month, without obtaining the previous sanction of the cantonment authority.

22. Whoever obstructs or molests any person employed by the cantonment authority (not being a public servant within the meaning of section 21 of the Indian Penal Code), or any person with whom the cantonment authority may have lawfully contracted, in the performance and execution of his duty or of anything which he is empowered or required to do by virtue or in consequence of any of the provisions of this Code, shall be punishable with imprisonment for a term which may extend to eight days, or with fine which may extend to fifty rupees.

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Penalty for obstruct-
ing in their duty per-
sons employed by, or
contracting with, the
cantonment authority.

23. (1) In the absence of a written contract to the contrary, every sweeper employed by the cantonment authority shall be entitled to one month's notice before discharge or to one month's wages in lieu thereof, unless he is discharged for misconduct or was engaged for a specified term and discharged at the end of it.

(2) Whoever, being a sweeper employed by the cantonment authority, in the absence of a written contract authorizing him so to do and without reasonable cause, resigns his employment or absents himself from his duties without giving one month's notice to the cantonment authority, or neglects or refuses to perform his duties or any of them, shall be punishable with imprisonment for a term which may extend to two months.

(3) The Local Government may, by notification, direct that, on and from a date to be specified in the notification, the provisions of this section with respect

to sweepers shall apply also to any specified class of servants employed by the cantonment authority whose functions intimately concern the public health or safety.

24. (1) The Cantonment Magistrate shall require every servant of the cantonment authority who is entrusted with the receipt, custody or control of moneys or securities for money, to furnish security for the due discharge of his office to such amount as the cantonment authority may determine.

Security to be furnished by certain servants of cantonment authority.

- (2) No security shall be accepted other than a deposit of—
- (a) cash, or
 - (b) Government securities, or
 - (c) shares in the Bank of Bengal, the Bank of Madras or the Bank of Bombay, or
 - (d) debentures or other securities for money issued by or on behalf of a local authority.

25. On or about the first day of January in each year the Cantonment Magistrate shall submit to the cantonment authority a report as to the sufficiency of the security furnished by or on behalf of its servants.

Annual report as to sufficiency of security furnished.

26. The Cantonment Magistrate shall deal in the manner prescribed in the Civil Account Code with all moneys and securities deposited as security by or on behalf of servants of the cantonment authority or persons who have entered into contracts with the cantonment authority :

Procedure in dealing with moneys and securities deposited.

Provided that no such moneys or securities as aforesaid shall be delivered up,—

- (a) if deposited by or on behalf of a servant of the cantonment authority, until after the lapse of such time after the death of, or the vacation of his office by, such servant as the cantonment authority may direct ; or,
- (b) if deposited by or on behalf of a contractor, then, in the absence of any condition in the contract to the contrary, until after the lapse of such time after the completion of the contract to the satisfaction of the cantonment authority as that authority may direct.

CHAPTER IV.

CANTONMENT FUND.

Credits to Fund.

27. There shall be placed to the credit of the cantonment fund the following sums, namely :

Sums to be credited to cantonment fund.

- (a) all sums directed by section 21, sub-section (1), of the Cantonments Act, 1889, or by or under any other enactment for the time being in force, to be placed to the credit of that fund : and
- (b) all grants-in-aid and other sums received by the cantonment authority in aid of that fund.

28. (1) The Secretary to the Government of India in the Military Department shall, from time to time, intimate to the General Officer of the Command the annual sum (if any) which will from time to time be placed at his disposal by the Government of India as a grant-in-aid to the cantonment funds in his Command.

(2) The General Officer of the Command shall distribute the said sum among the said cantonment funds in such proportions as he may think fit.

Application of Fund.

29. (1) The cantonment fund may be applied to the following purposes within the cantonment, namely :

Purposes to which cantonment fund may be applied.

- (a) the payment of any expenses directed by or under any enactment for the time being in force to be debited to the fund ;

- (b) the maintenance of the police-force employed in the cantonment, including charges of every description required for the efficient discharge of the duties of that force therein ;
 - (c) the provision and maintenance of an office for the cantonment authority ;
 - (d) the payment of the salaries of the cantonment establishment ;
 - (e) the survey of buildings and lands ;
 - (f) the management and improvement of lands and other property placed by the Government under the management of the cantonment authority, including—
 - (i) the construction and maintenance of streets (other than those maintained from Imperial or Provincial funds),
 - (ii) the lighting, watering and cleansing of streets, and
 - (iii) the maintenance of public parks and gardens and the planting and tending of trees ;
 - (g) the provision and maintenance, or the aiding, of hospitals, dispensaries and schools ;
 - (h) the provision and maintenance of public markets and slaughter-houses ;
 - (j) the carrying out of a proper system of conservancy throughout the cantonment for all its inhabitants other than classes of troops for whom conservancy is provided from public revenues other than the cantonment fund, including—
 - (i) the pay of the public conservancy establishment,
 - (ii) the construction of public latrines and other conservancy works, and
 - (iii) the purchase of all necessary conservancy carts, utensils and other appliances ;
 - (k) the carrying out of a proper system of water-supply and drainage and of other sanitary measures, including public vaccination and the prevention of the spread of infectious or contagious disorders, and generally the maintenance of the cantonment in a thoroughly sanitary condition ;
 - (l) the burial, burning or other lawful disposal of the corpses of paupers and unknown persons ;
 - (m) the abatement of nuisances ;
 - (n) the taking of a census ; and
 - (o) generally the payment of all expenses incurred under this Code or any other rule or law for the time being in force.
- (2) The cantonment fund may, with the general or special sanction of the Local Government, be applied to any of the purposes referred to in sub-section (1), within or without British India, beyond the limits of the cantonment, in cases in which, in the opinion of the Local Government, the application of the fund beyond those limits is for the benefit of the inhabitants of the cantonment or of any military force or detachment ordinarily quartered therein.

Estimates and Sanctions.

30. No money shall be paid from the cantonment fund unless the expenditure is either—

Money not to be paid unless expenditure sanctioned.

- (a) provided for in the sanctioned budget estimate, or by re-appropriation under section 33, or
- (b) sanctioned by the Local Government after consultation with the General Officer of the Command, and
- (c) in the case of expenditure on Public Works, unless detailed estimates have been prepared and sanctioned.

31. The cantonment authority shall, under the direction of the General Officer of the Command, be responsible for administering the funds provided in the sanctioned budget estimate or sanctioned under section 30, clause (b).

Responsibility for administering funds.

32. (1) On the first day of June in each year, or on such other date as the General Officer of the Command may direct, the cantonment authority shall submit to the Officer Commanding the District a budget estimate of the receipts (including any grant-in-aid) into, and expenditure from, the cantonment fund for the ensuing financial year.

Submission and sanctioning of budget estimates.

(2) The budget estimate shall be framed in accordance with Form 8 in Schedule I, or in such other form as may from time to time be prescribed by the Comptroller General with the previous sanction of the Governor General in Council.

(3) The Officer Commanding the District may revise the budget estimate, and shall submit it to the General Officer of the Command.

(4) The General Officer of the Command may further revise the budget estimate, and shall submit it to the Local Government through the Accountant General by the twentieth day of November in each year.

(5) The Local Government may sanction the budget estimate, with or without modification.

(6) The sanction of the Local Government to the budget estimate shall be communicated by it to—

(a) the Accountant General, and

(b) the General Officer of the Command for intimation to the Officer Commanding the District and the cantonment authority.

Re-appropriation. 33. (1) The cantonment authority may,—

(a) with the previous sanction of the General Officer of the Command, re-appropriate any sum from one major head of the budget estimate to another ; or,

(b) with the previous sanction of the Officer Commanding the District, re-appropriate any sum from one minor head or sub-head of the budget estimate to another minor head or sub-head under the same major head :

Provided that no allotment to any major head shall, by re-appropriation, be varied by more than ten per cent. of its original amount, except with the previous sanction of the Local Government also.

(2) A copy of every order made under sub-section (1) shall be sent by the General Officer of the Command or the Officer Commanding the District, as the case may be, to the Accountant General.

Payments.

34. (1) Every claim for payment from the cantonment fund shall be supported by a voucher, duly receipted and (if necessary) stamped, and shall be presented—
 Examination of, and order for payment of, claims.

(a) to the President of the cantonment committee ; or,

(b) if so directed by the General Officer of the Command, to the Secretary to the cantonment committee ; or,

(c) where there is no cantonment committee, to the Commanding Officer of the cantonment.

(2) The President, Secretary or Commanding Officer, as the case may be, shall check and examine every claim presented under sub-section (1), and, if it is found correct, and is supported by a voucher as aforesaid, shall sign an order for the payment thereof.

(3) If payment is to be made from the imprest, the order for payment shall be "Pay in cash rupees (in words)," and, if payment is to be made by cheque, the order shall be "Pay by cheque No. , dated , rupees (in words)," the blanks being filled up when the cheque is signed.

Payments how to be made. 35. Payment shall be made,—

(a) if the sum to be paid does not exceed twenty rupees, in cash ; and

(b) if the sum to be paid exceeds twenty rupees, by cheque.

36. (1) Money may be drawn from the cantonment fund only by means of a cheque written in Form 4 in Schedule I.

Cheques.

(2) Every cheque shall be signed as follows :—

(a) where there is a cantonment committee,—

(i) if the sum to be paid does not exceed one hundred rupees, by the Secretary ; or,

(ii) if the sum to be paid exceeds one hundred rupees, by the President :

(b) where there is no cantonment committee, by the Commanding Officer of the cantonment.

(3) Cheques drawn in favour of a Government officer shall be made payable

to order, and cheques drawn in favour of any other person shall be made payable to bearer.

(4) All cheque forms shall be bound in books with counterfoils.

(5) Every cheque book shall bear a number, and each officer authorized by sub-section (2) to sign cheques shall notify to the treasury the number of the cheque book which he from time to time brings into use.

(6) On each cheque form there shall be entered the number of the cheque book in which the form is contained, and a consecutive number.

7. There shall be noted on the outside of each cheque book an order for its personal custody under lock and key by the officer who is authorized to use the book for the purpose of signing cheques; and, when such officer is relieved, he shall take a receipt for the number of cheque forms made over to the relieving officer and shall send to the treasury a specimen of the signature of the relieving officer.

(8) No cheque shall be current for more than three months from the date on which it was drawn. After the expiration of that period payment will be refused at the treasury, and it shall be necessary for the person in whose favour the cheque was drawn, to return it. In the event of a cheque being so returned, no fresh cheque will be issued, but the lapsed cheque shall be re-dated, and the alteration initialled, by the officer whose duty it would be, under sub-section (2), to sign the cheque, a note of the fact of re-dating being entered in the register of payments against the original transaction.

37. (1) The cantonment authority shall, where it has not already done so, draw from the treasury a sum not exceeding fifty rupees, to form an imprest for the purpose of meeting petty payments.

Imprest.

(2) The amount of petty payments met out of the imprest shall be recouped by cheque on the last day of each month, and, if necessary, during the month also, so that the full amount of the imprest, plus any sum received too late for remittance to the treasury on the last day of the month, shall always be shown in the monthly accounts as being in the hands of the cantonment authority.

38. Overdrafts on the cantonment fund shall be allowed only if sanctioned by the General Officer of the Command and also by the Local Government.

Overdrafts.

Receipts.

39. (1) All moneys received for credit to the cantonment fund shall be entered in a register of receipts, to be kept in Form 1 in Schedule I, and, with the exception of grants-in-aid and fines, shall be acknowledged by receipts in Form 2 in the said schedule.

Register of receipts
and form of acknow-
ledgment.

(2) All receipts granted by way of acknowledgment under sub-section (1) shall bear printed numbers in a consecutive series, and the number of every receipt so granted shall be entered in the second column of the register of receipts.

40. The cantonment authority shall be responsible for making such arrangements as will secure—

Responsibility of canton-
ment authority as to receipts.

(a) that all moneys received for credit to the cantonment fund are duly brought to credit in the accounts;

(b) that all moneys so received, with the exception of grants-in-aid and fines, are duly acknowledged by receipts in the form prescribed by section 39; and

(c) that, whenever a receipt is given, the foil and counterfoil are duly filled up.

Account of the Imprest.

41. An account of the imprest shall be kept in an imprest register in Form 6 in Schedule I, and the expenditure recorded in it shall be entered in a register of payments, to be kept in Form 5 in the said schedule, when a bill for the recoupment of the amount is made out and the amount is drawn from the treasury by cheque.

Imprest register.

Bills for Expenditure.

42. (1) Every item of expenditure shall be entered in a bill of one of the following kinds, namely :
 Expenditure to be entered in bill.

- (a) an establishment pay bill—for the pay of members of the cantonment establishment.
- (b) a travelling allowance bill—for the travelling allowances of members of the cantonment establishment ; or
- (c) a contingent bill—for all charges other than the pay and travelling allowances of members of the cantonment establishment.

(2) Every establishment pay bill and every travelling allowance bill shall be prepared in the form for the time being prescribed by the Civil Account Code.

(3) Every contingent bill shall contain full details of the charges incurred.

43. (1) Claims for supplies or services by contractors or tradesmen shall be paid on bills presented by them.
 Claims by contractors or tradesmen.

(2) Where any such claim as aforesaid is paid by cheque, the payment shall be at once entered in the register of payments, and, where it is paid in cash, the payment shall be entered in the imprest register.

(3) Where a contractor or tradesman presents his bill in the vernacular, a brief abstract shall be indorsed thereon in English, stating the amount, the name of the payee and the nature of payment in the terms prescribed by Article 9 (b) of the Civil Account Code.

44. (1) All petty charges to be met from the imprest shall be entered in bills prepared in the form for the time prescribed by the Civil Account Code.
 Petty charges to be met from the imprest.

(2) Such bills as aforesaid shall be supported,—

- (a) in the case of a payment for a telegram or of any other sum exceeding ten rupees, by the original voucher on which the payment was actually made ; and,
- (b) in other cases, by a certificate that the receipts of the payees have, as far as possible, been obtained, and have been so destroyed, defaced or mutilated that they cannot be used again.

(3) The certificate referred to in clause (b) of sub-section (2) shall be signed by the Secretary to the cantonment committee, or, if there is no cantonment committee, by the Commanding Officer of the cantonment.

45. (1) All charges incurred direct by the cantonment authority and paid by cheque shall be entered in bills prepared in the form for the time prescribed by the Civil Account Code.
 Charges incurred direct by cantonment authority.

(2) The following certificate shall be recorded at the foot of every such bill and signed by the Secretary to the cantonment committee or, if there is no cantonment committee, by the Commanding Officer of the cantonment, namely :—

“ I certify that the expenditure charged in this bill could not, with due regard to the interests of the cantonment, be avoided. I have satisfied myself that the charges entered in this bill have really been paid.”

(3) In the case of expenditure on Public Works, the usual completion certificate shall be furnished.

Entry of Cheques in Accounts.

46. All payments made by cheque shall be entered in the register of payments, the vouchers being numbered in a monthly consecutive series.
 Entry of payments by cheque.

47. Where a cheque is cancelled, the amount thereof shall be deducted from the expenditure by a minus entry in the appropriate column of the register of payments. The deduction shall then pass into the cash book through the daily total of payments carried into it.
 Deduction of amount of cancelled cheques.

Accounts and Returns.

48. The cantonment authority shall keep a cash book in Form 7 in Schedule I. The cash book shall be balanced monthly, and the balance shown in it reconciled with that shown in the pass book, to be kept in Form 3 in the said schedule, as follows :—

Cash book.	Balance as per pass book	...	...	...	...	...
	<i>Add—</i>					
	Amount of imprest	...	...	...	...	...
	Money received too late for remittance to treasury	...	...	...	...	...
				Total	...	...

	<i>Deduct—</i> Outstanding cheques, as per details below :—					
	Balance as per cash book	...	...	...	...	...

	Cheques outstanding on—					
	No.	Date.	Amount.			
	"	"	"			
			Total	...	...	...

49. (1) In the registers of receipts and payments the amounts sanctioned in the budget estimate for the year shall be entered at the top of the columns for the heads for which separate estimates are made.

(2) Where, during the year or in any revised estimate which may be sanctioned for the year, any addition to or alteration in the budget estimate is made, such addition or alteration shall be noted in the appropriate register in red ink, with a plus or minus sign, the order therefore being cited.

50. (1) At the end of each month the figures in the registers of receipts and payments shall be added up, the totals up to the end of the last preceding month being added to those of the month just expired and grand totals being made from the first day of April last preceding.

(2) Where the grand total under any head in the register of payments shows that the budget grant is likely to be exceeded, application shall at once be made for orders under section 30, clause (b), or section 33, as the circumstances may require, to cover the excess.

51. As soon as possible within ten days after the end of each month, the cantonment authority shall send to the Accountant General, for purposes of audit,—

- (a) extracts from the registers of receipts and payments for the month, prepared in the same detail as those registers and showing the budget estimate, each receipt and payment, the monthly totals, the totals to the end of the last preceding month and the grand totals ;
- (b) the foils of all receipts granted during the month ;
- (c) all paid bills ;
- (d) any cancelled cheques ; and
- (e) a statement of the balances, in the following form :—

Balance at the end of last month	...	...	...
Receipts during the month, as per details below	...	...	...
		Total	...

Expenditure during the month, as per accompanying schedule	...	...	...

BALANCE AT THE END OF THE MONTH.

Details of balance—

Balance in treasury, as per pass book	...	...
Cash received too late for remittance to treasury	...	...
Imprest in hands of cantonment authority

*Deduct—*Outstanding cheques, as per details below :

Net balance as above
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Cheques outstanding on—

No.	Date.	Amount.
"	"	"

Total
-------	-----	-----	-----

52. (1) The cantonment authority shall prepare annually a consolidated account showing the receipts into, and payments from, the cantonment fund, classified under the major heads, minor heads and sub-heads contained in the monthly accounts. \

(2) The total of the details under each head of receipts and payments, as given in the consolidated account, shall agree exactly with the figures appearing against the entry "From 1st April to date" under the same heads in the extracts forwarded to the Accountant General for the month of March last preceding.

(3.) The consolidated account shall be forwarded to the Accountant General, who will compare the figures with his own classified abstract and, if correct, forward the account to the General Officer of the Command with the following indorsement, namely :

"Examined and found correct.

Signed _____, Accountant General."

Classification.

53. (1) All receipts into, and expenditure from, the cantonment fund shall be classified, in the monthly and annual accounts, in accordance with Form 8 in Schedule I.

(2) All expenditure shall be classified in the monthly accounts under the appropriate major heads, minor heads and sub-heads with reference to the nature of the charge, whether specific budget provision exists or not; and no expenditure, which from its nature properly falls under one of the other prescribed heads, shall be classified under the head "Miscellaneous" on the ground that there is no specific budget provision for the charge.

Explanation.—Every permanent advance to a cantonment fund receiving a grant-in-aid under section 28 shall be held outstanding in the military accounts until the fund becomes self-supporting, and the advance shall then merely be shown as a balance in the hands of the cantonment authority.

Remittance to Treasury and Pass Book.

54. The cantonment authority shall remit to the treasury all moneys received for credit to the cantonment fund.

55. (1) Remittances to the treasury may be made either daily or weekly, as may be most convenient.

Procedure for remittances to treasury.

Provided that all moneys in hand on the last working day of each month shall be remitted on that day.

(2) Every remittance shall be accompanied by a chalan or invoice and by the pass-book.

(3) Where a remittance is made, the officer in charge of the treasury shall forthwith acknowledge its receipt by an entry in the pass-book, and shall enter on the charge side of the pass-book particulars of cheques paid up to date as recorded in his register.

(4) The pass-book shall be sent to the treasury on the last working day of each month, whether or not there are any moneys to be remitted to the treasury on that day. The officer in charge of the treasury shall then close the pass-book for the month, and enter therein in words the balance in hand, signing the entry.

56. (1) The cantonment authority shall from time to time examine the pass-book and shall forthwith call the attention of the officer in charge of the treasury to any discrepancy appearing between the credits or debits shown therein and those shown in its registers.

Supervision of pass-book by cantonment authority.

(2) The pass-book shall be written up only by the officer in charge of the treasury or by some member of his establishment, and no entries or marks shall be made therein by the cantonment authority or by any member of the cantonment establishment.

Abstract Statement of Estimated Income and Expenditure.

57. The General Officer of the Command shall, on receiving the sanction of the Local Government to the budget estimate for the several cantonment funds in his Command, forward to the Government of India in the Military Department, to the Commander-in-Chief in India and to the Local Government for information, an abstract statement of the estimated income of, and expenditure from, all such funds.

Abstract statement of estimated income and expenditure.

Submission of proposals as to taxation.

58. All proposals made by the cantonment authority for the imposition, abolition or modification of any tax shall be submitted to the General Officer of the Command for transmission to the Local Government.

Submission of proposals as to taxation.

CHAPTER V.

CONTRACTS.

59. Every contract made by the cantonment authority shall be executed on its behalf by the officer authorized by the Governor General in Council so to execute it under section 2 of the East India Contracts Act, 1870.

Contracts by whom to be executed.

33 & 34 Vict. c. 59.

60. No lease or other contract, which is to remain in operation for more than twelve months, shall be executed on behalf of the cantonment authority without the previous sanction of the General Officer of the Command:

Sanction required to execution of contract to remain in operation for more than twelve months.

Provided that, where any such lease as aforesaid is a lease of land, the sanction of the General Officer of the Command shall not be given without the concurrence of the Local Government.

61. No contract for the execution of a work shall be executed on behalf of the cantonment authority unless it has been examined and approved of by the Executive Engineer:

Reference to Executive Engineer prior to execution of contracts for works.

Provided that, where a work is estimated to cost not more than five hundred rupees, the contract shall not be referred to the Executive Engineer unless the cantonment authority so directs.

62. The officer authorized as provided by section 59 shall not execute on behalf of the cantonment authority any contract the value or amount of which exceeds one hundred rupees, without the previous sanction of—

Sanction of cantonment committee or Officer Commanding cantonment required to execution of contracts exceeding one hundred rupees in value.

- (a) the cantonment committee ; or.
- (b) where a cantonment committee has not been constituted or has ceased to exist or cannot be convened, the Commanding Officer of the cantonment :

Provided that, in case of urgency where there is a cantonment committee, the officer authorized as aforesaid may, with the previous sanction of the President of the cantonment committee, execute on behalf of the cantonment committee any contract the value or amount of which exceeds one hundred rupees but does not exceed two hundred rupees, and shall, in every such case, submit to the cantonment committee, at its next meeting, a report of his action and of the reasons therefor.

63. Every contract executed on behalf of the cantonment authority the value or amount of which exceeds fifty rupees, except a contract for the sale of moveable property, shall be in writing ; and, if the contract is for the execution of a work, it shall be prepared in the form in use for that purpose in the Public Works Department under the orders of the Local Government.

Form of contracts exceeding fifty rupees in value.

64. (1) The cantonment authority may direct that security be required for the fulfilment of any contract to be executed on its behalf, other than a contract for the execution of a work, and that the whole or any part of the security be deposited before the contract is executed.

Security for fulfilment of contract.

(2) Where any security is required under sub-section (1), it shall be of the nature specified in section 24, sub-section (2) and shall be of such amount as the cantonment authority may think fit.

(3) Where any security required as aforesaid has been given, the contract shall not be executed unless—

- (a) it contains a clause specifying the nature and the amount of the security required ; and
- (b) any sum directed to be deposited has been lodged with the cantonment authority.

65. Nothing in this Chapter shall apply to any lease of land for the purposes of a building-site.

Saving of leases for building-sites.

CHAPTER VI.

NUISANCES AND SANITATION.

Nuisances.

66. Whoever,—

Offences in road or public place.

- (a) in any street or public place within the cantonment,—
 - (i) is drunk and disorderly, or drunk and incapable of taking care of himself ; or
 - (ii) uses any threatening, abusive or insulting words, or behaves in a threatening or insulting manner, with intent to provoke a breach of the peace, or whereby a breach of the peace is likely to be occasioned ; or
 - (iii) eases himself, or wilfully and indecently exposes his person ; or
 - (iv) begs importunately for alms ; or
 - (v) exposes or exhibits, with the object of exciting charity, any deformity or disease or any offensive sore or wound ; or
 - (vi) carries meat exposed to public view ; or
 - (vii) is found gaming ; or

- (viii) pickets animals or collects carts ; or,
 - (ix) being engaged in the removal of night-soil or other offensive matter or rubbish, neglects to sweep away or otherwise effectually remove any portion thereof that may spill or fall on to such street or public place ; or,
 - (x) without proper authority, affixes or causes to be affixed any bill, notice or other document upon any building, monument, post, wall, fence, tree or other thing ; or,
 - (xi) without proper authority, defaces, or writes upon, or otherwise marks, any building, monument, post, wall, fence, tree or other thing or,
 - (xii) without proper authority, removes, destroys, defaces or otherwise obliterates any notice or other document put up or exhibited under this Code ; or,
 - (xiii) without proper authority, breaks, throws down or damages any direction-post, lamp, lamp-post or other thing maintained by the cantonment authority in such street or public place ; or,
 - (xiv) carries a corpse, or causes the same to be carried, without keeping it decently covered, or without taking due precaution to prevent risk of infection or injury to the public health, or annoyance to passers-by or to persons dwelling in the neighbourhood ; or
- (b) carries a corpse along a route prohibited by the cantonment authority by public notice ; or
 - (c) deposits, or permits his servant to deposit, any offensive matter or rubbish in any place not intended for the purpose on any street or public place, or waste or unoccupied land under the management of the cantonment authority ; or,
 - (d) having charge of a corpse, fails to bury, burn or otherwise lawfully dispose of the same within twenty-four hours after death ; or
 - (e) makes any grave, or buries or burns any corpse, at an unauthorised place ; or
 - (f) having entered or used a public conveyance under the circumstances or for any of the purposes mentioned respectively in section 184, fails to disinfect the same to the satisfaction of the cantonment authority ; or
 - (g) keeps or uses, or knowingly permits to be kept or used, any place as a common gaming-house, or assists in conducting the business of any common gaming-house ; or
 - (h) wilfully intrudes upon a place set apart for bathing purposes and incommodes persons lawfully using the same ; or,
 - (i) at any time or place prohibited by the cantonment authority by general or special notice, beats a drum or tom-tom, blows a horn or trumpet, or beats or sounds any brass or other instrument or utensil, or plays any music ; or,
 - (j) by singing, screaming or shouting, disturbs the public peace or order ; or
 - (k) fires a gun, or does any other act, in such manner as to frighten or be likely to frighten animals passing by, or to cause or be likely to cause annoyance or danger to persons passing by or dwelling or working in the neighbourhood ; or
 - (l) lets loose any horse or other animal so as to cause, or negligently allows any horse or other animal to cause injury, danger, alarm or annoyance to any person ; or
 - (m) suffers any ferocious dog to be at large without a muzzle ; or
 - (n) sets on or urges any dog or other animal to attack, worry or put in fear any person ; or,
 - (o) being the occupier of any building or land in or upon which an animal dies, neglects, within three hours after the death of the animal or, if the death occurs at night, within three hours after sunrise, either—
to report the death to the Cantonment Magistrate or to some officer (if any) appointed by him to receive such reports, with a view to the removal and disposal of the carcass by the public conservancy establishments, or

EAST INDIA (ARMY ADMINISTRATION).

CORRESPONDENCE

THE
SERVANTS OF INDIA
SOCIETY.
POONA.

REGARDING THE

ADMINISTRATION OF THE ARMY

IN

INDIA.

Presented to both Houses of Parliament by Command of His Majesty.



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CORRESPONDENCE

REGARDING THE

ADMINISTRATION OF THE ARMY

IN

INDIA.

No. 1.

The Secretary of State for India to the Governor-General of India in Council.

MY LORD,

December 2, 1904.

I HAVE now under consideration Your Excellency's military letter of the 13th October, on the subject of the Supply and Transport Corps, and in another despatch I propose to signify to you my decision regarding the changes which you there suggest.

2. The discussion of this subject has led to the raising of many important questions between the Commander-in-Chief and his Department on the one hand, and the Military Department represented by a Member of Your Excellency's Council on the other. In addition the scheme for the reorganisation of the Army in India put forward by Lord Kitchener, to which I have given my general approval in a despatch dated the 18th November, has shown that in the past the Indian Army has not been fully equipped for mobilisation. The scheme recently put forward by Your Excellency's Government, which will ultimately enable nine divisions to take the field, incidentally brings into prominence the fact that up to now full preparations have not been made for mobilising the four divisions which it was proposed in case of emergency to place on the north-west frontier of India.

3. In the course of the discussion above mentioned, it has been alleged that the present military organisation, under which the Commander-in-Chief is the executive head of the Army, commands the troops, and is responsible to Government for their discipline, training and efficiency, and under which the services on which the Indian Army depends for its subsistence and movements are administered by the Military Department in charge of a Member of Council, is in fact a system of dual control, which obviously is open to objection, and might seriously interfere with the transaction of business both in peace-time and in case of a general mobilisation of the Army.

4. Your Excellency's Government may have good reasons for considering that the advantages of the system are in excess of the theoretical defects which are inherent in a system of dual control. As to this I at present reserve my opinion, but it must be remembered that the military system of India has never been tested by a mobilisation of all the forces maintained, and that, when a mobilisation of the whole of the Army in this country took place five years ago, although the actual work of mobilising, equipping and despatching the troops was carried out with great rapidity and completeness, there was, in the opinion of the Royal Commission subsequently appointed, a want of complete cohesion between certain departments of the War Office. The organisation of the War Office as it then existed was called in question, and has been the subject of enquiry, which has resulted in considerable changes.

5. These facts, coupled with the recent recommendation of Your Excellency's Government that the Commander-in-Chief should in future be charged with a degree of control over the Supply and Transport which had previously been committed to the Member in charge of the Military Department, appear to me to constitute a *prima facie* case for a review of the present system. It is desirable to ascertain whether the two Departments existing side by side are working harmoniously, and are fully in touch with each other, and whether, in case of war, the system is one which would give to those responsible for the actual conduct of operations adequate means for supplying the requirements of the Army.

6. I feel assured that questions with regard to these points must have presented themselves to the mind of Your Excellency in Council. The danger of complications on the north-west frontier has been rendered greater by the completion of an additional strategic railway from Central Asia to the northern boundary of Afghanistan. It is clear that the Army, when mobilised, must be mobilised on a larger scale than has hitherto been anticipated. If nine divisions are to be placed in the field, the business of equipment and the provision of transport and supplies will be enormously increased, and any conditions which might hamper efficiency or cause duplication of work and delay, or create a conflict of authority as to whether expenditure deemed necessary by one Department and not equally necessary by another, should be incurred or not, would react most prejudicially on the conduct of the campaign. Circumstances have happily not exposed the Indian Army to the practical test of war with a European power, and the system has escaped criticism from outside. Under these circumstances I would urge on Your Excellency's Government the immediate consideration of the question.

7. I would request that I may be furnished, for the information of His Majesty's Government, with the opinion of the Commander-in-Chief and of the Member in charge of the Military Department on the points which I have named, and the opinion of your Government as a whole, as to whether under the present system the maximum of efficiency is obtained and the fullest provision against wasteful expenditure in time of peace, and against complications in case of mobilisation, is realised. If you should come to the conclusion that further change is desirable beyond that already sanctioned, I should be glad if you would designate the methods by which you would propose to amend the present system, and, as it would be desirable that any change which may be contemplated should take place while the new Army scheme is being brought into force, I desire to receive the result of your deliberations with as little delay as possible.

I have, &c.,

(Signed) ST. JOHN BRODRICK.

No. 2.

The Government of India to the Secretary of State for India.

SIR,

March 23, 1905.

In your despatch, No. 153, of 2nd December, you referred to us the important question of the present system of Military Administration in India, and you asked us, after obtaining the opinions of the Commander-in-Chief and the Military Member, to forward to you, with as little delay as possible, the views of our Government as a whole. We have acted upon your instructions, and we now submit to you the opinions for which you asked. His Excellency the Commander-in-Chief first stated his criticisms in a Minute which we forward with this despatch. The Military Member, the Honourable Sir E. Elles, replied in a Minute which is similarly enclosed. His Excellency the Viceroy then stated his views, which are also embodied in the form of a Minute. We have duly and fully considered these several presentments of the case, and we now forward to you our matured opinions upon the subject, as to which, with the single exception of His Excellency the Commander-in-Chief, we find ourselves in entire unison.

2. The question submitted to us appears, as we have examined it, to be a much larger one than was indicated in the despatch to which we are now replying, and to demand investigation from standpoints wider than those to which you there invited our attention. It would appear to have been thought that the failure to provide the Indian Army in the past with a scheme of mobilisation equal in scope to that which we are now engaged, upon Lord Kitchener's advice, in carrying into effect has, in some way or other, been due to the existence of "a system of dual control." We do not think that the system of Military Administration in India is correctly so described, except in so far as a system in which there are two important military authorities in close association with the Government of India, is dual in character. Their constitutional relation to each other, however, is not that of rival or even co-ordinate powers. As has been clearly demonstrated by His Excellency the Viceroy and the Honourable Sir E. Elles, the Commander-in-Chief exercises the functions which appertain to his high office, in subordination to the Governor-General in Council, in whom is vested by Statute the supreme control of the Army. The Military Member, as explained in paragraph 11 of the Viceroy's Minute, possesses no independent military authority in respect of matters covered by those functions, but is merely the constitutional representative of the Government of India. Thus there is no more duality of control involved in the existence of these two offices than there is in the corresponding arrangements by which other members of the Viceroy's Council deal with the various branches of the civil administration, conducted primarily by the Local Governments.

3. However that may be, it is not to the existence of any system of military administration, single or composite, that the inability of the Government of India to provide for mobilisation on a large scale has hitherto been due. It has been due to the absence of funds and to that cause alone. Large schemes of mobilisation have been the dream of every Commander-in-Chief and every Military Member in India for years; but the opportunity and the means have not hitherto been forthcoming. We should regard it as a serious error if the plans which, in the present flourishing state of our finances we are now able to put forward and to carry through, were to be associated in any direct manner with the constitutional machinery of Government. They are independent of it, and they have, as a matter of fact, been initiated under the system which is now impugned.

4. Similarly, the points of view from which you have invited us to regard the present system, important as they are, do not seem to us to be the most important. You have asked us to advise whether under it the maximum of efficiency is obtained, and the fullest provision against wasteful expenditure in time of peace and against complication in case of

mobilisation is realised. We are far from saying that the theoretical maximum of military efficiency has been obtained under the present or could be obtained under any system that might be substituted for it. The science of military equipment and organisation is perpetually changing. We are in a far better position now than we were five years ago, and should our finances continue to prosper, we shall be in a much better position five years hence than we are now; and this would probably be true, whatever the system. But of the present system we may say that the maximum rate of advance which we can possibly hope for in practice is, in our opinion, fully capable of being realised under it, and that we do not believe it would be more speedily or effectively realised under any other. As regards wasteful expenditure we can speak in even more confident tones. Whatever charges may be brought against the existing system, we do not think that that of extravagance can possibly be sustained. On the contrary, it is one of the sources of complaint that the financial control is sometimes thought to be over-rigid and exacting. As we shall argue presently one of its principal advantages is that the Government of India are thereby enabled to keep a reasonably close and effective control over military expenditure, while under the system which the Commander-in-Chief has invited us to substitute for it we should have no such guarantee, and an era of imperfectly co-ordinated expenditure and military irresponsibility might be expected to set in. As regards the remaining point which you have raised, viz., whether the present system is compatible with the smooth progress of mobilisation, we think that this must depend mainly upon the relations between Army Headquarters and the Government of India in the Military Department. If a spirit of harmony and mutual co-operation prevails between these departments and their respective heads, we can see no reason why complications should occur. In any case we should hesitate to say that they will not occur under a system of single and undivided control.

5. Having thus dealt with the subjects to which you have specially directed our attention, we now proceed to state our own views upon the case as submitted to us by His Excellency the Commander-in-Chief. These views are the result not merely of a careful study of the papers, but of a discussion in Council in which we have had the advantage of listening to the oral opinions and reasoning of our two military advisers. In general we may say that we are fully convinced by the arguments contained in the Minutes of the Viceroy and the Military Member, that we endorse those arguments, and that where we have not specifically re-stated them in this despatch we desire it to be understood that they have our cordial and entire acceptance.

6. The Honourable Sir Edmond Elles has protested in the strongest manner in his Minute against the charges that have been levelled by Lord Kitchener against the Military Department, and he has further replied to the particular points that were named by the latter in support of his contentions. We do not think that so large a question should be decided by questions so small as some of these appear to us to be, or that a hardworking and capable organisation would necessarily stand condemned even if these relatively trivial points were established against it. We are, however, fully satisfied with the explanation that has been offered by our Honourable Military Colleague in regard to them, and we do not think it necessary further to pursue that branch of the subject.

7. We are more concerned with the direct charges that have been brought in paragraphs 7, 8, and 9 of the Commander-in-Chief's Minute against the working of the present system. Upon this question we are qualified to hold and we do hold strong views. There are some among us who have had occasion to study the relations of the Military Department and Army Headquarters for years, and we desire to dissociate ourselves altogether from the charges that these two offices have been trained to unfortunate jealousy and antagonism, that it is of comparatively small importance to anyone in the Military Department to press forward the proposals that emanate from Army Headquarters, that it is impossible to

formulate or carry out any settled or continuous policy for the improvement of the Army, or that the progress of work is retarded by vexatious and unnecessary criticism and by enormous delay. In the first place, we do not think that these charges find any support in the evidence adduced in their favour by His Excellency the Commander-in-Chief; and, secondly, we find no corroboration for them, but, on the contrary, quite the reverse, in our own experience. We have known the two Military Offices co-exist and co-operate with the utmost tranquility and good temper, and we see no reason why they should not do so again. We have seen proposals emanating from Army Headquarters, and notably from the present Commander-in-Chief, advanced by the Military Department with a ready good-will, with a curtailment of criticism, and with an absence of anything approaching obstruction or delay, that have impressed us with the absolute good faith and public spirit of that Department, and with the practical efficiency of our organisation. There is not in our view any necessary or inherent want of co-ordination between the different parts of the military machine, and we think that a most erroneous impression would be given to His Majesty's Government of an organisation which we believe will compare favourably in working capacity with that of any European country, if we allowed to pass unchallenged the statements that have now been made with regard to it, and for which we are unable to find any serious foundation.

8. We are in complete agreement with the argument employed by His Excellency the Viceroy that in recent events can be found the most effective and unanswerable refutation of these charges; and we desire more particularly to refer to the attitude of the Military Department and of the Government of India in general towards the scheme for the redistribution of the Army which was put forward by the Commander-in-Chief on the 6th November, 1903. That scheme, though incomplete, inasmuch as it failed to take into account the consequential increase of equipment and supplies, the requirements of the army departments and the necessary extension of our factories, was dealt with personally at once by our Honourable Military Colleague and by the Viceroy, and was brought before Council after a minute examination at the beginning of February, 1904. It was referred to Local Governments for opinion in the following month and was communicated to His Majesty's Government by our despatch, No. 47, dated 31st March, 1904. The Commander-in-Chief's second memorandum was only received in February, 1904. Foreseeing, however, the possible necessity of having to demand at short notice the equipment and stores necessary to mobilise the revised Field Army, we caused the whole of the indents which had been lodged at the India Office by our despatch, No. 178, dated 25th September, 1902, to be revised and sent home in anticipation of the acceptance of the scheme by His Majesty's Government. Our foresight was amply justified, for on occasion suddenly arising we were thus enabled to order by telegram on 31st July no less than 74 lakhs' worth of stores. On receipt from the various Local Governments of their opinions on the Commander-in-Chief's scheme it was finally considered and accepted in Council, and dealt with in our despatch, No. 138, dated 29th September, 1904. We doubt if a proposal raising such large and complicated issues, or requiring reference to so many quarters, has ever been pushed through the preliminary stages, or received the assent of the Government of India, in so short a time. As to the financing of the scheme we have not only accepted a total charge of 13 crores or over eight and a half millions sterling in the next five years, but we have already spent 179 lakhs this year, and have entered 366 lakhs on this account in our estimates for 1905-06, these two sums amounting together to £3,600,000. From these facts and figures, to which we might easily find a parallel in numerous other cases, it will, we think, be apparent how little foundation there is upon which to base charges of obstruction, indifference, or delay.

9. Turning from these subjects we pass to that which seems to us by far the most important aspect of the case submitted to us by Lord Kitchener. In paragraph 4 of his Minute he has stated his views of the constitutional working of the mechanism of the Indian Government in military affairs. We do not recognise in his description our own experience of the

facts, and we are particularly surprised to learn that it is the Military Member in India who is really omnipotent in military affairs. We doubt if this would be the opinion of any one among the many able men who have filled that position, and if we were to place before you the records of our Government during the past two years, we doubt if any evidence would be found in them to support such an assertion. Here, too, we are in entire accord with what has fallen from His Excellency the Viceroy. Not only does the Commander-in-Chief of the Indian Army exercise an absolutely unquestioned authority in those spheres of executive work and command which are his specific charge; but his influence in military administration, policy, and finance, is incomparably greater than that of any other member of the Government except its head, and is all-pervading in a sense of which the Military Member might sometimes find reason to complain, but at which we have never known him to cavil.

10. In its constitutional aspect we are accordingly as much in disagreement with the argument of the Commander-in-Chief as we have been in its more critical features. We regard his scheme as a proposal not so much to improve the efficiency of the Army, either in peace or war, as to revolutionise the Government of India, and to substitute for the control of the Army by the Governor-General in Council, which we regard as a fundamental principle of our constitution, control by a single individual, *i.e.*, the Commander-in-Chief himself. It is assuredly not from any distrust of the present incumbent of that exalted office that we regard such a prospect with alarm. On the contrary our attitude throughout the past two years towards his various proposals has shown conclusively that we esteem it an honour to be associated with such a Commander, and a privilege to assist him in the execution of his reforms. Our views are irrespective of the individual. They relate exclusively to the office which he holds, and to the functions of the Government of India; and we say deliberately that we should regard with positive dismay any change that would in any degree dethrone the Government of India from their constitutional control of the Indian Army, or set up a single Commander in their place. We doubt if a military command of such overwhelming authority would be tolerated in any country unused to dictatorship, and we think that in India it would be peculiarly dangerous. Should a doubt be expressed whether these are likely to be the consequences of the proposal now before us, we invite attention to the Viceroy's Minute, in which the point appears to us to have been conclusively established.

11. The question may be thus stated: Is it desirable that the Government of India should possess only a single and supreme Military Adviser controlling the entire military organisation, or is it desirable that they should continue as now to have a second expert opinion upon matters which, in the ordinary course of administration come before them for decision? We feel no hesitation in answering this question. We cannot too strongly or emphatically express our conviction that the Military Member is an essential element in the Government of India, and our reasons are the following:—As long as the Governor-General in Council continues to be responsible for the government of the Army, he requires expert advice in order to enable him to deal satisfactorily with the proposals that are submitted to him by the executive head of the Army. His Majesty's Government may be invited to consider the position that would be produced in England if a Commander-in-Chief of the British Army possessed a seat in the Cabinet, if he were the sole representative of the Army there, if he enjoyed the power and rank of the Secretary of State for War in addition, and if His Majesty's Ministers were called upon to accept or to reject his proposals with no independent or qualified opinion to assist them. And yet this is precisely the situation which we are asked to accept by Lord Kitchener in India. Such a scheme would, we believe, be regarded as unconstitutional and perilous in England, but it would be even more so here owing to the peculiar nature of the problems that come before our Government for solution. In our Indian constitution the Military Department is required not merely to conduct the military business of Government, to

be the medium of correspondence between the Government of India and the Secretary of State, and to relieve the strain, which the Commander-in-Chief with his heavy duties would find intolerable, of managing the great spending departments, but it is necessitated for the following special purposes as well. It is our experience that successive Commanders-in-Chief enter upon their duties with very different ideas and originate very different proposals. What is approved by one is rejected by another. What is suggested by English or foreign experience is sometimes condemned by Indian knowledge. In these circumstances it is of extreme importance that the principles, the history, and the tradition of each case should be presented to the Members of Government before they are called upon to decide. The Indian Army is not an organisation with which it is wise to experimentalize or to tamper in haste; and we can recall many occasions in which we have been saved from serious error by the experience and knowledge of which the Military Department and the Military Member were not merely the depositories but the authorised exponents. This is especially the case in matters that have a not exclusively military bearing. Military and political considerations are so closely combined in the organisation and management of the Indian Army that we require to be very much on our guard not to decide many of the questions that come before us on military grounds alone.

12. But there is an aspect of this case which strikes us as even more grave. Under a system of military autocracy, such as is advocated by Lord Kitchener, the tendency would, in our opinion, be for the head of the military machine to become less and less in touch with the Civil Government; for even if the Commander-in-Chief were able to cope with his double duties (which seems to us impossible), he would certainly have no time for civil administration. He would be led insensibly to regard all military questions exclusively and not merely primarily from the military standpoint, and the principle that the Army exists for the country, and not the country for the Army, would tend to drop into the background. We conceive that in a country like India, where the Military and Civil Administrations are so closely interwoven, and where military counsels of perfection require so frequently to be subordinated to civil or political exigencies, this might develop into a source of considerable danger. In fact, we can imagine no part of the British Empire where a military despotism would be less desirable or more fraught with possibilities of mischief than here.

13. In another respect the presence of the Military Member seems to us to be indispensable, and his disappearance would greatly enhance the difficulties of the Civil Members of the Government. The Commander-in-Chief in his Minute has claimed the initiation of military proposals as the exclusive prerogative of his own office. This contention is not fully borne out by our experience. But in so far as it holds good, so is it important that expert criticism other than that of the authors of the schemes should be applied to them. When such proposals are submitted to the examination of the Finance Department, the latter under existing conditions have in the co-operation of the Military Department precisely the advice, independent but well-qualified, of which they stand in need. Deprived of this technical assistance their criticism of details would tend to be pointless and ill-informed. If the Commander-in-Chief regards the criticism to which military proposals are now subjected as unnecessary and vexatious, much greater would be the justification for such a charge under the alternative system which he has proposed. It is true that that system includes the appointment of a Financial Secretary to be nominated by the Finance Department, and the retention of a Military Secretary. But the former is to be debarred from technical criticism, while the latter would either be reduced to the discharge of ministerial functions or (as is more probable) would ostensibly exercise certain of the powers of the Military Member without any of his responsibility.

14. Finally we attach special importance to the considerations adduced by His Excellency the Viceroy in paragraph 14 of his Minute.

If we were to be deprived of the Military Department and the Military Member, not only would the Government of India as a whole, and the Finance Department in particular, lose the advantages that we have described, but we should obtain no substitute in their place. Such a position would, in our opinion, for the reasons stated by the Viceroy, be attended with very positive injury, and indeed with real danger to the public interest. Military proposals would come before us with the single and powerful imprimatur of the Commander-in-Chief. If there had been a division of opinion in earlier stages, this would in all probability have disappeared before the proposal was officially submitted. Subordinate military authorities would have been converted or their dissent would find no expression; and the Government of India would be confronted with fully developed schemes which they would be incompetent to scrutinise, and very often helpless to resist. Supposing that the Commander-in-Chief were to enforce his propositions with warnings and forebodings similar to those which Lord Kitchener has employed in his Minute, what would be the position of the Viceroy and his Council who essayed to withstand him? Where a recommendation from the head of the Army is not now accepted, at least this is only done upon competent advice, and after exhaustive examination by specially selected officers possessing professional knowledge. Under Lord Kitchener's scheme these guarantees for free and impartial discussion would have disappeared, expert criticism would already have been eliminated before the Government of India were approached, and the latter, ignorant of military matters, would be left to accept or reject military proposals in the dark.

15. For all the reasons which we have named we are unhesitatingly opposed to the destruction of a system which has worked well for nearly half a century, which has earned the approval of a succession of the most distinguished Military Commanders, and which we believe to be entirely reconcilable even with the altered conditions and the higher standards of the present day. Still more do we dissent from the creation in its place of an organisation to which no parallel exists, so far as we know, in any Army or any administration in the world, which would create a military despotism in surroundings where, in the absence of Parliamentary or public control, it would be fraught with the maximum of danger, and which would, in our opinion, lead to a disastrous break-down as soon as it was tested in practice.

16. It is not without a full sense of the responsibility resting upon us that we thus dissent from the advice of our eminent colleague. But we conceive that in a matter involving issues, not merely of a military, but of a financial, political, and administrative character, and profoundly affecting the constitution of the Government of India, it is our bounden duty to exercise and to express an independent judgment; while we are fortified in doing so by the knowledge that the views which we hold have also been entertained by every high authority, with scarcely an exception, who has seriously considered the matter.

17. His Excellency the Commander-in-Chief dissents from this despatch. His dissent is appended.

We have, &c.,

(Signed) CURZON.

★ — " KITCHENER.

" E. R. ELLES.

" A. T. ARUNDEL.

" DENZIL IBBETSON.

" H. ERLE RICHARDS.

" J. P. HEWETT.

" E. N. BAKER.

Enclosure 1 in No. 2.

Minute by His Excellency the Commander-in-Chief, dated the 1st January, 1905.

I have been called on to record my opinion as to the efficiency of the system under which the army in India is administered, with special reference to the division of authority between the Commander-in-Chief and the Military Member which is the distinctive feature of the system. If the military problem in India were only to safeguard the country against the States whose frontiers are now conterminous with her own, such as Persia, Afghanistan, China, Tibet and Siam, I should not have raised this very thorny question about which so much has already been written. Wars against those States could have but one result, although, even to meet such cases, change would be desirable. Greater issues are, however, now at stake.

2. This question is an Imperial and not merely an Indian one, except in so far as the maintenance of the solidarity of the Empire is incumbent alike on its each and every part. For these reasons I consider it essential that the system of our army administration in India and the co-ordination of the work of the army with the directing power at headquarters should now be discussed, and that changes to place it on a sounder basis should, if necessary, be introduced. I feel that it is my imperative duty to state my conviction that the present system is faulty, inefficient and incapable of the expansion necessary for a great war in which the armed might of the Empire would be engaged in a life and death struggle.

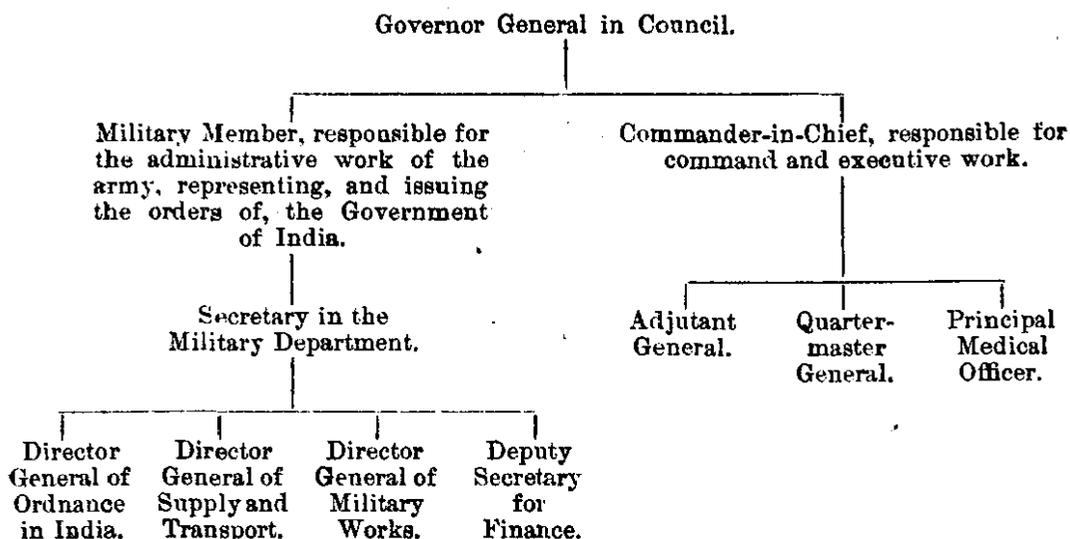
3. In dealing with this question, it will be necessary for me to write somewhat strongly, both as to the system and its results, which I regard as altogether incompatible with true readiness for war or with economical expenditure in peace. Therefore, in order to avoid any possible misconception, I would ask that my remarks and criticisms may be clearly understood to refer to the system only and not to the individual officers whose duty it is, in present circumstances, to carry it out.

4. The existing system of army administration in India has not been deliberately adopted as that which is best calculated to produce an efficient army under modern conditions, but is the unforeseen result of a sequence of changes adopted for other reasons. Its leading feature is that, although the Commander-in-Chief has always been a member of the Government of India, a second and independent authority has been introduced, in the form of the Military Department, to deal with all military matters. The Government of India have entrusted to this Department the communication of their orders to the Commander-in-Chief and the responsibility for the regulations and orders issued to the army; and its head has been given a position in Council co-equal with that of the Commander-in-Chief. The Military Member of Council, wielding this power and being responsible for the "administration" of the army, is, therefore, really omnipotent in military matters. On the other hand, the Commander-in-Chief, as the "executive" head of the army, commands the troops and is nominally responsible to Government for their distribution, discipline, training and efficiency—subject always to the limitation that he cannot issue orders for the movement of troops or introduce any but trifling improvements in

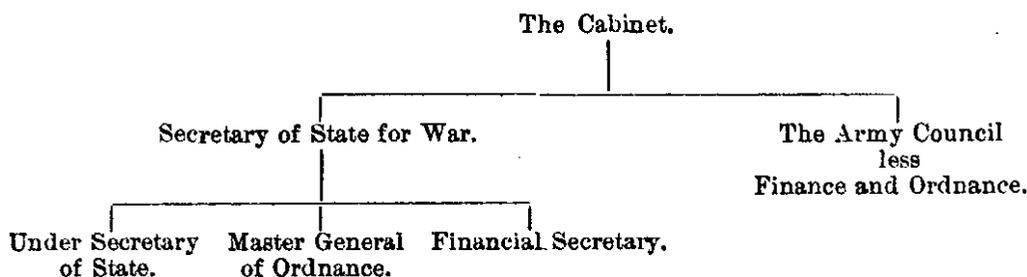
any of these matters without the previous sanction of the Military Member, which sanction is communicated in the name of—but not necessarily after reference to—the Governor-General in Council. The Military Member, as representing the Government of India, has power to interfere with the decisions of the Commander-in-Chief or prevent his wishes being carried out, even in questions of discipline and training. In every branch of army administration, policy, or preparation for war, the approval of the Military Member has to be obtained before any action can be taken. Thus, we have a system of dual control in the army, in which, although the Commander-in-Chief is responsible to Government for the initiation of measures for improvement and reform, all such have to be referred to the Military Department, to be sanctioned or rejected as may seem best to them. It is true that a safety-valve is provided in case the Commander-in-Chief and Military Member disagree. The point at issue can then, with the Viceroy's approval, be submitted to Council for decision before orders are promulgated; but this course naturally entails a considerable amount of extra work and expenditure of time, and, whilst always being open to objection, is too cumbrous to be used except in cases of great importance.

5. The Secretary of State draws attention to the fact that a system of dual control in army matters existed at Home until its manifest failure in connection with the South African War led to its being swept away. The analogy would have been closer if he had referred to the time when, in England, the War Office and Horse Guards were separate offices. This evil was abolished by Mr. Cardwell more than thirty years ago; but although reams of paper have been covered on the subject, a very similar system has been maintained unchanged in India ever since the mutiny. The fact is our Indian military administration has been framed mainly to meet peace requirements, and the consideration that an army exists for war has been overlooked. Here, as in England, it is owing to the defects in the higher administration of the army that essentials have been disregarded and military progress and efficiency have not kept pace with the times. The present distribution of the army and its preparation for war, which are so manifestly defective, and which are now about to be altered by a comprehensive and costly scheme of re-organisation and re-distribution, would never have been allowed to take root and grow to such dangerous imperfection had not this crippling system of administration obscured the essential features of real military efficiency. Peace routine has overshadowed preparation for war, and unimportant details, together with the multiplication of criticisms and discussions on side issues, have absorbed the time and energies of the higher officials, whilst real requirements have been neglected. In war, the present system must break down; and, unless it is deliberately intended to court disaster, divided counsels, divided authority and divided responsibility must be abolished. A confusion of ideas regarding "executive" and "administrative" functions has, I think, been responsible in a large measure for this condition of affairs. These terms are often used in India to differentiate between the functions of the Commander-in-Chief and those of the Military Member in regard to military business. It has been assured, apparently, that some clear line can be drawn between them, and that a fundamental difference exists. I have, however, never been able to find an authoritative pronouncement as to where the difference lies. I can understand the work in a department of Government being divided up, if necessary, under such heads as legal, financial, political, executive, &c.; but the administrative functions of any efficient department must include all such divisions of work. I believe it to be a fact that no authority on the theory of Government has ever attempted to separate administrative from executive functions, and they are certainly not so separated in any of the Civil Departments of the Government of India, nor, indeed, in those of any civilized Government of which I have any knowledge. It is, I think, forgotten that, in an army maintained for war, the true executive functions and responsibility of a Commander-in-Chief consist in the careful administration of its fighting power in all its branches and services.

6. The following diagram shows the existing system in India:—



An analogous division of work applied to army administration in England as at present constituted would give us, without entering into details, the following general result:—



The Army Council would occupy a separate building from the Secretary of State; they would be held to be responsible for the efficiency of the army for war; and their spokesman would be a member of the Cabinet, co-equal with the Secretary of State, but yet receiving the orders of the Government through the medium of the Secretary of State. I do not think that any one in England would consider this an ideal system of army administration; and yet it represents practically what exists here, where we are freed from the difficulties of Parliamentary control.

7. One of the chief faults of the Indian system is the enormous delay and endless discussion which it involves. It is impossible to formulate or carry out any consistent military policy. No needed reform can be initiated, no useful measure can be adopted, without being subject to vexatious and, for the most part, unnecessary criticism—not merely as regards the financial effect of the proposal, but as to its desirability or necessity from the purely military point of view. The fault lies simply in the system, which has created two offices which have been trained to unfortunate jealousy and antagonism and which, therefore, duplicate work, and in the duplication destroy progress and defeat the true ends of military efficiency. The system is one of dual control and divided responsibility. It is a system of "want of trust," such as that which has recently been condemned and abolished in the army at Home.

8. I think the Secretary of State is fully justified in regarding defective administration as inherent in any such system; but in the case of the military administration in India the defects are much more than theoretical—they are so practical as seriously to impair military efficiency and economy. Every scheme and proposal for improvement or reform leads to endless references and cross references between the two offices,

and these have to be most carefully attended to; for, as all proposals emanate from Army Headquarters, it is of comparatively small importance to any one in the Military Department to press them forward, and if, by chance, some reference is left unanswered, a whole scheme may be hung up indefinitely. Moreover, owing to the separation of the offices, it is impossible for the Commander-in-Chief to know how his schemes are progressing or whether a hitch has occurred, much less its cause, unless he makes special enquiries. Thus the offices become paper-logged with more or less unnecessary verbiage, and I am not surprised that mistakes occasionally do occur; indeed, I am only astonished that they do not occur more often than is the case. The result of any such mistake may, however, be very serious. As an instance:—The answers to the request for the opinion of the Local Governments and the Home and Foreign Departments on my scheme for re-organisation and re-distribution were naturally a subject of the greatest anxiety in my office, more particularly as it had been predicted outside that they would not be satisfactory. When these replies came in, they were all found to be acceptable, and I mentioned my pleasure at this result to the Military Member in conversation at the time. The matter was no secret, and I believe every staff officer both at Army Headquarters and in the Military Department knew quite well that I was very pleased and had accepted at once the small alterations that had been suggested. Some time later I had to complain in Council about the delay that was taking place in proceeding with the scheme. I was then informed for the first time that the delay was caused by a reference from the Military Department, asking whether I agreed with the opinions of Local Governments, not having been answered. Had I not brought up in Council the question of delay, I should not have discovered the cause, and the progress of a most important scheme might thus have been postponed for an indefinite period. If the system admitted of the two offices working as one, under one chief, such a cause of delay could not have arisen, and the absence of a mere red-tape, official concurrence could not have caused considerable delay in such an important matter.

9. Under this system no settled or continuous policy for the improvement of the army can be followed. The Commander-in-Chief and the Military Member have naturally their own views on every military question, often widely divergent; and the best that can be hoped from this conflict of opinions is a compromise satisfactory to neither of them—incomplete and disjointed, and therefore unsatisfactory from the point of view of the army, the country and finance, and attained only after endless friction and delay. Not only are there these fundamental defects in the existing system, but the methods of conducting business are such that there is an almost complete absence of co-ordination between the different parts of the machine which leads to duplication of work, and results incommensurate with the expenditure incurred. To illustrate that such is the case I will refer to a recent example:—

My proposals regarding the preparation of the army for war aimed at making India self-contained and able to carry on hostilities for a year without recourse to English sources of supply, until the command of the sea had been established and reinforcements and stores could be safely brought into the country from other parts of the Empire. Amongst other items I asked that Field Parks might be provided containing six months' supplies of all ordnance stores, and that a reserve sufficient for another six months should also be kept in stock. The amount necessary for six months' consumption is a fixed quantity on a definite scale. Shortly afterwards the Director-General of Ordnance on his own initiative, applied to Government for an increase in this scale. This was sanctioned without reference to me. On a similar application, sanction was given for the maintenance of a special war reserve of imported stores, in addition to the stores in the Field Parks, equal to one year's consumption. At the same time sanction was given to the maintenance of another reserve of imported stores which was never to fall below one year's peace consumption for the whole army, and which

at certain seasons would amount to one and three-quarter years' supply. None of these demands were referred to me for opinion before being sanctioned, although taken together they provide a reserve very much greater than what I had asked for.

At the same time my demand for the amount of ammunition which I considered necessary for safety met with so much opposition that I found myself obliged, in order to save further discussion and delay, to consent to the amount being fixed at about three-quarters of what I considered necessary, while placing on record my adherence to my former opinion as to what was the lowest safe minimum, and my intention to press for an increase as soon as the lower amount had been provided. Thus, while the Commander-in-Chief cannot get the ammunition he considers necessary, he is presented instead with a quantity of ordnance stores which he has not asked for.

This appears to me to be a very apposite example of the practical working of the present system, and of the want of co-ordination between the different parts of the machinery; and I consider that the danger of such occurrences in time of war fully justifies a change of system.

10. Another defect is that the army can only with difficulty be brought to a state of efficient training, and even preparatory training for war is interfered with. For example:—I enquired whether our native troops could build the hut-barracks they live in. I was informed that they used to be taught, but the practice had been discontinued some years back, because the soldiers did not like it and because it interfered with other training. On further enquiry it appeared that the troops used to be employed on building their lines—not for practice but as a fatigue—and that the value of this training was not in any way considered when the orders stopping the practice were issued. I wished to reintroduce this training; but it was opposed in the Military Department on the grounds that it would interfere with the military training and efficiency of the troops, although the responsibility for such matters rests on the Commander-in-Chief.

11. In exercising the power of issuing regulations which is delegated to them, the Military Department have been unnecessarily diffuse. The mass of regulations, entering into every detail of the service, ties the Commander-in-Chief's hands, and hampers the initiative of all officers in peace, thus destroying their power of accepting responsibility in war. Principles for the government of the army must, no doubt, be laid down by the Government of India and the Secretary of State; but I consider that the executive head of the army should be trusted to see that these principles are given effect to by Army Orders, which can be modified by him as may be required.

12. Although the Commander-in-Chief is supposed to be the executive head of the army, the services on which the army depends for its subsistence, equipment, armament and movement are not under his control, but are separately administered by the Military Member of Council. It cannot be maintained for a moment that an army divorced from these services can exist as an effective fighting machine; and in my opinion this removal from the military head of the army of the responsibility for the supply to the troops of transport, remounts, food, clothing, armaments, ammunition, and other munitions of war constitutes a standing menace to efficiency and a consequent danger to the army and the country. No commander in the field can be expected to obtain decisive results unless he is perfectly sure that he can rely on these services; and it is impossible for a commander to administer them with efficiency and economy in war, unless they have been trained and administered under him in peace.

13. I have attempted in the above remarks to describe the existing system of administration and point out some of its defects. Surely, if what I have stated is correct,—
 Reasons for change. and every word I have written has been examined, and is vouched for and agreed in, by all my senior staff officers,—

a case for reform has been demonstrated and the time for action has arrived; unless, indeed, like the natives of the country we live in, we are satisfied with the fatalist formula "whatever is, is best." No one dislikes change more than I do; but if necessary, I do not fear it. I would certainly not continue a rotten system because I was afraid to stretch out my hand and take a sound one.

India is no longer in her former fortunate position of comparative isolation, in which she had merely to guard against possible rebellion within her borders and protect her frontiers from the tribesmen and adjoining Native States. Slowly but surely the deserts of Central Asia, which were once believed to be an impenetrable barrier, have been crossed by a great European Power. They are now spanned by railways which have only one possible significance; and we have every indication that our northern neighbour is pushing forward her preparations for the contest in which we shall have to fight for existence. War will have to be waged under the Indian administration as it then exists. We cannot initiate changes at the last moment; and it must be remembered that we shall not merely have the army in India to deal with. The resources of the Empire will be freely placed at our disposal, and we shall have to account to the Empire for the use we make of them. Are we, then, really sure that with our present system we shall be able to discharge the heavy obligation which will devolve upon us? If I thought it possible—if I thought that by some minor modifications we could secure this object—I would gladly say so. But I am convinced that such is not the case; and I, therefore, urge that we make use of such breathing-time as may be before us, not only in re-organising and preparing our army for war as I have already recommended, but also in remodelling the machinery for administering it, so that we can make the best plans of operation and be able to carry them out smoothly and effectively when the time for action comes.

14. Before making definite proposals for reform, I should like to refer to the arguments used in the voluminous discussions which have taken place during the last quarter of a century by those who have defended the existing methods. Presumably they have urged everything which could strengthen their case.

Answers to arguments against change.

15. One of their main arguments is that however anomalous the present state of affairs may be, yet the results have been satisfactory, and the army is thoroughly efficient and has not hitherto failed to carry out successfully every task it has been called on to perform.

The Secretary of State specially warns us against this argument, and rightly points out that the Indian system has never yet been tested in a contest with a country even approximately approaching our own in strength. In England, a similar system of dual control existed, and, in spite of frequent indications of defects, the old methods were allowed to remain in force. Small expeditions against savages or semi-civilized States were, from time to time, brought to a successful conclusion; but although, on such occasions, the machinery was sometimes ominously strained, the system continued until large forces were set in motion during the South African War, when it broke down completely and radical reform was found to be essential. There is clearly a close analogy in this to our own circumstances. It is fortunate that it has not been necessary to put the whole of our resources to the test of war; but, wherever the test has been applied, and whenever even moderately large operations have been undertaken, defects have at once become apparent. The delays and confusion—followed by most lavish expenditure—which occurred during the last Afghan War need not be recapitulated. The transport arrangements broke down completely, and methods were adopted which were only possible because the Afghan troops at that time were ill-armed and worse disciplined. Again, in 1835, when war with Russia appeared to be imminent and preparations

had to be made on a large scale, it was found that the departmental services were quite unprepared to meet the strain. Chaos prevailed; millions of money were wasted; and the state of unpreparedness was such that it had an important influence on the policy of the Government. When once again India had to place only about 50,000 men in the field during the disturbances on the North-West Frontier in 1897-98, the machine approached to breaking point.

It may be said that particular and unfortunate examples have been selected, and that other expeditions may be quoted to controvert the statements made. It is fully acknowledged that India has successfully conducted a large number of small expeditions during past years, and has despatched several forces across the seas with speed and efficiency. But none of them were of great magnitude, and the very methods adopted to gain success only illustrate the defects of the existing system. With an actual strength of about 228,000 men supposed to be on a war footing, it is an easy task to supply these small expeditions. By utilising all our available military resources, we have been able to place forces not exceeding one or two divisions in the field, and carry out operations without serious difficulty; but, whenever large forces are employed, defects at once appear, improvisation commences, and the system breaks down.

16. It has been argued that changes in army administration have been tried at Home and failed.

I do not think this argument needs much criticism. If the principle were accepted that, because others—in totally different circumstances—have made mistakes in introducing undesirable changes, we, therefore, should do nothing to improve, then stagnation must supervene. The mistakes of others should be a warning and caution to us not to follow methods which have led them into error, but they should not prevent us from moving at all, or induce us to permit a manifestly unsatisfactory system to continue for a day.

17. The fear has been expressed that the Commander-in-Chief would thus acquire too much power.

In earlier times, when there was a less-firmly established system of civil administration, it may have been necessary to have means of restricting the power of the Commander-in-Chief. But the conditions of those times no longer exist. The country is now organised and governed on a well-defined basis; and the army has its allotted position and duties, as in every other civilised State. The military element in India is no more prominent than other Departments of the administration. The Home Department, for instance, rules the whole of the police and magistracy of the country, as well as the Local Governments. Its potentialities for good or harm are great; yet it is not considered advisable to have a dual system to diminish the power or control the administration of the Member for Home affairs, and this system of "want of trust" is only applied to military matters which are thus treated differently from all other business of the country. All Members of Council are subject to the control of the Council as a body, of the Viceroy, and of the Secretary of State; and the military head of the army would be under the same control and his powers would be limited as theirs are.

18. Again, it has been said that if there were one military head of the army in India, the work imposed on him would be greater than one man could perform efficiently.

This argument is based on the assumption that the present system of having a Military Department relieves the Commander-in-Chief of a certain amount of work. This, however, is not the case. On the contrary, by the mass of correspondence, conflicting opinions, and duplication of work which result from the present methods of conducting business, his work is greatly and unnecessarily increased. The Commander-in-Chief is supplied with a headquarters staff of specially selected and technically trained officers,

capable of working out in detail, and giving effect to, the measures needed for the efficiency of the army. But this staff not only has to elaborate his schemes, but has to explain them to an independent department of Government which is not so completely equipped for dealing with such matters. This involves much labour and correspondence. Even then, the reason for some project is often imperfectly understood and the Commander-in-Chief's intentions are misinterpreted. Moreover, despatches are drafted and telegrams are frequently sent to the Secretary of State without any reference to the Commander-in-Chief. We all know how a small change in phraseology may convey a wrong impression, especially at a distance; and thus the Commander-in-Chief has needless anxiety lest his work may be put before the supreme authorities in a light that he did not intend.

I feel sure that the relief to the Commander-in-Chief and his staff would be great, both in actual work and in anxiety, if the present system of dual control were abolished and our military methods were systematised with proper co-ordination between the different parts.

19. Another argument is that if dual control were abolished and the whole of the army and its services were brought under one military head, we might be exposed to the danger of rash innovations or ill-considered proposals.

It has, however, never been explained why a single official at the head of the army should be more likely to embark on rash and ill-considered measures than the single head of any other great department of the State. The argument can only be justified on the assumption that military officers, however carefully selected, are incapable of rational and responsible action. Yet, if this be the position of the exponents of this theory, they at once proceed to stultify it by advocating the retention of one set of such officers to be a check on the tendencies of the other set. If one set is reliable and the other is not, the retention of the latter must be mischievous; if both are unreliable the system is worthless. All important measures and all questions involving expenditure beyond well-defined limits have to be sanctioned by the Viceroy and submitted to the Secretary of State, who is supplied with experienced officers on his Council. This is rightly held to be a sufficient safeguard against rash innovations or ill-considered proposals in other departments, and I cannot see why it should be considered insufficient only in the case of the War Department.

20. Again, it is urged that during the absence of the Commander-in-Chief on necessary tours of inspection, a military adviser should be at headquarters to advise the Viceroy on military matters.

I was at first considerably impressed with the force of this argument. The Commander-in-Chief must certainly visit and inspect the troops in all parts of India; but experience shows that while on this duty he is not out of touch with Army Headquarters, and that he need not take with him more than one Senior Staff Officer. The machinery remains working at headquarters, and advice and opinion on military matters can at once be given to the Viceroy on every subject. Furthermore, should the personal opinion of the Commander-in-Chief be required, it can be obtained by telegram with very little delay. The argument may have had some weight in the pre-railway period; but now-a-days any officer absent on inspection duty can return to headquarters, if summoned by telegram, so quickly that his absence cannot cause serious inconvenience. The Commander-in-Chief's tours of inspection are also arranged to correspond as nearly as possible with the periods when His Excellency the Viceroy leaves the seat of Government to learn the condition of the country by personal inspection. Moreover, in my proposal for an improved military administration, I shall indicate how we can create a system which will be sound in all its parts and not be dependent on one particular individual, however important he may be.

21. It has been supposed that the dual system acts as a safeguard to the revenues of the country, which might be at the mercy of a single Officer at the head of the army.

There seems to be an idea that the Military Member has very large financial powers, and that the Military Department exercise some peculiar functions of financial control which can only be maintained by continuing the present dual system. It is necessary, therefore, to explain what the existing position is. Ordinary annual military expenditure is strictly limited to the provisions entered in the sanctioned budget. As regards new expenditure, whether initial or recurring, the course which a proposal for any military reform of importance must follow before it can come into operation is briefly as follows:—The proposal emanates from the Commander-in-Chief, and is sent through the Controller of Military Accounts to the Military Department. There it is subjected to criticisms, not merely as regards its financial aspect, but as regards its military necessity, although it has already been closely scrutinised at the hand of experts on the subject. Ultimately it reaches the Military Member, who, if he agrees that the reform is desirable in itself, passes it to Finance Department. If accepted by that Department as a suitable subject for expenditure, the proposal is then submitted to the Viceroy. The next step, when all these authorities are agreed, is to address the Secretary of State; but if any one of them opposes it, the matter goes before the Council. If approved out here, a despatch is sent Home which is considered by the Secretary of State and his Council, after consultation with the War Office if necessary. And if sanction is eventually received and expenditure of any importance or of a recurring nature is involved, the proposal takes its place in the schedule of proposals kept up in the Military Department until the financial situation admits of its incorporation in the budget.

Now, there is nothing whatever in this procedure—either as regards ordinary or special military expenditure—which could not be maintained in principle, and no safeguard to efficiency or financial control which could not be secured, if there were one head of the army instead of two. In an amalgamated War Department, the best obtainable military opinion would be brought to bear on each proposal; and instead of having constant conflict of opinions, leading to patch-work and disjointed results, there would be a consistent military policy, framed and carried out with a definite end in view. The financial effect of each proposal for reform would, as now, be examined by the military Financial Secretary; the concurrence of the Finance Department, and the approval of the Viceroy and Council and Secretary of State would be obtained as is done at present; and, lastly, the different measures would be scheduled and collated with reference to their relative importance in regard to a definite military programme. There would be no danger of “rash innovations or ill-considered proposals” under such a system any more than there is at present, nor would there be any relaxation of the most rigid financial scrutiny and control; but, instead of there being two disjointed programmes of military policy, there would be one, and the duplication of work and delays which occur at present would disappear.

22. Another argument against change is that with two military advisers the Viceroy can form an independent opinion on military matters.

His Excellency the Viceroy must determine whether it is satisfactory to him to have to decide highly technical questions of military policy, military administration, or military discipline on which his two military advisers may give diametrically opposite opinions. But, in any case, there is the following objection to this system of divided counsels:—The views held by the Military Member and Commander-in-Chief respectively often become known, and frequently the army takes sides—either supporting the views of the Military Member or those of the Commander-in-Chief. Between the two, the Viceroy may decide in favour of the Military Member's contention, in which case a large portion of the army may feel that His Excellency has come to a wrong decision; or *vice versa*, when those supporting the opposite view may feel aggrieved. I do not think a system which can lead to such results is at all satisfactory, especially in India. It brings

the Viceroy into the arena of discussion on contentious military subjects, and action may be attributed to him without any foundation on facts.

23. A further objection is that if only one officer were responsible for military affairs, the selection might sometimes fall on one who had little or no personal experience of India.

It is difficult to see why this objection should be regarded as fatal; for local experience is only one amongst many qualifications required for so high a post, and those whose duty it is to make the selection must weigh the whole of each candidate's qualifications before coming to a decision. In the case of the selection of a Viceroy, the choice is seldom or never influenced by this consideration of previous Indian experience. It is recognised that this can be—and is—supplied by his subordinates. Precisely the same reasoning is applicable to an officer without Indian experience appointed to be the head of the military administration.

The headquarters staff is so composed that half the officers serving on it must belong to the Indian army. One of the two senior staff officers must be from the Indian service. At present my senior staff officer—the Adjutant-General—belongs to the Indian army; and when a British officer fills the second place, his immediate Deputy must belong to the Indian service. It will thus be seen that unless a Commander-in-Chief wilfully disregards the Indian experience of his immediate assistants, he cannot make errors to the prejudice of the Indian army owing to a temporary lack of local experience; and if he were capable of thus disregarding available advice—which I cannot imagine in any Commander-in-Chief—he would manifestly be unfit for his position, for which he should never have been selected and from which he should be at once removed.

The theory that the power held by the Military Department of vetoing the Commander-in-Chief's action is necessary to meet such suppositious cases is not a sound one. In the first place the Military Member may be equally inexperienced—one of our best Military Members, General Sir H. Brackenbury, was so; the present Military Member also belongs to the British service, and, though he has experience of higher commands in India, he has never served in an Indian battalion. Again, the Military Department have no direct relations with the army; and, being a civil department, are out of touch with the troops. It is true that they keep records and opinions, which they quote from time to time; but these are generally antiquated, and therefore at variance with the views of Indian army officers serving with troops or advising the Commander-in-Chief on the headquarters staff. The Military Department do not—and cannot—bring to bear on the questions which come before them that enlightened, up-to-date experience of the practical soldier which is so essential a qualification for those to whom the all important duties of preparing our military forces for war are entrusted.

24. Another fallacy is that the Military Department preserves the continuity of military policy in India.

When one looks back into the past work of the army administration in India, it is difficult to trace any definite military policy that has been systematically pursued; but, on the contrary, it appears to me to be a mass of patch-work, entailing great expenditure, with, certainly, poor results. The only continuity of policy I can see, that has been maintained by the present military system and is inherent in it, is that of making it easy to stand still and extremely difficult to move forward—a condition which cannot be described as satisfactory. When my Re-distribution Scheme was under consideration, I said to the Council:—"You have a bad army." It was not to the splendid material in officers and men that I alluded, but to the results of a system, which, if left unchanged,—whatever our present efforts and expenditure to set matters right may be—will certainly cause another Commander-in-Chief to tell another Council in the future the same story.

25. Finally, it is stated that the Military Department provides a necessary means of communication on military matters between the Viceroy and the Commander-in-Chief, as well as with the Secretary of State.

This is certainly true; but it will be seen later, in my scheme for the formation of a combined War Department, that I propose to retain the Secretariat, which I consider to be an integral part of the ministerial system of war administration. In no other Department of the Government of India as at present constituted is it considered necessary to have a dual office for this purpose, and I cannot, therefore, see why such should be necessary in the War Department. The retention of the Secretariat is quite compatible with the changes I hope to see inaugurated, though some modification of its present functions will be necessary.

26. It is no light matter to introduce radical changes into a Department of the Government of India which has dealt for so many years with military affairs, and has been directed by so many able and distinguished officers; and it is not without deep thought and a full sense of my grave responsibility to Government and the army that I have approached the subject. About this time two years ago, I was officially asked to record my opinion on a question which involved the discussion of the whole system of army administration in India. When my memorandum reached the Viceroy, he wisely considered that my views as to the defects of the existing system and my proposals for reform would lose much of their weight if put forward at so early a stage in my term of office. He felt that it would be said, reasonably or unreasonably, that I was condemning the system mainly on theoretical grounds, and before I had had full time to observe its practical results. I realised the force of this argument and my paper was withdrawn. When His Excellency was about to proceed Home in April last, I gave him a revised minute on the same subject. In both these papers I advocated the abolition of dual control, although I recommended that this should be done in such a way as to involve the least possible dislocation of existing arrangements. I knew that, if once the principle of dual control were abandoned, the officers of the Military Department would give me loyal and ready assistance in evolving and establishing a reformed system of administration, which would fulfil all the requirements of the army in India, and would ensure its being ready to meet the strain which at any time may be placed on it. I am still of that opinion. I regard the abolition of dual control as imperative. But, whilst I press for the essentials, I am fully prepared to accept such modifications in matters of detail as may be found to be desirable. Thus, though my present proposals may appear at first sight to be more drastic than my original suggestions, they are in reality only more fully developed. They represent what I believe to be the natural and logical outcome of the abolition of dual control, and what my previous proposals would have led up to, though by a longer route.

27. If, then, the result of this discussion be the disappearance of dual control, the first point for consideration will be:—Who shall in future be the head of the army in India under the Viceroy—the Commander-in-Chief or the War Member of Council? The able minute written by Lord Lytton when he was Viceroy gives reasons for retaining the Commander-in-Chief; and I am convinced that those reasons are as strong to-day as they were then. The native army, and our British soldiers as well, do attach considerable importance to the office of Commander-in-Chief under which they unite in one brotherhood, and accord to it a loyalty and respect which would be adversely affected by a change. Which of the two present officials disappears and which remains is not a matter of great importance, since whoever becomes the head of army administration in India will, whatever he may be called, thereby become *de facto* Commander-in-Chief in India. If, however, this should be made a crucial point, I would prefer to see the Commander-in-Chief disappear rather than maintain the present system of dual control. In order to emphasise the continuity of both functions,

though united in one person, I would recommend that the full official title of the future head of the War Department in India should be "Commander-in-Chief and War Member of Council."

28. The substitution, for the present dual arrangement, of one officer to take charge of the military administration and to represent it on the Council will involve changes in the machinery, not only in the Military Department, but also at Army Headquarters where the staff organisation is defective.

The first necessity is to create a general staff, to consist of a department devoting its attention to military problems in the widest sense, and of a body of officers occupied in peace in the higher training of the army and prepared to direct operations in the field.

An Adjutant-General's Department is required, to be responsible for the production and up-keep of efficient units, and for all that relates to the discipline, care, and well-being of the soldier in peace and war.

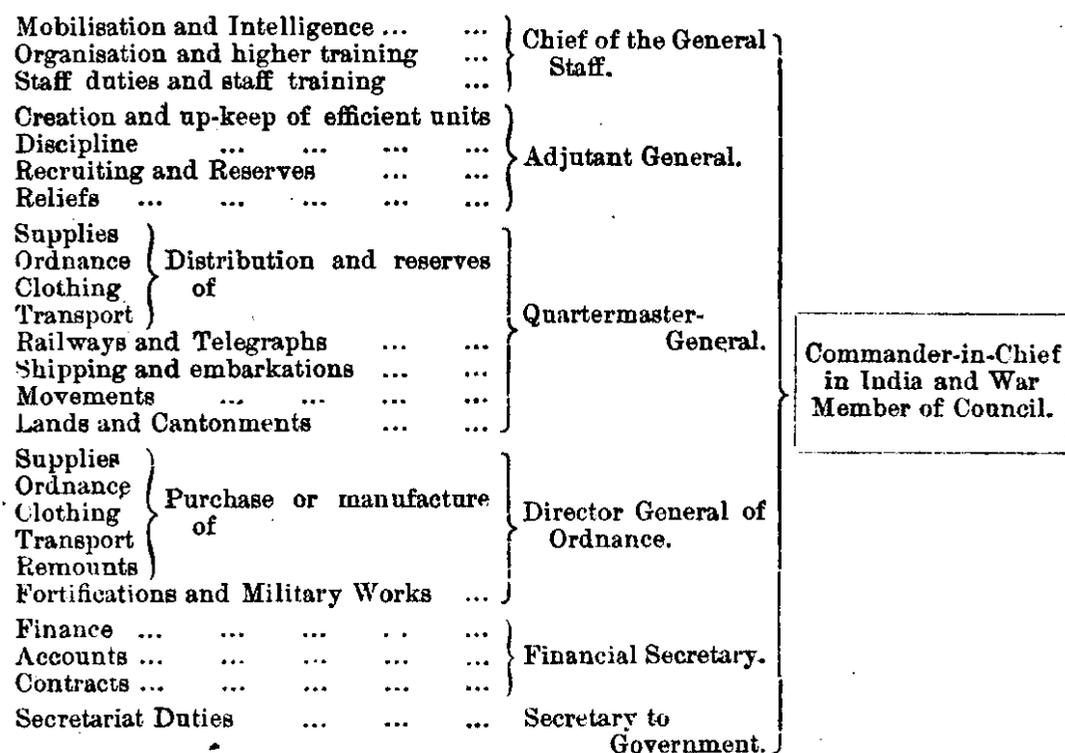
A Quartermaster-General's Department is also needed for maintenance and movement, *i.e.*, for the custody and distribution of everything that an army requires, and to be responsible for the means of distribution, including all forms of transport by land and sea.

There should be a Director-General of Ordnance responsible for the purchase and manufacture of stores and munitions of war.

A Financial Secretary is also essential to deal with finance, with audit and accounts, and with contracts. He should be nominated by the Finance Department of the Government of India and be their representative in the War Department.

Lastly, a Secretary to Government is required, to perform Secretariat duties, to submit papers to His Excellency the Viceroy, to be the channel of communication with Local Governments, and to be responsible for all correspondence with the Secretary of State.

These six sections taken together would complete the military organisation, and should be known collectively as the War Department of the Government of India. The following diagram will show clearly the organisation which I advocate:—



29. The working of this organisation can best be illustrated by a concrete example. For instance:—In the case of such proposals as those for the

re-organisation and preparation of the army for war which are now being carried out, the Commander-in-Chief would indicate the lines on which reform should proceed and the General Staff would then prepare the schemes. The Financial Secretary would report fully on their cost, but refrain from any technical criticism. The Secretary to Government would obtain the opinions of Local Governments, where necessary. Next the schemes and the financial report would be laid before the Commander-in-Chief, and, when approved by him, would be submitted to His Excellency the Viceroy, to the Finance Department of Government, to the Council, and to the Secretary of State, as is now done.

If the approval of the Council and of the Secretary of State were accorded and funds allotted, the Financial Secretary would intimate to the General Staff the amount of money available in the ensuing year. The Commander-in-Chief would lay down what parts of the scheme should first be taken in hand. The Financial Secretary would obtain all necessary sanctions from the Finance Department of Government and would frame the budget accordingly.

The Adjutant-General, the Quartermaster-General, and the Director-General of Ordnance—who would, of course, have been consulted throughout on matters connected with their departments—would then take action. The Adjutant-General would raise any new units. The Quartermaster-General would arrange for their equipment, transport, &c. The Director-General of Ordnance would make or purchase the sanctioned stores and build new barracks. All would, however, work strictly in accordance with the plan approved by the Commander-in-Chief, with which the other sections would have no power to tamper.

30. In building up a system of military administration, the most difficult and essential conditions to secure are efficient co-ordination of work between the different sections of the War Department and the closest possible connection between headquarters and the commands and staff of the army. The system must not only provide for this, but must do so without causing duplication of work, unnecessary writing or undue delay, while, at the same time, securing that control and responsibility shall never be separated, but shall always rest in the same hands.

On my arrival in India I was impressed, firstly, by the want of co-ordination of military business among my own staff; and, secondly, by a similar defect in those of the various commands. It was evident to me that the present dual control rendered such co-ordination throughout our entire military administration unobtainable; but to meet the latter difficulty as far as possible, I introduced reforms in the composition and working of staffs and commands. It will thus be recognised that I began at the bottom of the ladder of which I have now, by these proposals, reached the top. If the organisation I now recommend be adopted, the grooves of the lower machine now existing in the commands will fit into those of the central administration at Army Headquarters. Further, in order to deal with the defects in co-ordination of work in my own staff and to bring the Departments composing Army Headquarters into closer touch with each other, I published an Army Order, early in 1903, establishing an Advisory Council at Army Headquarters to consist of myself as President and the following officers as members, viz. :—

- The Adjutant-General.
- The Quartermaster-General.
- The Military Secretary.
- The Deputy Adjutant-General.
- The Deputy Quartermaster-General.
- The Head of the Intelligence Branch.
- The Head of the Mobilisation Section.
- The Assistant Adjutant-General for Musketry.

The Deputy Assistant Adjutant-General (for questions connected with Native Army recruiting).

The Deputy Assistant Quartermaster-General for Mobilisation was appointed Secretary.

The Principal Medical Officer, the Inspectors-General of Cavalry, Artillery and Volunteers, the Director of Military Education, and other heads of departments attended the Council when matters affecting the services for which they are responsible were under discussion.

This Council has now met once a week during the Simla season for two years, and, besides co-ordinating the work of the offices and departments at Army Headquarters, has discussed, and thoroughly threshed out, all important projects of reform and proposed improvements in the army. I am convinced that the results of these deliberations have been very beneficial. The Indian Army has been strongly represented, and its views have been ably put forward on many occasions (and this is another safeguard to its interests which in this way receive the fullest consideration). But it will be seen at a glance that the Council is incomplete. Finance is not represented; and, without a clear appreciation of the cost of any project, it is evident that it is difficult to form any opinion as to its practicability. Moreover, this Council only co-ordinated the work of my branch of the War Department; and when all our efforts and deliberations were completed on any question, the matter had then to go for final discussion and decision to the Military Department. If, however, my proposals for the re-organisation of our Military Administration are accepted, the Advisory Council for the whole War Department will naturally be composed as follows:—

The Commander-in-Chief	President.
The Chief of the General Staff	Members.
The Adjutant-General	
The Quartermaster-General	
The Director-General of Ordnance	
The Financial Secretary	

with the Secretary to Government, War Department, as *ex officio* Secretary to the Council.

Such a Council will bring together and completely co-ordinate the work of all sections of the War Department, and I am sure it will lead to a marked increase in the efficiency of the administration.

31. So far as regards peace. In a great war, if the Commander-in-Chief took the field in person in command of the army, he would be accompanied by the Chief of the General Staff and the major portion of that Department. Their duty in the field would be the collection of intelligence, the framing of plans of strategy and tactics, and the carrying out of the plans so formed. They would be relieved of the many harassing details which now occupy the attention of the staff in the field, and thus be able to devote themselves exclusively to their proper duties. A section of the General Staff would remain in India to deal with the organisation into higher formations of units arriving as reinforcements, &c.

The Adjutant-General would remain behind. His principal duty in war would be to keep the army in the field up to full strength, and he would deal more particularly with recruiting, with reserves, with the raising of new units and with their training. A portion of his department would accompany the Commander-in-Chief to deal with everything connected with the health, comfort, discipline and general well-being of the men except the distribution of supplies and stores. The main duty of this department in the field would be to remove or minimise all causes which lead to preventible wastage among the personnel of the troops. Its secondary duty would be to keep the Adjutant-General informed of everything likely to affect the demands on him for men to replace wastage.

In the case of the Quartermaster-General, matters are reversed. The bulk of the army will be in the field, and it is there that duties connected with maintenance and movement will be most important. The Quartermaster-General should, therefore, accompany the Commander-in-Chief. A portion of the department would remain in India to carry on the duties connected with the troops told off for internal defence and with those arriving from oversea as reinforcements.

The Director-General of Ordnance would remain in India, his duty being to keep the base depôts supplied with everything the army in the field can require.

The Financial Secretary would remain in India, but would send an officer of his department with the Commander-in-Chief as Financial Adviser and arrange for such establishments as may be necessary for the proper regulation and control of expenditure in the field.

The Secretary to Government would remain in India.

Thus, the heads of departments accompanying the Commander-in-Chief into the field would be:—

- (1) The Chief of the General Staff.
- (2) A representative of the Adjutant-General.
- (3) The Quartermaster-General.
- (4) A Financial Adviser.

Those remaining at headquarters would be:—

- (1) A representative of the General Staff.
- (2) The Adjutant-General.
- (3) A representative of the Quartermaster-General.
- (4) The Director-General of Ordnance.
- (5) The Financial Secretary.
- (6) The Secretary to Government.

Furthermore, it is evident that, when the Commander-in-Chief is in the field, unity of administration within India itself will require the appointment of an acting Commander-in-Chief, to command the troops remaining behind for internal defence, and to be the adviser of the Government of India on all matters connected with them, and with the arrangements for supplying men and stores to the army in the field. He should have a seat on the Council.

32. A War Department thus formed, with the work of its various sections properly co-ordinated on the one hand and differentiated on the other, and able to pass, without dislocation or even friction, from a state of peace to one of war, will be capable of any necessary expansion, and will be prepared to meet, without loss of efficiency, the strain of administering the large bodies of troops which will arrive, in case of necessity, to fight shoulder to shoulder with the Indian Army for the defence of the Empire.

Japan has shown us what can be done by thoroughly enlightened and up-to-date methods of army administration, whereby a young nation, which had set before itself the object of producing an army complete in every preparation for war which foresight and singleness of purpose could suggest, has attained striking success. The disastrous consequences to the Russian Empire of opposite methods give us the other side of the picture. Can we then hesitate any longer to break the chains of custom and the tolerance of admitted defects which are so strong in India, and shall we not reform, while yet we have time and opportunity, our ancient and defective system of army administration?

(Signed) KITCHENER,
General.

Enclosure 2 in No. 2.

Minute by the Honourable Major-General Sir E. R. Elles,
K.C.B., K.C.I.E., dated 24th January, 1905.

Before attempting to reply to the charges brought by His Excellency the Commander-in-Chief against our present system of military administration in India, I wish to disclaim any idea of resisting innovation if a case for reform is made out. In my opinion change of system is unnecessary and it is rather a change in the working of the present system that is required. I have, I believe, the interests of the Indian Army too closely at heart to oppose any needful reform, and I should personally welcome any measures which would tend to bring the Government of India in the Military Department into close and intimate relations with Army Headquarters. Such relations seem to me to be entirely compatible with the present system; but this is only possible if the Commander-in-Chief is prepared freely and frankly to admit his subordination to the Governor-General in Council, who is the constitutional head of the Army. In his memorandum on the administration of the Army in India Lord Kitchener seems to imply that the Secretary of State, in his despatch, No. 153, dated 2nd December, 1904, regards the present system as defective and has, to some extent at all events, prejudged the case. I do not read the despatch so. I understand the Secretary of State believes that a *prima facie* case for inquiry exists because of the views which he believes Lord Kitchener to hold in connection with the case for the reorganisation of the Supply and Transport Corps. These views have not been placed before him in any official communication, and I understand he reserves his opinion as to the merits of the case. The Secretary of State in his despatch, No. 153, dated 2nd December, 1904, makes certain general allegations which it will be convenient to reply to before examining the points raised in the memorandum put forward by His Excellency the Commander-in-Chief.

2. The Secretary of State remarks that the Reorganisation Scheme put forward by Lord Kitchener has shown that the Indian Army has not been fully equipped for mobilisation, and that full preparations have not been made for mobilising the four divisions which it is proposed to place in the field. The correctness of the statement may be at once admitted, but the responsibility for this condition of things lies neither with the Commander-in-Chief nor with the Military Department but with the Government of India as a whole, and with the Secretary of State himself.

3. In 1896, on the initiative of the Military Member, the Government of India addressed the Secretary of State urging the equipment of certain forces, pointing out that until this was done the field army could not be considered ready for war. The Secretary of State replied by reducing the expenditure proposed as "having regard to the uncertainty of the financial position * * * * he did not feel justified in sanctioning the purchase of mules and camels to the full extent proposed, as this involved a permanent addition to military expenditure estimated at 22½ lakhs a year."

4. The Chitral Expedition of 1895 once more called attention to the fact that our great weakness lay in the absence of any transport organisation, and the Military Department recognised that (even had it then been possible, which was not the case), it was useless to attempt to equip and place in the field an army of more than four divisions until an organised transport service was provided for the first four divisions. Between 1896 and 1900 much was done to remedy this defect; the matter was considered first by Mr. Thorburn's and then by General Sanford's committees, the

necessary legislation to legalise the registration and impressment in the Punjab was introduced, the sanctioned establishment of mules, camels and bullocks was increased and organised in corps and cadres to be expanded on mobilisation, reserves of transport drivers and artificers were started, additional officers were appointed to the transport branch, and a permanent registration staff was formed. Owing to financial considerations even these measures were carried through with the utmost difficulty and the cost of the recommendations of the Military Department was cut down from 46 to 23½ lakhs. For many years, from 1890 to 1900, between the loss due to exchange, famine, and costly expeditions the finances of the country were not in a position to bear the heavy expenditure entailed by a scheme of reorganisation of the nature of that recently put forward by Lord Kitchener. Annexure II. shows the amounts that Government were in a position to allot between 1894-95 and 1900-01 for special military expenditure. It will be seen that the average was less than 50 lakhs a year, or less than one-sixth of the sum we are now allotting.

5. But there were other reasons which precluded our increasing our field army to any great extent even had we been able to face the cost of doing so. The amalgamation of the separate presidential departments of ordnance, commissariat and accounts; the abolition of the separate presidential armies, were important measures that must necessarily precede any such step, while the reconstitution and reorganisation of the Madras and Bombay regiments and of the Hindustani regiments of the Bengal Army, whereby the inferior material of which these corps were composed was replaced by men of better fighting classes, was a necessary preliminary to the inclusion of any of these regiments in the field army. The necessity, however, of increasing the field army up to eight divisions was discussed early in 1902, before Lord Kitchener came to India, but it was recognised that with a temporary Commander-in-Chief any reorganisation must await his arrival.

6. Another consideration which prevented the Government of India from putting forward proposals for the increase of the field army was the necessity for obtaining from home the reinforcements requisite to bring the internal garrison of India up to the necessary strength, and to provide the drafts to replace the inevitable waste of war in the field army. The view held by the military authorities of that time at home was the adoption of a purely passive defence, and in despatch No. 131 of 1887 the Secretary of State laid down the condition that any scheme for mobilisation in India was not to be based on the expectation of receiving reinforcements from England. The Government of India, advised by the Commander-in-Chief, recognised that no passive defence was possible and that without reinforcements from home the field army could not be increased without leaving a dangerously weak British garrison in India. They therefore have persistently since 1886 advocated their view, but it was only last year that the War Office finally admitted that it would be necessary to despatch reinforcements to India in case of war. This has entirely changed the situation.

7. The Secretary of State's remark that "in the past the Indian Army has not been fully equipped for mobilisation" implies that the military authorities in India have not risen to a sense of their responsibilities in the matter of preparation for war. If this implication were justified, the Military Department would, in common with the Commander-in-Chief, be forced to share the blame. But its justice cannot for a moment be admitted. As I have pointed out above the financial condition of the country was such as to preclude the necessary funds being placed at the disposal of the Military Department. A perusal of Sir E. Collen's notes, dated 17th June, 1889, and 17th October, 1899, will show that the Military Member of Council was usually the moving

spirit and that he fully recognised and put forward the requirements of the army. It will suffice to enumerate the measures urged in despatch, No. 192, of 1899:—

- Re-armament of the native army.
- Re-armament of the volunteers.
- Introduction of lyddite shell for howitzers.
- Increased scale of ammunition for coast defences.
- Re-armament of horse artillery.
- Provision of Maxim guns.
- Cordite ammunition for Bombay defences.
- Re-armament of British mountain batteries with the 10-pr. B.-L. gun.
- Institution of a cordite factory.
- Establishment of a central gun-carriage factory.
- Indian army reserve of officers.
- Revision of mobilisation arrangements for artillery.
- Re-organisation of heavy batteries.
- Addition of British officers to the Indian Army.
- Re-organisation of the transport and increase of transport officers.
- Increase of officers to the Supply Branch, Commissariat Department.
- Creation of a reserve of transport drivers.
- Creation of an Indian ambulance corps.

A portion only of these measures was sanctioned, but the Military Member returned to the charge in his notes of 19th and 28th January, 1900. The Government of India were only able to accept 6 out of the 17 measures considered necessary by

Sir E. Collen and the Commander-in-Chief, with the result that the Military Member attached a strong minute of dissent to despatch, No. 33, dated 1st March, 1900, in which he urged that the whole of the measures he proposed should be carried out, and that further efforts should be made to improve the mobility, power and efficiency of the army. Notwithstanding all that he had effected no one recognised more clearly than Sir E. Collen all that remained to be done. This is amply proved by his note, dated 8th February, 1901, and by despatch, No. 52, dated 28th March, 1901. Since that date our preparations have never relaxed and the following further measures have been carried out:—

- Addition of 192 British officers to the Indian Army.
- Establishment of mounted infantry schools.
- Formation of mule, camel and cart cadres.
- Establishment of the rifle factory at Ishapore.
- Completion of re-armament of the army.
- Reorganisation of horse and field artillery.
- Addition of howitzer batteries.
- Provision of bandolier equipment.
- Addition of more machine guns.
- Provision of more ammunition for coast defences.

8. In reviewing our military position to-day it would be ungenerous to overlook how much has been done by men like Lord Roberts, Sir George Chesney, Sir George White, and Sir E. Collen, (a) and it is not too much to say that it is the persistent effort of years on the part of the able and distinguished officers above named that

(a) Sir H. Brackenbury was Member during a period of starvation of military expenditure due to exchange and famine and low finances.

has rendered possible Lord Kitchener's scheme which is now before the Government of India. That this scheme is but a step in the evolution of the Indian Army and can no more aspire to finality than those that have preceded it, the Commander-in-Chief will, I feel sure, be the first to admit. In paragraph 24 of his memorandum the Commander-in-Chief characterises the labours of his predecessors as a "mass of patchwork." It will, I think, be admitted that the measures enumerated in paragraphs 5 and 7 above and detailed at greater length in Annexure IV., are patchwork of an exceedingly valuable description.

9. It will now be necessary to examine in some detail the statements made in His Excellency the Commander-in-Chief's memorandum and this may perhaps be most conveniently done paragraph by paragraph.

System of military administration described.

Paragraph 4 purports to give the present system of army administration. The Military Member of Council is described as omnipotent, as interfering with the decisions of the Commander-in-Chief, and as thwarting the wishes of the Commander-in-Chief even in questions of discipline and training. This is said to be in effect a system of dual control.

✓ In my opinion it misdescribes the position. In the first place, although the Commander-in-Chief has usually been a Member of Government his appointment to a seat on the Council has, at all events since 1793, always been permissive. Up till 1861 the military as well as the civil business of the country was not placed in charge of any particular Member of the Council but was dealt with by the Council as a whole. The appointment of a Military Member of Council appears to have been first proposed in the year 1833. In that year, on the expiry of the East India Company's Charter of 1813, a Bill was introduced into Parliament, the object of which was to deprive the Company of their commercial monopolies and to provide for the better government of the Company's territories in India. One of the points taken up in the Bill was the extension of the authority of the Governor-General over the three Presidencies, and the strengthening of his Council by the addition of three Members, one of whom was to be a military officer. The first Military Member appears to have been Lieutenant-Colonel Morrison, C.B., who was appointed in 1834. In 1786 the Military Department was created, and formed the channel for the issue of the orders of the Supreme Government to the executive heads of the army. The Military Board, which existed from 1785 to 1853, consisted of the Commander-in-Chief, the Adjutant-General, Quartermaster-General and other officers at Army Headquarters and was a Board of reference and inspection only. It reported defects and abuses to the Governor-General's Council.

Next as to the alleged duality of control. There seems to be considerable confusion of ideas here. There is no such thing as dual control in the Indian military system, nor is there any division of authority between the Commander-in-Chief and the

No dual control but a division of responsibility.

Military Member. The Army in India has but one head—the Governor-General in Council, and the Military Member of Council is the representative of the Governor-General in Council in respect of all business which is not brought before the Council collectively. The Commander-in-Chief, on the other hand, commands the army according to rule and practice. The system is that of "divide et impera." The position is so admirably stated by the late Sir George Chesney that I cannot do better than quote the following extract:—

"By law every act done by the Military Member is an act of the Governor-General in Council. The extent to which he exercises his functions is entirely a matter for which he is responsible only to the Viceroy and his colleagues, including in that capacity the Commander-in-Chief as a Member of the Government, and the Commander-in-Chief on the other hand is head of a great department of the State, the greatest indeed and most important, but nevertheless only a department, and in that capacity he is subordinate to the Government, and therefore to any Member

of the Government who represents it and exercises its functions for the time being. This fact is sometimes lost sight of and there has been a good deal of loose writing at different times on the subject, as for example about the anomaly of a man of greater experience and military reputation who is always higher in military rank, being placed in a position of subordination to an officer of less military experience and of lower rank. But we have really nothing to do with military rank in conducting the business of a Civil Government. And as regards military experience, the Military Member in dealing with the military questions which come before him has to take other than military considerations only into account. It is not the man's own opinions nor his knowledge and experience which have to govern his judgment but the position which he occupies and the responsibilities which rest on him in virtue of his office. The truth is that there is hardly such a thing as a purely military question, at least of those which come up to the Government. Even if there be no expenditure involved, the matter has to be considered not absolutely, but relatively to other conditions which often only the Members of the Government are in a position to appraise at their proper value.

"This view is perhaps not always shared by military men. A distinguished officer formerly in a high position at Army Head-Quarters once said to me that when a proposal had been put forward as necessary by the military authorities, the only thing the Government had to do was to pass it. Certainly the remark was made after dinner, but another able officer and in other respects of good judgment wrote to me to complain of a civilian member of Council being allowed a voice in military matters. When such views are held by able officers, one may understand that the Military Department is sometimes regarded from outside as obstructive.

✓ "The Commander-in-Chief, as I said before, naturally presses his proposal from a military point of view, and very properly, for if he does not press it from the military side no one else is likely to do so. The Military Member of Council, on the other hand, has to consider the business of Government as a whole, and army expenditure in relation to the financial condition of Government, and to the general policy imposed on him by the Governor-General in Council. How this affects a man's judgment may be seen from more than one distinguished instance. Lord Napier of Magdala when he was Military Member of Council had to look at things from a very different point of view from that which he held when Commander-in-Chief. So also I may say of Sir Donald Stewart. We must remember then that in these matters it is not the man but the office which has to be considered. The Military Member might consider himself a more competent judge of military or of Indian matters than the Governor-General, and he has certainly greater experience in both; that does not absolve him from the necessity of deferring to the judgment of the latter even in cases where he considers his own opinion the better of the two. And in the same way if the relations between Army Head-Quarters and the Government as represented by the Military Department are to be maintained harmoniously under the proposed arrangement, it can only be by the authorities connected with the former recognizing their position of relative subordination; subordination compatible with deference to their opinions on the part of the Military Department, but nevertheless that the Military Department is the Government as far as they are concerned, and that its decisions must be loyally accepted."

The above, I think, clearly shows that the control and interference that the Commander-in-Chief resents is not that of the Military Member but of Government and that any attempt to withdraw the authority which the Governor-General in Council delegates to the Military Member to deal with the less important military business that comes before Government would necessarily result in a reversion to the system that formerly obtained of bringing all such proposals before Council collectively, if they are to receive the consideration that is necessary from other points of view than that of the authority who initiates and advocates them. I need scarcely remark that the volume and complexity of the military business that has to be dealt with, due to the double army and the necessary subordination to the Secretary of State for India and the War Office, renders such a course impossible. It is to be recollected that a large number of questions which are referred to Government for decision with the Commander-in-Chief's recommendation and support have never been seen by him personally. The mass of business dealt with at Army Headquarters is so great that this is inevitable. These proposals are put forward by His Excellency's Staff Officers working on his *delegated authority* and they are frequently accepted, modified, or rejected by the Military Member acting similarly on the *delegated authority* of the Viceroy.

The Commander-in-Chief remarks that even in matters of "discipline and training," his wishes are thwarted. I shall refer later to the instance regarding "training," but in regard to "discipline" I assume that the case

to which His Excellency refers is that of two young officers, who, after behaving in a scandalous manner, deserted. In this case the Commander-in-Chief recommended that they should be allowed to resign their commissions, while it was left to the Military Department to submit to the Viceroy that dismissal from the service was the only measure which adequately met the requirements of the case. At the suggestion of the Military Department further enquiry was ordered by the Viceroy, with the result that the Commander-in-Chief subsequently recommended this step and the Secretary of State confirmed it. In this case, as the orders of the Governor-General were necessary, the interference of the Military Department does not seem to have been uncalled for. A good many cases will be within the remembrance of His Excellency in which the Government of India have considered it necessary to interfere in cases of discipline.

10. In paragraph 5 the Commander-in-Chief remarks that our Indian military administration has been framed mainly to meet peace requirements, and His Excellency ascribes our present shortcomings to the defects inherent in the system of divided responsibility, which he criticises very unfavourably in paragraph 12. He there points out that the responsibility for the supply to the troops in peace of food, clothing, transport, ordnance stores, and remounts must rest with one man, viz., the Commander-in-Chief. In paragraphs 1 and 2 Lord Kitchener speaking under a sense of imperative duty gives an impressive warning that our present system is faulty, inefficient and dangerous, while in paragraph 32 His Excellency calls upon us to hesitate no longer to reform our ancient and defective system of army administration by following the example of the Japanese who have shown us what can be done by thoroughly enlightened and up-to-date methods of army administration.

These words call for most serious consideration, and we shall do well to examine the Japanese system which His Excellency rightly admires. First of all I may observe that in none of the principal European armies does the administration and control of the Army services rest with the Commander of the Army. As to Japan, I may with advantage quote Lieutenant-General Sir William Nicholson:—

“Japanese system of military administration.—This system generally resembles that of the German Army. There are two principal administrative heads, working in conjunction with but independently of each other, and both report directly to the Emperor whose Advisory Council (a) includes the Minister of War and Marine, the Chief of the General Staff. * * * * One head is the Chief of the General Staff who is responsible for plans of military operations, intelligence, topography, questions of defence, manœuvres and the training of Staff officers, distribution of the army, mobilisation and movements of troops by land and sea. The other head is the War Minister who is a member of the Cabinet and responsible for what may be styled routine duties and departmental services. * * * * So far as can be judged by the results hitherto obtained, the Japanese system works very smoothly, efficiently and economically both in peace and war. We may be certain at any rate that it is the outcome of the most careful investigation of the relative merits of the various systems adopted by the European powers.” * * * *

In the system above described if we substitute “Commander-in-Chief” for “Chief of the General Staff” and deprive the Commander-in-Chief of his seat in the Cabinet as an Extraordinary Member of Council, we have an *exact* parallel to that in force in India where the two principal administrative heads are the Commander-in-Chief and the Military Member of Council working in conjunction with, but independently of, each other and both directly responsible to the Viceroy. I am in agreement with His Excellency the Commander-in-Chief, and accept his recommendation that we should copy the Japanese system, which has proved so successful. In this connection I may invite attention to paragraph 141 *et seq.* of the Report of the Army Commission, 1879 (see Annexure I.), which recommended the exclusion of the Commander-in-Chief from the Council, and to the views of Lord Esher’s Committee, who remarked in paragraph 18,

(a) The Advisory Council is a body resembling our Defense Committee in England.

Part I., Section II. of their report, that * * * * "attempts to combine the administrative and executive functions of the army have led to confusion, to reduplication of work, to expense, * * * *"

With these views I am in entire agreement. It is undoubted that the dual functions which rest with the Commander-in-Chief as a Member of Council as well as commander of the army have in the past given rise to friction and will certainly do so again.

The above views are supported by Sir William Nicholson, who further states :—

"The system above resembles in some cases that in force in India where the two principal administrative heads are the Commander-in-Chief in India and the Military Member of Council working in conjunction with, but independently of, each other and both directly responsible to the Viceroy. The apportionment of functions differ in several important particulars."

11. In paragraphs 7 and 8 the Commander-in-Chief animadverts on the delay occasioned by the criticism which every proposal for reform meets with at the hands of the Military Department. He considers such criticism to be vexatious and unnecessary, and that the system is based on "want of trust." His Excellency adds that as all proposals emanate from Army Headquarters, it is of small importance to the Military Department to press them forward, and he instances the delay which attended the case of the Redistribution Scheme last summer, in which the Military Department waited to bring that scheme before Council until they were informed unofficially of the extent to which the Commander-in-Chief was prepared to meet the objections raised to the scheme by Local Governments. I venture to say that matters of major importance are disposed of as quickly as in any country in the world. I would instance the extra allotments of 1½ crores this year for stores and the case of ordering 24 batteries at the cost of a crore. These were settled in a few minutes in personal communication between the Commander-in-Chief, Sir E. Law, and myself subject to acceptance by the Viceroy.

With regard to the above I would again invite attention to the extract from Sir George Chesney's note, dated 16th September, 1889, which is given in paragraph 9. I maintain that effective criticism, not only from a financial point of view but from every aspect in which it affects other departments of the State, is not only not vexatious but necessary. Effective criticism must entail some delay, but although I have endeavoured to accelerate the disposal of business I admit that there is still room for improvement here and at the proper time I shall be prepared to put forward proposals with that object. Schemes are rarely put forward by Army Headquarters complete. The Finance Department and the Secretary of State rightly require the necessity for expenditure in each case to be made good, and all details to be furnished. The Commander-in-Chief does not like details, but unfortunately I am forced to go into them. But, as a matter of fact, military business at the present time is so rapidly disposed of that we always have on hand a large number of proposals for fresh expenditure passed and practically ready for action long before we can find the funds necessary to carry them out. There is little use in having a "consistent military policy" if we have not the funds wherewith to carry it out: and this has been the real trouble in the past.

We had been waiting for some years to redistribute the army and increase the field army; we awaited the man and the money. Lord Kitchener was fortunate beyond his predecessors in having come to India at a time when her finances were unusually prosperous; fifteen years ago his great scheme of reorganisation, which we are all anxious to carry out, would necessarily have met with a different reception. To show that criticism is necessary (if sometimes vexatious to the originators of the scheme), I would instance the case of—

Reserves on full pay to Native Army, 1901. (Cost reduced from 35 to 16 lakhs per annum.)

Re-armament of the cavalry with the Martini-Metford carbine negatived, 1893. (Cost, £36,000, avoided.)

Formation of native field batteries. Proposal withdrawn by Commander-in-Chief, 1903.

Addition of 28 British batteries to the establishment, involving a probable expenditure of at least 3 crores initial and 1 crore recurring. These are not now required. I proposed a maximum of 5 batteries.

His Excellency is, I think, mistaken in supposing that all proposals originate at Army Headquarters. A large number, perhaps considerably the larger number of the more important measures for the improvement and preparation of the army for war, have originated in the Military Department. I would instance—

Many proposals originate in Military Department.

Mobilisation scheme and creation of a field army.

Amalgamation of Presidential Armies and Departments.

Organisation of the transport service.

Institution of the various factories to render India self-contained and independent of England for the supply of war material.

Emergency Acts.

It will also be admitted, after what I have said in paragraph 7, that no one has been more persistent than Sir E. Collen in pressing forward, in season and out of season, necessary military reforms even to the extent of raising a loan for the purpose.

With reference to the particular instance cited by the Commander-in-Chief, I can accept no blame on behalf of the Military Department for the delay which occurred. The Military Department certainly understood that the Commander-in-Chief was generally prepared to modify his original scheme to meet the objections raised by Local Governments and thought this would be shortly communicated in the constitutional way. In order that the extent to which His Excellency was ready to agree should be placed on record in the usual manner before submission of the case to Council, the file was sent to Army Headquarters on 9th August, 1904. His Excellency was absent from Simla in the interior for about three weeks at this time and apparently by some oversight on the part of the Headquarters staff was not informed that the reference had been made, and the file containing Lord Kitchener's reply was accordingly not returned to the Military Department till the 16th September. Each reply from Local Governments had been sent to the Commander-in-Chief on receipt, and his views on each case might have been forwarded previously.

12. In paragraph 9, Lord Kitchener complains of the want of co-ordination between the different parts of the machinery of the present system and gives examples to illustrate his contention.

I here wish to remark that Lord Dufferin first formed the Mobilisation Committee, of which the Commander-in-Chief is President, and the Military Member, Secretary, Military Department, and heads of departments both at Army Headquarters and under the Government of India, are members, with the express intention of co-ordinating the efforts of the several officials dealing with the preparation of the army for war. In the earlier days of its existence this body, either in whole or in part, constantly met to the great advantage of all concerned. The zeal and cordiality with which they worked is testified to by Lord Dufferin, in his Minute, dated 5th October, 1887 (Annexure III.). Since the Commander-in-Chief assumed office no

Mobilisation Committee formed to co-ordinate efforts of various departments.

attempt has been made, so far as I am aware, to secure co-ordination of work either by assembling the Mobilisation Committee or by allowing heads of departments ready access to His Excellency. It is obvious that without co-ordination of effort, friction must ensue, but no attempt has been made to take the Military Department into the confidence of Army Headquarters or to enlist its interest in the proposals with which it would be called upon to deal. To illustrate my meaning :—When the Commander-in-Chief drew up his scheme for the redistribution and preparation of the army for war, I was left in complete ignorance of his intentions, although I venture to think it would have been of the very greatest advantage to the State, and would also have materially facilitated our subsequent treatment of the case had I been placed in possession of His Excellency's views, and thus in a position to consult heads of departments under Government. On the 6th January, 1904, I noted to His Excellency in regard to Lord Kitchener's expected scheme :—

“ I would further raise the question of the Mobilization Committee, in which the Military Member and Secretary, Military Department, are included, considering these mobilisation questions.

The Commander-in-Chief replied :—

“ The Honourable Member expresses the opinion that the question of redistribution would have been facilitated if I had dealt with it by means of the Mobilisation Committee. I think that in view to expediting military business it is essential that I as Commander-in-Chief should have full discretion as to the methods I employ. As head of the Military Department the Honourable Member must necessarily be in a position to give full expression to his views on every such question.”

I have also verbally urged the meeting of Mobilisation Committee, but the Commander-in-Chief has throughout studiously ignored the Military Member, and refused to consult him. He now complains of want of co-ordination, for which he is solely responsible. The result of this want of co-ordination was that the scheme has had to be considerably modified, and especially is this the case where it touches the departments under Government. On more than one occasion I have also sought His Excellency the Commander-in-Chief's advice on matters connected with the departments under Government, but I have been met with the reply that His Excellency has no opinion to offer, as the officers of these departments are not serving under the Commander-in-Chief. His Excellency the Viceroy is aware of these facts. In these circumstances I am ready to admit co-ordination is impossible and friction more than probable, but the fault does not lie with the system, but in the way in which it is worked.

With reference to the particular examples cited, Lord Kitchener states that, in his proposals for the preparation of the army in India for war, he asked that certain ordnance field parks should be maintained, and he goes on to say that shortly afterwards the Director-General of Ordnance, on his own initiative and without reference to him, applied to Government for an increase in the scale of these parks. It may be as well to point out here that, on the 17th July, 1903, the Military Department called on the Director-General of Ordnance for a report on the question of ordnance reserves to be maintained in this country, with a view to rendering India independent of England, having regard to the fact that communication by sea might be cut off for a period extending possibly to one year.

The Director-General of Ordnance's letter, alluded to by the Commander-in-Chief, was in answer to this communication, and was dated 4th February, 1904, whereas the Adjutant-General's letter forwarding the memorandum on the preparation for war is dated the 17th February, 1904. It is evident from this that the Commander-in-Chief, in putting forward his proposals for ordnance field parks, had not even consulted the Director-General of Ordnance, much less myself.

The Commander-in-Chief then says that this scale was sanctioned without reference to him. The wording of our letter to the Director-

General of Ordnance runs as follows:—"The new scale is tentatively accepted and may be acted on, on the understanding that the extra requirements can be met from peace stocks and are *not* replaced until orders are passed on the general question of the preparation of the army for war." The last part of this sentence had special reference to the Commander-in-Chief's proposals, a copy of which was sent to the Director-General of Ordnance with our letter, the intention being that in considering the question of additional ordnance field parks this matter of scales should be finally settled in communication with the Commander-in-Chief. In June, 1904, the Director-General of Ordnance asked us to enter for consideration with the September schedule the amount required to complete the four existing ordnance field parks to the scale proposed, since these requirements could not be met from peace stocks without replacement. This amount was ordered to be entered for consideration with the September schedule. At this stage the file was seen by Army Headquarters, and was retained in the Adjutant-General's office from 22nd July, 1904, to 27th September, 1904, where no opinion was expressed, although the file had been sent to them for that purpose. In the meantime, on the 9th July, the Secretary of State telegraphed asking if it was desirable to proceed at once with the provision of a portion of the stores and transport now deficient. The result of this enquiry was the decision to spend a crore on mobilisation stores at once. Amongst other items in the list which the Honourable Member in this department invited the Commander-in-Chief to concur in ordering was "Imported stores for completing four ordnance field parks to *new scale*." Lord Kitchener agreed to these, and since the file on this very subject was at that time with the Adjutant-General, it was, perhaps, permissible to assume that he realised what the new scale was. This is the first specific sanction that we issued authorising a new scale, and, as shown above, it had the concurrence of the Commander-in-Chief.

As regards the maintenance of a war reserve in addition to the stores in the field parks, equal to one year's consumption, and also a reserve of imported stores which was never to fall below one year's peace consumption for the whole army and which at certain seasons would amount to 1½ years' supply, the wording of our letter to the Director-General of Ordnance was "without accepting the details of the proposals or authorising any expenditure thereon, the Government of India concur generally in the proposals subject to the exceptions noted below. They accordingly agree to estimates being framed accordingly and to their being put forward for consideration with the general question of the preparation of the army for war, which is now engaging their attention." This did not constitute a sanction. In October, 1904, I asked the Commander-in-Chief to discuss the items which he wished to select for the reorganisation schedule, he asked me to discuss them with the Quartermaster-General in India who would represent his views. I did so, and General Sclater, I understood, accepted the one year's war reserves; further, when the Adjutant-General sent us (unofficially) his proposals for reorganisation expenditure in 1905-06, among these he included the same item. On receipt of these proposals we asked the Secretary of State for sanction to our obtaining this reserve, which is the only step we have taken in the matter, and this on a direct request from Army Headquarters. We have taken no steps towards sanctioning the other reserve mentioned.

As regards the opposition which His Excellency the Commander-in-Chief says was offered to his proposals for increasing the reserves of small-arms ammunition, I pointed out that to add the amount proposed by Lord Kitchener would involve an expenditure of 55 lakhs, and asked whether he was prepared to take such a large sum for this item alone, as the schedule of items of proposed reorganisation expenditure was mounting up very rapidly. I gave it as my personal

Commander-in-Chief accepts twelve months' reserve for ordnance field parks.

Commander-in-Chief accepts reserve of small arm ammunition.

opinion that 750 rounds per rifle for the field army would be sufficient, as against the 1,000 rounds per rifle recommended by Lord Kitchener.

The Adjutant-General, in noting on this file, said that we had little or no experience to guide us as to the amounts we should require, and, if only on financial grounds, he considered that my proposal should be accepted as an *ad interim* arrangement until the figures for the Russo-Japanese War became available. Lord Kitchener accepted this proposal on financial grounds, reserving to himself the right to re-open the question at the end of three years—when the increase I had suggested would be completed—should it then appear desirable. The Commander-in-Chief's argument is that he was obliged, in order to save further discussion and delay, to consent to the smaller amount. No delay was involved, as His Excellency had practically a free hand, and within the limits of the special reorganisation grant could have ordered as much ammunition as he wanted, even supposing that the general question had not been settled. Discussion on such a question, where large expenditure is concerned, seems very necessary to obviate extravagance, and I had certainly not implied that I was not prepared to concur should Lord Kitchener decide to adhere to his original proposals. In despatch No. 160, of 10th November, 1904, I especially safeguarded the Commander-in-Chief's provisional consent by stating:—"On financial grounds His Excellency the Commander-in-Chief has expressed his readiness to accept, for the present, this modification of his proposals." I fail to see what Lord Kitchener takes exception to.

13. In paragraph 10 of his note the Commander-in-Chief alleges that even preparatory training for war is interfered with by the Military Department, and he instances the case, previously referred to in paragraph 4 of his note, regarding the training of native troops to build their own lines.

Training of native troops in hutting.

The proposal in question involved first a reversion to the system under which native troops gave the labour required to build their own lines, a system that was deliberately abolished with the approval of the Secretary of State only two years before on the advice of the late Sir P. Palmer, whose knowledge of the Native Army was probably unequalled, and of other senior Indian officers of experience. Secondly, it involved the teaching of the trades of blacksmiths, carpenters and masons to such men as high caste Rajputs, Dogras, and Brahmins. It was argued in the Military Department that the proposal was unnecessary, distasteful to the men as imposing on them a duty not shared by their British comrades, and inexpedient as involving a reversal of the policy which had been recently adopted after full consideration. The proposal was held to be unnecessary, because 97 per cent. of the Native Army, being recruited from the agricultural class, build their own village houses, and are quite competent to build the rough shelters they are called upon to erect on service. Furthermore, no reasonable amount of training will make an efficient blacksmith or carpenter of a man who does not belong to these trades by caste. Instruction in laying out hut barracks and in the building of walls and roofs for native officers and non-commissioned officers who would be called upon to supervise such work on active service, might perhaps be necessary and means for effecting this were proposed, but little training of any value was to be anticipated from making the men knead and carry mud, a task which interferes with their military training and is highly unpopular with the men, who although perfectly willing to do it on service, resent being put to coolly labour in time of peace. The case was submitted to the Viceroy and the action fully endorsed by him.

14. In paragraph 11 the Commander-in-Chief charges the Government of India with having issued too many regulations which tie the hands of the Commander-in-Chief and destroy initiative on the part of all officers. If to this charge we must plead guilty, I must reply that His Excellency will find it equally difficult

Army Regulations cannot be confined to principles.

to avoid a similar plea in regard to those books for which Army Headquarters were responsible—Volumes II., VII., X., XII., and Regulations, Royal Artillery in India. However, on the initiative of the Military Department, all these regulations have been revised and cut down to one-fifth of what they were. They still contain more than is essential, but not much, and they will decrease as the conditions of service in the three commands are assimilated. Even at the risk of being charged with a "want of trust" I am afraid I must say that our experience of the way in which the spirit of the regulations has at times been interpreted by Army Headquarters is not such as would justify my recommending to Government the acceptance of His Excellency's proposal to restrict Army Regulations to principles which should be interpreted by him in Army Orders as occasion might demand. The financial and other effects of such a proposal would be somewhat startling and this proposal, if I have rightly understood it, may be taken as a good example of the necessity for looking at a question from other points of view than the "purely military" one.

Paragraph 12 I have already dealt with; paragraph 13 requires no detailed notice.

15. Paragraphs 14 to 25 of the Commander-in-Chief's memorandum deal with the arguments that have been used in the past against a change of present system.

In the first of these (paragraph 15) the Commander-in-Chief rightly warns us that we should not delude ourselves with the belief that our system is sound because we have carried out small campaigns successfully. This is quite true, but the instances His Excellency quotes seem to me to point to the necessity for increasing and organising our forces that are to take the field rather than for any radical upheaval of our military system. The reason why the military machine has more than once been "strained to breaking point" is that it was too small, mainly owing to financial considerations in the past, and not sufficiently powerful for the work it was called upon to do, not that it was ill-designed or badly made. Whatever war reserves we may keep up under the new reorganisation scheme will be similarly depleted to meet Imperial necessities of the class with which we had to deal in 1899 and 1900. So far as I can ascertain, in no important instances were our mobilisation reserves depleted for eighteen months. Orders for the immediate replacement of all mobilisation reserves were issued at once, and the Proceedings show that the Military Department could not be charged with such delay as took place. In regard to the supply of stores we are to a great extent at the mercy of the India Office, the War Office and the manufacturers. At that time, owing to the demand for South Africa we could not get stores. No change of system here would have affected the matter one way or the other.

16. In paragraphs 17 and 18 Lord Kitchener examines the validity of the argument that has been advanced in defence of the existing system, that with the abolition of the Military Member of Council the Commander-in-Chief would have too much power and too much work to do.

Work of amalgamated War Department could not be controlled by one man.

With the first of these objections I have little sympathy, but the second seems to me to be a very grave one. The Commander-in-Chief believes that not only could the work be controlled by one man, but that the work of the Staff at Army Headquarters would be reduced as they would not be forced "to explain their proposals to an independent department of Government," in other words, as Sir George Chesney has put it in the extract quoted in paragraph 9, that once a proposal is put forward by Army Headquarters "nothing remains but to pass it!" Now this would only be true of those proposals which are within the power of the Military Department to accept.

Any proposal which had to go to the Finance Department or to the Secretary of State for acceptance would have to be explained at as great or greater length, and would throw an intolerable burden on that Department. But it is my belief that no one man, however able, could properly deal with the mass of business that now demands or should demand the attention of the Commander-in-Chief and Military Member. His Excellency the Commander-in-Chief has probably no conception of the mass of work with which the Military Department is called upon to deal. In the past it was sufficient to fully tax the energies of men of exceptional capacity like Sir George Chesney, Sir Henry Brackenbury, and Sir Edwin Collen, and at the present day it is no less. A large proportion of references to Government come direct from Lieutenant-Generals of Commands as well as from the several departments (Military Accounts, Military Works, Ordnance, Supply and Transport, Remounts, Marine) of the Army. This represents not less than two-thirds of the total sum of business with which the Military Department is called upon to deal. If it be urged that much of this might be decentralised and placed in the hands of Lieutenant-Generals of Commands, I would reply that such is not the case unless it is accompanied by considerable financial decentralisation. The financial decentralisation, to be practical, must give to Lieutenant-Generals the power of sanctioning recurring expenditure which has always been strongly resisted, as I think rightly, by the Finance Department. In this connection I would invite attention to the notes recorded in Proceedings A, August, 1902, Nos. 566 and 567, in which we proposed to give to each command its local budget. These proposals, although supported by the late Sir Power Palmer, were not approved by Lord Kitchener, and therefore subsequently dropped.

The financial powers now possessed by Lieutenant-Generals of Commands and General Officers Commanding Divisions are already largely in excess of the powers enjoyed by similar officers at home (as far as we know) but do not extend to sanctions involving a permanent charge on the estimates of future years.

I repeat, therefore, my deliberate opinion that no Commander-in-Chief could properly control the work of Army Headquarters and of the Military Department. But, even if it be admitted that Lord Kitchener could so deal with it, we have got to look to His Excellency's successors who may be men of more ordinary capacity with small Indian experience. In such a case it would be found that the administration of the Army would increasingly devolve on subordinate Staff Officers and the want of co-ordination and unity of direction would again become apparent.

In paragraph 17 the Commander-in-Chief complains that military matters are treated differently to the other business of the country and that a system of "want of trust" is shown towards the Commander-in-Chief. He then proceeds to draw a comparison between himself as head of the Army and the Member in charge of the Home Department as controlling the Magistracy and Police.

Comparison of Commander-in-Chief with Home Member inapt.

In my opinion the comparison is fallacious for the following reasons. The Commander-in-Chief is not the head of a revenue-producing, but of the greatest spending, department of the State. It is not possible, therefore, to apply to the Army the system of provincial assignments under which the funds at the disposal of a Local Government vary directly with the revenue. The Commander-in-Chief has therefore no special incentive to economy of administration in the same sense that a Local Government has. This being so, the system under which military expenditure is controlled must necessarily differ somewhat from that applied to a Local Government, and it is unnecessary and incorrect, in my opinion, to stigmatise it as a system based on "want of trust." The necessity for the present system is explained in paragraph 142, Report of Army Commission,* 1879.

Proposals of Local Governments are similarly daily criticised, modified and reduced by the Civil Secretariats and Finance Department. I may add that expenditure on the Police and Magistracy of the country is charged to provincial revenues, and provided it is such as can be properly incurred under the financial powers of the Local Government, the expenditure is not controlled.

17. In paragraphs 19, 22, and 23 the Commander-in-Chief seeks to dispose of the objection that with one Military Adviser the Governor-General in Council would be more open than is the case at present to adopt rash innovations or ill-advised measures, a danger which would be accentuated in the case of a Commander-in-Chief with little Indian experience.

Danger of adopting ill-considered proposals.

Here, again, in my opinion, a real danger exists. There are two or more sides to every question and the initiating authority is not always able to give them equal weight and consideration. In spite of what His Excellency says in paragraph 23, there is a point beyond which no Staff Officer can properly urge his view, even though his greater experience of India may make him certain that that view is justified. He is accordingly liable to be over-ruled by the Commander-in-Chief. In the Military Department this is not possible, for the Secretary is not the Staff Officer of the Member in charge but of the Viceroy, and is empowered by the India Councils Act to go direct to the Governor-General should he differ with the Military Member. In the case of a Member without Indian experience the privilege is frequently exercised. Having served for many years as a Staff Officer at Army Headquarters I may be forgiven if I say that cases are not unknown in which a Commander-in-Chief has wilfully disregarded the matured opinion of his Staff Officers, not always with the best results. The stronger the Commander-in-Chief the greater is this danger, and in practice I cannot conceive the possibility of removing the Commander-in-Chief from his appointment, which His Excellency suggests would be the proper course, for over-riding the opinions of his Staff Officers. The parallel drawn in paragraph 23 between a Commander-in-Chief and a Viceroy without Indian experience is fallacious and to me entirely unconvincing, for the requisite Indian experience in the case of the Viceroy is supplied by the Members of his Council, who are at all times able to record their dissent on any matters of importance, and such dissent is further laid before the Secretary of State in Council. A Staff Officer to the Commander-in-Chief has no such right, nor would it be proper for him to exercise it in any form. I do not attach great importance to the objection urged by Lord Kitchener in paragraph 22 that where the Commander-in-Chief and Military Member may differ, the army is liable to take sides. The existence of such differences of opinion is known but to a few Staff Officers, who, as far as my experience goes, keep their knowledge to themselves. By the Army at large the Government of India is credited with the responsibility for all decisions which are regarded as obnoxious, even though these decisions are those of the Commander-in-Chief.

I am afraid I am not altogether able to follow the Commander-in-Chief when he states that the Military Department are unable to bring to bear on the questions with which it deals the enlightened and up-to-date experience which it is implied is possessed by the Army Headquarters Staff alone. If such be His Excellency's opinion I would ask him to say how he reconciles it with the following facts regarding the three senior officers in 1903 :—

Capacity of officers of Military Department not inferior to that of officers at Army Headquarters.

- (i.) The appointment of Sir E. Barrow, then Secretary, Military Department, to an important divisional command.
- (ii.) The offer to Colonel DeBrath, then Joint Secretary, Military Department, of a new and most important Staff appointment at Army Headquarters.

- (iii.) The appointment of Lieutenant-Colonel MuHaly, then Officiating Deputy-Secretary, Military Department, to be Deputy Quartermaster-General.

Comparisons are odious, but I believe I am correct in saying that there is but one officer of the Indian Army on the Army Headquarters Staff at the present time who has ever commanded a regiment, and it can hardly be said that officers like Colonels Grover, Watkis, Kenny, or Majors Moberly and Holloway are less up to date in their military knowledge than other officers at Army Headquarters. Besides, if such were the case, there is no possible reason why it should be so. The officers of the Military Department are now drawn from the best of the Indian Army to fill appointments of limited tenure like those at Army Headquarters, and we have applied the three year rule to them. It would, in my opinion, be greatly to the advantage of the State as well as of the Army that they should be treated as other Staff Officers are, being given every opportunity of gaining experience by being sent on field service and constantly kept in touch with troops. Their work is unusually hard and demands high ability, and they deserve the encouragement and consideration at the hands of the Commander-in-Chief which they have formerly received.

18. In paragraph 20 the Commander-in-Chief seeks to dispose of the objection that under the system he proposes the Viceroy would have no military adviser during the necessary absence of the Commander-in-Chief on tours of inspection.
- Want of a military adviser with Government during absence of Commander-in-Chief.

I am unable to admit that the objection is disposed of. The Commander-in-Chief is appointed only for five years, and is, or should certainly be, if he is really to know anything of his vast charge, absent from headquarters for some three or four months every year. Even admitting, which I hesitate to do, that the opinion of a senior staff officer can in matters of importance ever satisfactorily take the place of that of his Chief, it seems to me to be altogether wrong that Council should for so long a period be deprived of the assistance they have a right to look for from their military colleagues in the disposal of military business. Again, when trouble breaks out it is almost always suddenly. Dame Fortune is proverbially fickle and rarely misses taking advantage of an opportunity if one be afforded her. It is always the unexpected which happens, and it is within His Excellency the Viceroy's knowledge that inconvenience has arisen owing to the absence from his side of a military adviser. In this view His Excellency ruled that the Military Member is not to be absent from the Headquarters of Government while field operations are in progress: this, as the experience of the last 10 years has shown, may be said to be practically continuously. Even for the Thibet Mission I received the Viceroy's orders to proceed direct from Simla to Calcutta.

19. In paragraph 21 the Commander-in-Chief contests the view that the Military Department exercises any particular financial control or in any way safeguards expenditure.
- Military Department controls military expenditure.

I cannot admit the soundness of this contention, which is largely based on a misconception of the powers of the Military Department. In the first place as regards expenditure, which can be met by reappropriation from the current year's budget, the Commander-in-Chief implies that, excluding new expenditure, the Military Department is unable to sanction any thing that is not already sanctioned and provided for in the budget. This, however, is not correct. Omitting from consideration the Military Works grant, in which case there is a considerable reserve always retained at the disposal of the Military Department, actuals necessarily differ considerably from the estimates, and there is every year a considerable sum available for reappropriation which is only spent after careful scrutiny of each demand by the Military Department. Again, there are several grants, *e.g.*, Grants

4, 5, 6, 7, 10, 13 (a) which are largely based on past actuals, and could not be otherwise calculated. These grants are based on actuals of the previous three years, and any sanction given, or interpretation placed upon the operation of a rule, may have the effect of permanently increasing the grant affected. Moreover, as no proposal involving less than Rs. 20,000 per annum goes into the schedule at all, all demands which do not involve expenditure in excess of this sum or involve a principle are dealt with by the Military Department, and I have no hesitation in affirming that such expenditure, which in the aggregate is not inconsiderable, is watched most jealously, far more so than would ever be the case at Army Headquarters or, indeed, by any authority directly concerned in initiating a proposal or in seeing it accomplished. In short it may, I think, be claimed with absolute certainty that the financial control exercised by the Military Department, quite independently of the Finance Department, is real and effective. By their knowledge of military matters and of the working of the army, they are, moreover, in a position to suggest economies which do not arise from the mere negating of a proposal. To illustrate my meaning I would cite the following examples:—

Change in system of reliefs. (Saving in one Command 1½ lakhs per annum.)

New Clothing Scheme for British Army, (Saving Rs. 1,71,700 per annum.)

Abolition of bunnias' fees. (Saving Rs. 1,53,000 per annum.)

20. Paragraph 24 of the Commander-in-Chief's memorandum I have already dealt with to some extent in paragraph 8. Military Department pre- I may here add that without the Military Department serves continuity of policy. ment there would be the greatest danger of the military policy changing with each Commander-in-Chief. I have shown that for many years past the state of the finances in India was not such as to render continuous progress possible on wide and clearly defined lines, but Lord Kitchener himself is engaged in laying down a military policy which it is quite possible may find less favour in the eyes of his successors than it meets with at the hands of the Military Department. It is one of the functions of the Military Department to prevent the pendulum swaying too far in either direction.

21. Paragraphs 25, 26, and 27 require no particular notice.

22. I now come to the organisation which the Commander-in-Chief proposes in paragraphs 28 to 30 to substitute for the present system. As I have above sought to defend the present system which, if not perfect, has been shown (by the Japanese) to be sufficiently workable if given a fair chance, I do not propose to criticise in detail the organisation proposed by Lord Kitchener. A proposal on the same lines was put forward in 1888, and dropped. It is an exact adaptation to Indian conditions of the Army Council at home, but with these material differences, that whereas it was clearly laid down by Lord Esher's Committee that the Army Council is to administer and not to command the army, under Lord Kitchener's scheme

(a) Grant 4—Supply and Transport.

„ 5—Remounts and Veterinary establishments.

„ 6—Clothing establishments.

„ 7—Barrack ditto.

„ 10—Ordnance ditto.

„ 13—Sea Transport charges.

the Commander-in-Chief and War Member combines all administrative and executive duties, a position which finds no parallel in any of the armies of the great powers; further, under the Letters Patent constituting the Army Council, the Secretary of State and Members are all equal and have equal votes, the Secretary of State being appointed President; but in Lord Kitchener's proposal they are all his subordinates, and have no vote or right of dissent at all. This position is dealt with in paragraph 17 above. In fact, the proposal is to establish a military autocracy. It is by no means yet proved that the Army Council has come to stay. He would be a bold man who would predict stability in military administration in England. On the other hand, the military system in India has stood the test for many years. In the words of the Esher Committee report "attempts to combine the administrative and executive functions of the Army have led to confusion, to reduplication of work, to expense * * * *." I agree that this will be the result. We have too to remember that the Army of India is not a homogeneous whole to be dealt with by one set of orders. That all proposals for the Native Army have to be considered not only from the purely military standpoint but also as to their effect on a body composed of many classes and castes whose treatment has also a political bearing.

Section III., paragraph 5, Part I. But whatever be the objections to the system proposed in peace, and in my opinion they are serious, they are less important than those to which it would be open in time of war.

Section II., paragraph 18, Part I.

The Commander-in-Chief says, in paragraph 31 of his Memorandum, that in a big war (and in a small one even the present system is good enough, see paragraph 1) the Commander-in-Chief and War Member, the Chief of the General Staff, and the Quartermaster-General would all take the field. Thus at the moment of greatest strain when all the best Generals and Officers of most experience would accompany the army, the chief military support of the Governor-General in Council would be removed. From those officers who are left behind, it is proposed to appoint an acting Commander-in-Chief, who would have a seat in Council and be the responsible adviser of Government. I pity the Viceroy. This officer would be completely out of touch with everything and everybody: he would be ignorant of all that had gone before, and, with the exception of the Director-General of Ordnance, he would not have a soul who could really help him to meet the manifold and pressing wants of the army in the field, while he might conceivably be at the same time burdened with the responsibility of conducting operation for the repression of disorder in India. Such a scheme does not commend itself to my judgment. I can only faintly picture to myself the chaos, waste and confusion that would reign at headquarters under such conditions! The present system at all events leaves intact the entire machinery which is charged with the all-important duty of equipping and supplying the army in the field, and also leaves it in charge of a responsible adviser who is a Member of the Government, and who is thoroughly conversant with every step which has led up to the then existing state of affairs. It will be noticed that the India Councils Act expressly provides against the possibility of such a state of things arising as that proposed by His Excellency, by decreeing that the Military Member of Council cannot claim to command in virtue of his military rank. He could not, therefore, take a command in the field. Under existing orders of the Secretary of State too an acting Commander-in-Chief has no seat in Council.

23. This major question has arisen out of the case of the administration of the Supply and Transport Corps. In noting on that case I warned my Honourable Colleagues that the point at issue was not the transference of duties from the Military Member to the Commander-in-Chief, but the larger one of the abolition of the Military Member. The Commander-in-Chief deprecated this view, and a compromise on that case was effected.

I regret to find myself at issue with His Excellency the Commander-in-Chief on a matter of such fundamental importance to the army as the system of military administration, but I am, equally with His Excellency, impelled by a sense of duty to state my convictions boldly, and if in some instances my remarks are not entirely impersonal I would observe that it is impossible that they should be otherwise, for I believe it is not so much the system that is in fault as the way in which it has been worked. I would further add that I am glad this controversy has not arisen in an acute form until I am almost entering on my last year in Council. Any changes introduced will not affect me personally, and, moreover, I am prepared at any moment to tender my resignation in the interests of the public service if such resignation will facilitate any new organisation which may possibly be considered necessary.

(Signed) E. R. E[LLES].

Annexure I.

(EXTRACTS FROM THE REPORT OF THE ARMY ORGANISATION COMMISSION, 1879.)

Position of the Commander-in-Chief as a Member of the Supreme Government.

* * * * *

141. The position of the Executive Commander-in-Chief as a Member of Council is, in the opinion of the majority, one without precedent in the organisation of any European Government or army. It is contrary to one of the most essential and salutary principles of sound administration: and the common instinct and experience of all administrations, whether representative or despotic, has everywhere rejected it. *prima facie*, therefore, the retention of so anomalous an arrangement could only be justified, in any well-considered re-organisation of the Indian Army, by strong evidence of special advantages derived from it in this particular case. But the evidence of all Indian experience is, from the positive point of view, opposed to this anomaly even more strongly than the accepted principles and practice of all European countries are opposed to it from the negative point of view. It has been found to weaken simultaneously the executive initiative of the military and the financial control of the civil authority, by constantly confounding and confusing their respective spheres of independent activity. It renders practically impossible that continuous personal conduct, which in every well-organised system of military administration has been found so beneficial between the supreme executive head of the whole army and the subordinate heads of its various branches and corps. Finally, between the Governor-General, the Commander-in-Chief, and the Military Member, whom it places in fundamentally false relations towards each other, there has been, under each successive administration, since the existence of this ill-advised arrangement, continual friction or cause for friction.

Position of Commander-in-Chief without precedent in other armies.

142. The inconvenience of embarrassing the Commander-in-Chief by imposing on him dual functions, and rendering it difficult for him to see enough of the army, was noticed as far back as 1832, when it found place in the report of a Parliamentary Committee on Military Affairs. Nearly every statesman who has given an opinion on the subject in late years, has laid stress on the difficulty of a Commander-in-Chief properly performing the irreconcilable functions of the two offices. It is the constant duty of the Commander-in-Chief to be urging on the Government the expenditure of money for the improvement of the army, and it is to him that the officers and men of the army must look to press their claims and state their requirements. It is the constant duty of the Government of India, on the other hand, in the interests of the tax-payers of India, to refuse demands for expenditure which they consider unreasonable or unnecessary, or beyond the power of the country to bear. When the Commander-in-Chief has, as executive head of the army and as a subordinate of the Government of India, said all that he can properly urge in support of his views, he has performed his duties as advocate; and it should then rest with those responsible for the government of the country to determine how far they can reconcile it to their sense of duty to accede to his requests. But this is not what happens; for the Commander-in-Chief having, as head of a great spending department, pressed as ably as he can his reasons in support of a grant of money, next proceeds to abandon his position of advocate, and takes his seat on the bench with the judges to decide in his own cause. If the application he has made is not accepted—and it very often happens that it is not—an acrimonious and bitter discussion too often takes place; and the relations of the Government with the executive chief of the army are in consequence

Inconvenience and embarrassment consequent on this dual position.

constantly strained, and a perpetual friction is maintained, which permeates through the army and its departments, and is most mischievous in its effects on the public interests. It is as unjustifiable to place the Commander-in-Chief in the position of having to urge his views and justify his conduct, when called in question at a Council of which he is a member, as it would be to place the head of a subordinate local Government in the same position. He cannot be unbiassed as a judge, and it is unreasonable to expect that he will sit down patiently to hear his conduct as a subordinate of the Government discussed by his colleagues. The position was very plainly stated by the late Lord Sandhurst in the following words, extracted from a Minute which will be found in Appendix XX :—

Opinion of Lord Sandhurst.

“ It may be assumed that the Commander-in-Chief of each presidency is sent out by Her Majesty’s Government to be the principal military adviser of the Government to which he is attached. In the minor presidencies his position is so inferior, that a clash with the local Government is not very likely; and if it should take place, the consequences are not very important. Far otherwise is it with the great functionary called “ Commander-in-Chief in India.” Whenever the latter is a man of quick and powerful mind, he finds his position difficult; at times almost intolerable. He has a great responsibility, is much appealed to, as shown above; while he often feels and knows that around the head of the Government are irresponsible and secret military advisers who regard him with hostility. Hence it is that many Commanders-in-Chief in India have always been most anxious to live away from the Government as much as possible, while others have been engaged in conflict leading to resignation. I conceive that the evil of divesting the head of the Government of India of his chief and responsible military adviser can hardly be exaggerated; yet if that responsible military adviser is to be at the same time an executive Commander-in-Chief, who is ever engaged in traversing the country on tours of inspection in times of peace, or at the head of the active army in time of war, it is utterly impossible for him to be in his place at the side of the Governor-General, except at rare intervals of time. Military feeling is so strong, and the prizes of war are so great, that no Commander-in-Chief in India can resist the temptation of putting himself at the head of an army in the field, if he has an opportunity. In like manner, for the maintenance of discipline to gain a knowledge of the army, of the manner in which it is housed, cared for, and handled, it is absolutely necessary that a Commander-in-Chief should be ever on the move in peaceful times. Therefore, as said before, the constant presence of the Commander-in-Chief in India in his place as a Member of the Supreme Government, and the recognized responsible adviser of the Governor-General in Council, is an impossibility under the present system.”

* * * * *

Abolition of office of Commander-in-Chief disapproved by the Commission.

146. One remedy which has occasionally been proposed for the inconveniences of the existing arrangement, has been the division of the whole army into four such army corps as we have agreed to recommend, and the abolition of the appointment of Commander-in-Chief altogether, making the Military Member of the Council practically the Commander-in-Chief and the head of the War Department, making him in fact the administrative and executive head of the army. We cannot bring ourselves to advocate such an arrangement. It seems to us absolutely impossible that the business of the army can be conducted without a Commander-in-Chief. It is essential that the army should have some recognized executive head who shall constantly visit, first one army-corps and then another, making himself acquainted with the best men of each army, learning the requirements, the defects, or the special merits of the army organization throughout India, capable of gathering together into his hands the threads of the executive control and discipline of whole army, and thus qualifying himself to nominate to the Government the proper officers for high commands or staff appointments, and to advise the Government in respect to changes in the organisation or measures calculated to improve the condition, of the army. It should be his business to draw up for the Government plans of campaigns and expeditions, in which every division of the army should be duly represented, watching carefully and impartially over the interests of each army, and concentrating all the reports, statistics, and returns which are essential for the maintenance of a proper control over the subordinate commanders and departments. It is in fact the duty of the Commander-in-Chief either of his own motion, or when set in motion by the Lieutenant-Generals acting under him, to originate nearly every measure for the improvement of the efficiency of the army, at the same time duly considering the proposals with reference to their cost, relative importance, and influence on the general expenditure of the army. When measures are originated by him and supported by all the power derived from his experience and his position, it is for the Government, which is responsible for the financial administration of the country, to deal with them. In this there is full work for a Commander-in-Chief; and unless he is relieved of all other work it will give him more than he can do. We do not agree with the opinion of Sir Henry Durand, that the salary of the Commander-in-Chief should be reduced. He has to maintain a large staff and occupies a representative position, which is not imposed upon a Member of Council.

147. The relative positions of the Government of India and the Commander-in-Chief should, in our opinion, be those of the Secretary of State for War and the Commander-in-Chief in England. In his evidence before a Parliamentary Committee, which sat in 1860, His Royal Highness most fully recognised and admitted the subordination of the Commander-in-Chief to the War Office; and, indeed, it was clearly shown that, as considerations of finance must always be supreme in the discussion of questions involving military expenditure, no other principle could possibly be carried into practical effect. The English Act of 1870 and the Orders of Council based thereon, confirmed and legalized the principle that the Secretary of State for War was to assume supreme control, direct and indirect, over every detail in the whole machinery of administration. This principle, which is entirely inconsistent with giving the chief executive officer of the army a vote in Council, has worked satisfactorily in England, and should, in our opinion, be extended to India whenever a vacancy in the office of Commander-in-Chief occurs.

Relation between Commander-in-Chief and the Government should be similar to those existing in England.

Annexure 2.

Statement showing special measures sanctioned in the Military Department for which provision was, from time to time, made in the budget estimates of the years 1894-95 to 1900-01.

Year.	Indian.	Home.	Total.	Remarks.
	Rs.	Rs.	Rs.	
1894-95	10,60,628	—	10,60,628	
1895-96	48,09,426	—	48,09,426	
1896-97	51,10,494	—	51,10,494	
1897-98*	6,58,754	—	6,58,754	
1898-99*	4,88,241	—	4,92,222	
1899-1900	18,57,009	7,31,265	25,88,274	
1900-01	37,48,672	26,22,300	63,70,972	
Total	1,77,33,224	33,53,565	2,10,90,770	
Average	25,33,318	16,76,782	30,12,967	

* The reasons for the low figures are shown in the papers of that date—mainly famine and extensive field operations.

Excludes Indian expenditure on expeditions or other "special services." Home List C. was only started from 1898-99 and prior to that year no separate record of expenditure on special measures at home was kept.

Annexure 3.

Minute, dated 5th October, 1887, by Lord Dufferin, expressive of his appreciation of the labours of the Mobilisation Committee.

I cannot allow these papers to go into circulation without expressing my warm admiration of the manner in which the Mobilisation Committee has conducted its arduous labours. Although in the despatch which has been drafted in the Military Department its work is alluded to in very modest terms, and is described as the mere initiation of a project, it is probable that no scheme of a similar description has ever been worked out with greater thoroughness, in more detail, or with a clearer comprehension of the ends to be accomplished than that which is now about to be submitted to the Secretary of State. I consider that especial thanks are due to the Commander-in-Chief and to those of his staff who have been associated with him in this business, to General Chesney, to Colonel Collen who has made this subject his

1891.

- (21) Increase pay to Native cavalry.
Cost, annually, Rs. 8,68,500.
- (22) Increase to the garrison artillery.
Cost Rs. 5,80,000.
- (23) Introduction steel manufacture.
Cost Rs. 1,25,000.

1892.

- (24) Establishment of recruiting system.
Cost Rs. 1,07,500 annually.
- (25) Re-organisation of the Intelligence branch.
Cost Rs. 55,000 annually.
- (26) Re-construction of lines for Native Army.
- (27) Establishment of a reserve of horses.
Cost 7 lakhs initial; 1½ lakhs recurring.

1893.

- (28) Re-organisation Hindustani regiments.
- (29) Increase to personnel, Ordnance Department.
Cost Rs. 50,000 annually.
- (30) Re-armament of British troops with magazine rifles.
Cost 50 lakhs.

1894.

- (31) Re-organisation of the Bombay Army.

1895.

- (32) Abolition of the presidential armies.
- (33) Increase of pay to Native Army.
Cost 30 lakhs annually.

1896.

- (34) Re-organisation of the Madras Army.
- (35) Establishment of a proof department at Balasore.

1897.

- (36) Re-organisation of Hyderabad Contingent.
- (37) Construction of Bolan pass road.
Cost 22 lakhs.

1898.

- (38) Raising additional mountain battery.
Cost, initial, Rs. 1,60,000; annual, Rs. 1,40,000.
- (39) Establishment of a central gun-carriage factory.
Cost, initial, 26 lakhs.

1899.

- (40) War reserve of Military Assistant Surgeons.
Cost, initial, 1½ lakhs.
- (41) Re-organisation of transport service.
Cost 19½ lakhs annually.

1900.

- (42) Concessions to volunteers.
Cost 1 lakh annually.
 - (43) Institution of cordite factory
 - (44) Institution, lyddite filling factory.
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Enclosure 3 in No. 2.

Minute, by His Excellency the Governor-General, dated the 6th February, 1905.

1. His Excellency the Commander-in-Chief has addressed us in a Minute of extreme importance. He desires to remodel the military organisation of the Government of India, and he has introduced the subject by a striking reference to the dangers which threaten our North-West Frontier. Lord Kitchener will, I am sure, admit without hesitation that the Government of India are fully alive to the increasing gravity of the military position. Upon the necessity of adequate preparations there exist no two opinions amongst us: and with his valuable assistance we are endeavouring, day by day, to improve and strengthen the weapon which may enable us to confront the danger, when it comes. But we must be careful lest we are led away by the very magnitude of the issue to mistake its character, and to arrive at false conclusions with regard to it. It would be a fatal error to destroy an agency which may have such crucial work to perform, unless we have full reason to be convinced that it is not suited to its task and that a more efficient substitute is forthcoming.

2. This is the problem which we are now invited to discuss. Lord Kitchener's Minute is a sustained indictment of the military administration of the Government of India during the last 40 years, and it culminates in a proposal to abolish that system, and to replace it by a new and wholly different organisation. Under this scheme the Military Department and the Military Member would disappear, and the Commander-in-Chief would emerge as the sole adviser of the Government of India in military matters, the sole Military Member of Council, and the single head, both executive and administrative, of the Indian Army. It is not the first time that proposals of a similar nature have been heard. The relations of the Commander-in-Chief to the Military Member and of both to the Government of India, the retention or exclusion of one or the other from Council, and the best method of conducting the military administration of this country, have been discussed at intervals since the appointment of the Army Organisation Commission in 1879, and have elicited the opinions of the most competent authorities, both military and civil, who have been in the service of the Government of India during that time. They have been reviewed in exhaustive Minutes by Viceroys such as Lord Lytton and Lord Dufferin, by Commanders-in-Chief such as Sir F. Haines, Sir D. Stewart, and Lord Roberts, by Military Members such as Sir E. Johnson, Sir G. Chesney, Sir H. Brackenbury, and Sir E. Collen. They have further been made the subject of enquiry by independent bodies such as the Commission already referred to, and, in a less degree, the recent Welby Commission. On all these occasions without exception the result has been a confirmation of the existing system, which may be said, therefore, to be supported by a consensus of authority almost unprecedented in the history of military administration. The conclusions thus arrived at are now disputed *in toto* by an authority in whom all recognize one of the foremost living masters of the science of military government as well as of the art of war. On the other hand the Honourable Military Member, Sir E. Elles, has replied to the Commander-in-Chief with great fulness, contesting the justice of the latter's remarks, defending the Department over which he has presided with so much ability for four years, and severely criticising Lord Kitchener's constructive proposals. The Civilian Members of Council are placed, therefore, in a position of no small responsibility. For they are called upon to decide between two sets of opinions, irreconcilable with each other, though in each case defended with great authority and force, and involving the fundamental principles upon which the Government of India is based.

3. I feel less reluctance in offering an opinion on the subject than as a civilian I should otherwise have done from the fact that having been head of the Government of India for a longer period than any Viceroy since the

present system was started, I have enjoyed somewhat unusual opportunities of watching it in operation. I have assisted to work it with three Commanders-in-Chief and with two Military Members, and I have seen it applied to the circumstances both of peace and of war. It is true that the latter have not included war with a great European Power. That is a test which, in the nature of the case, it is difficult to provide; although it is noticeable that a system closely analogous to it, at any rate in structural principles, has not proved incompatible with the brilliant victories recently achieved by the armies of Japan.

4. Not that I have any desire to examine or to defend our Indian methods by foreign or by continental analogies. I have observed in the discussion on both sides during the past quarter of a century a frequent inclination to contend that the Indian practice is or is not on all fours with that which prevails elsewhere. Such arguments appear to me to possess little value. For they are apt to ignore the cardinal fact that the Government of India, of which our military system is only a part, is itself without parallel or analogy in the world; and, in so far as they seek to apply the examples of European countries, they forget that those examples have, as a rule, been evolved from one or other of two conditions, neither of which pertains in India, viz., the existence of Parliamentary Government, as in England, or the personal part in military administration that is played by the sovereign, as in Russia and Germany.

5. Neither does it seem to me of practical value to argue the matter from the abstract standpoint. It is easy to contend that a dual system must be pernicious, and will not stand the test of emergency. This depends upon the materials of which the dualism is composed and their constitutional and personal adjustment to each other. Dualism of some sort enters into every branch of British administration, which has invariably sought to divide labour and to prevent the abuse of authority by the provision of adequate safeguards. The Government of India is itself the most notable illustration of such a dualism, in the respective parts that are played in it by the Governor-General in Council and the Secretary of State in Council. By these means a check is provided against the creation of an autocracy which in the case of military matters is more dangerous than elsewhere, owing to the difficulty experienced by the civil power, from lack of professional knowledge, in exerting efficient control. I am not, therefore, myself impressed with the argument that it must be an unwise or unsound thing to submit the proposals of the Commander-in-Chief in India to independent military criticism before they are accepted by Government. The sole criterion appears to me to be—What is the best method of enabling the Governor-General in Council, who is by Statute invested with the supreme command of the Army in India (a power which I consider that it would be disastrous to subvert) to conduct the military administration of this country in times of peace, and to control military operations in war? Objections to the theoretical symmetry of our system would not weigh with me if I felt that it was yet the best available instrument for the purpose in view. Indeed that theory may not be an infallible guide is illustrated by the fact, to which the Commander-in-Chief has alluded in his Minute, that almost immediately after arriving in India, he submitted to me proposals for a complete reconstruction of our system of military administration, which could not at that time have been based upon experience, and which were not identical with those that we are now discussing. I propose, therefore, to confine myself to the practical working of the existing system, as it has been represented by Lord Kitchener and as it is known to myself.

6. In paragraph 4 of his Minute Lord Kitchener draws a picture of the relative positions of the Commander-in-Chief and the Military Member. He describes the latter as an independent authority introduced into the Government of India to deal with all military matters (as though up to a certain point the Commander-in-Chief had been supreme, and had then been superseded—which is not the case); as being “really omnipotent in military matters,” and as “having power to interfere with the decisions of

the Commander-in-Chief or to prevent his wishes being carried out, even in questions of discipline and training." Conversely the Commander-in-Chief is described as being unable "to issue orders for the movement of troops or to introduce any but trifling improvements in any of these matters (*i.e.*, the distribution, discipline, training, and efficiency of the army) without the previous sanction of the Military Member." Elsewhere (paragraph 7) the Commander-in-Chief says that "it is impossible to formulate or carry out any consistent military policy," that no needed reform can be initiated without being subject to vexatious, and for the most part, unnecessary criticism," and that "the two offices, *i.e.*, Army Headquarters and the Military Department, have been trained to unfortunate jealousy and antagonism." Incidentally it is added that they occupy separate buildings.

7. If I thought that the above gave a fair impression of the facts, I should be the first to press for immediate and drastic reform. But I am compelled to state, with all respect, that I am unable to recognize the correctness of the picture either in outline or in detail; and the most conclusive refutation of it is furnished, in my judgment, by the experience of Lord Kitchener himself. It is little more than two years since he came to us with an authority and reputation second to none in the British Army. We recognized the enormous advantage that was certain to accrue to India from the application of his abilities and experience to our military problems; and I assert without fear of challenge that my own aim and that of every one of my colleagues, including the Military Member, has been to smooth his path, and to facilitate the execution of the great task which with characteristic energy he at once took in hand. Wherever the existing regulations or practice seemed to raise trivial or unnecessary obstacles, we modified them. We stopped the noting by junior officers in the Military Department upon proposals emanating from the Commander-in-Chief that was said to be a cause of offence. We transferred the issue of all Indian Army Orders from the Military Department to the Commander-in-Chief. We gave him an officer as Financial adviser. We are about to transfer to him the executive control of the Supply and Transport Corps. These are only causal illustrations which could easily be multiplied. We have, in fact, endeavoured to facilitate the execution of Lord Kitchener's plans by every means in our power.

8. The result has been that within less than two years he has carried through a series of reforms that would have more than filled an ordinary quinquennium, and that will stamp his name indelibly upon the military history of this country. I have a list of measures which have been put forward by him and accepted by the Government during that time, the number of which is nearer to 100 than to 50, and which include such important proposals as the increase of the Native Army Reserve, an altered procedure for examination, and a revised system of promotion in the Indian Army, the revision of the Military Leave Rules, the institution of a Staff College at Quetta, large changes affecting the training and appointment of Staff Officers in India, the reconstitution of regiments, surveys for frontier railways, an increase of British officers, rearmament on an unprecedented scale, and, finally, the complete redistribution of the Army and reorganisation of Commands, without doubt the largest military measure that has been attempted in India since the Mutiny. In carrying out these measures the Commander-in-Chief has received the support of Council and of the Military Department to a degree unequalled in the history of our Government. It is within my knowledge that doubts and objections seriously entertained have over and over again been waived in deference to his urgent wishes, and from a desire that full scope should be given to his reforming energy. That he should now turn round and pen a Minute from which the ordinary reader would undoubtedly draw the inference that His Excellency had been hampered and obstructed at every turn, is to me as great a disappointment as it is a surprise. I am obliged to state that his indictment in this respect is, in my opinion, without foundation.

9. Even in the small matter of departmental offices I think it desirable to correct what would be an erroneous impression. We have now a

commodious building at Calcutta in which the two military offices are housed on separate floors of the same edifice, so that personal communications can be exchanged between them by ascending or descending a flight of stairs; while at Simla the two offices adjoin each other, and are not separated by an interval of more than 50 yards.

10. There is another respect in which I cannot accept the correctness of the picture presented to us. In every well-conducted Government there exist means, not necessarily formulated in statutes or in regulations, by which business is despatched and the smooth progress of administration is secured. It might almost be inferred from the Commander-in-Chief's Minute that the military administration of the Government of India is a focus of perpetual dissension. I dissent wholly from any such implication. There have, I believe, been times in the past when the relations between the various military authorities, or between the Head of the Government and one or other of them have been strained. It has been my good fortune throughout my administration to be an entire stranger to any such experience myself, and, during the greater part of it, to be unaware of its existence among my colleagues. The Viceroy does not in practice take the opinion of the Military Member to the exclusion of the Commander-in-Chief, or *vice versa*. No subject of military importance can be raised on which the Government of India is not placed in possession of the views of both. If the Military Department submits any proposal or criticism upon which the opinion of the Head of the Army is desirable, the papers are at once sent to him. His opinion is received with the weight inseparable from its origin. Should there be a disagreement between the two military advisers of Government, the Viceroy consults them in combination. Should the matter not be thus composed, it is taken to Council and decided after general discussion. I do not know of the occasions upon which the slightest attempt has been made to encroach upon the legitimate prerogatives of the Commander-in-Chief, and as regards the particular cases believed to be alluded to in his Minute, it appears to me that the Military Member has offered a convincing reply.

11. Not only, however, does the Commander-in-Chief's complaint appear to me to be unjustified by the facts; it is based, in my opinion, upon a complete misconception of the constitution of the Government of India. The Military Member does not criticise or accept or refuse his proposals as an independent military authority, but as the constitutional representative of the Government of India. He has no other functions and no other existence. I have already observed that the Government of India is by law invested with the supreme control of military affairs. The terms of the Charter Act of 1833 are remarkable in their wideness: "The superintendence, direction, and control of the whole Civil and Military Government shall be, and is invested in the Governor-General in Council." This being so, Government must possess an office and a Ministerial establishment, and an officer of high rank at the head of the department, for purposes of communication with the Secretary of State, for the issue of orders, for the maintenance of continuity of administration, and for the necessary adjustment of military requirements with other branches, and more especially the financial branch, of Government. The head of that department may be either a soldier or a civilian. In some countries he is the latter, in the majority the former. In India it has been considered wise that the Government in the administration of so vast and complex a machine should receive the guidance of a military officer in preference to a civilian. If a soldier were no longer appointed to the post, his place must be taken by a civilian—a conclusion which was clearly foreseen by Lord Lytton, the only Viceroy who has advocated the abolition of the Military Member. When, therefore, Lord Kitchener proposes to destroy the latter without even substituting a civilian in his place, his proposal is in reality one not to disestablish an individual or even a department, but to subvert the military authority of the Government of India as a whole, and to substitute for it a military autocracy in the person of the Commander-in-Chief.

12. That such will be the result is, I think, abundantly clear. In paragraph 12 of his Minute Lord Kitchener explains that he would transfer to the Commander-in-Chief the whole of the services (transport, remounts, food, clothing, armaments and munitions of war) now under the Military Member. In paragraphs 27 to 30 he sketches in outline his new scheme of administration. The Military Department has now entirely disappeared, and there stands forth as supreme head of the substituted organization the "Commander-in-Chief and War Member of Council." Every branch of the service and every military department of the Government will be subordinate to him: every officer will look to him alone for orders, for prospects, and for promotion. The Advisory Council who are to co-operate with him will be a Council not of colleagues or equals, but of subordinates. The Commander-in-Chief will not only be the source of all initiative but the sole instrument of execution. No curb of any sort will exist upon his authority except such as is supplied by the check in financial matters of the Financial Department, and the final authority, in cases requiring Government sanction, of the Government of India; and these ostensible safeguards will be of little avail, since the Government will be left without the expert assistance and advice which are essential to render them effective.

13. In one respect I am entirely on the side of Lord Kitchener. I concur with him in holding that it would be the greatest mistake to abolish the post of Commander-in-Chief in India. That office has been invested by long prescription with the highest authority, dignity, and importance. It is required for the sake of the effect produced upon the British and Native Army alike, upon the Indian Princes, and upon neighbouring States. I would not be a party to any diminution of its prestige. Moreover I hold most strongly, differing herein from the Report of the Army Commission of 1879, that the Commander-in-Chief ought invariably to be a Member of the Cabinet or Executive Council of the Governor-General. I urged these views in a recent case where an eminent soldier was not permitted to sit upon Council during the year for which he was acting as Commander-in-Chief, and I deeply regretted the unfavourable decision of the then Secretary of State. I hope that this mistake may never be repeated; for the Indian Army cannot but feel a sense of injury and perhaps also a lack of confidence in its Chief if the latter, even though only officiating, is not thought fit to be a Member of the Council of the Viceroy. During my term of office, the Council have derived the greatest assistance from the presence at their deliberations of the Commander-in-Chief for the time being. As the executive head of the Army his views upon all questions affecting it ought, in my judgment, invariably to be heard by those whose duty it is to decide; while his opinions on questions of policy and strategy are usually those of the highest military authority in the country. Never has the advantage of his presence been more conspicuous than in the case of Lord Kitchener, who has brought to our counsels a range of experience and knowledge rare even in the illustrious list of Indian Commanders.

14. Nevertheless, I hold not less strongly that the Commander-in-Chief ought not to be the sole Military Member of Council, or the sole Military Adviser of Government. Lord Kitchener has more than once employed in his Minute an analogy that appears to me to be misleading and to rest upon a misunderstanding of the essential difference between civil and military affairs. He asks why it is not thought necessary to have a dual control in our civil administration. The answer is that the control is already multiple. There is no resemblance between the functions exercised by the Home Member of our Government and those which he desires to arrogate for the new Commander-in-Chief. The Home Member does not govern the country, as the Commander-in-Chief would govern the Army, nor does he dominate the civil, as the Commander-in-Chief would dominate the military, administration. The Home Member is controlled at every turn (1) by the influence of the Local Governments, who are the heads of the local administration in a sense that would never be permitted to any Generals of Command; (2) by his civilian colleagues who possess an experience as well as a power equal to his own; (3) by the Head of the

Government, to whom every question involving a decision of any importance is referred; and (4) by Council as a whole, even the non-civilian members of which are frequently competent to offer an opinion on civil affairs. Lord Kitchener says, "It has never been explained why a single official at the head of the Army should be more likely to embark on rash and ill-considered measures than the single head of any other great department of the State." If the explanation has not been offered, it is surely because the charge has never been made. But it is quite easy to explain why a single military head, if he were to propose such measures, would be more difficult to control and would constitute a greater danger than a single civilian. The reason is that discipline in the military branch of the service is interpreted in a wholly different sense from discipline in the civil branch. In both cases it means loyal obedience to orders; but in the former it means also, in a peculiar degree, the subordination of private judgment to higher authority. The present system provides an opportunity for hearing two sides of a case; and military questions, like others, are capable of having two sides, particularly in instances where a Commander-in-Chief may not happen to possess Indian experience, and where it is of supreme importance that the point of view of Indian tradition and practice should receive becoming attention. I am far from saying that under the organisation proposed by the Commander-in-Chief these would be intentionally ignored. But I do say that their chance of full consideration would be dangerously weakened, that criticism would be stifled and subdued, that what the Commander-in-Chief thought would be what the entire military organisation would tend to think, and that the Government of India, deprived of the opportunity of hearing the different aspects of a case—for by the time that it reached them all dissent would have been eliminated—would be in the hands of the Commander-in-Chief in a sense absolutely impossible in the case of the civil administration.

15. This is, indeed, in my view, the greatest danger of the proposed change. It may at first sight seem paradoxical to contend that one Military Member in Council would be more powerful than two, and yet unquestionably this would be the case. For military affairs are so largely a matter of expert knowledge, and civilians are as a rule so loth to offer an opinion upon them, that the proposals of the Commander-in-Chief when submitted to them could hardly be contested except by the assumption of a knowledge or authority which they would be the last to claim. Upon the Viceroy would in practice be thrown the entire brunt of accepting or rejecting the proposals of his principal colleague. If he sided with the Commander-in-Chief the matter would in all probability be carried. If he opposed him opportunity for undesirable friction would be introduced. At present, if the military authorities in Council are united, it is scarcely conceivable that the case will be contested on military grounds; and it will be because of political, financial, or administrative considerations that the proposal is rejected, if it be rejected at all. If they disagree, Council has no greater difficulty in pronouncing between them than is felt by any jury that has listened to the opinions of rival experts. In the interests of my successors no less than of myself, I deprecate a change that would throw upon the Viceroy a responsibility which the head of the Government ought not to be asked to assume. In any case it must immensely aggravate his anxiety and labours. If he were a strong Viceroy, he would incur the risk of finding himself in conflict with his Commander-in-Chief. If he were a weak Viceroy, he would be the tool of the latter, and military considerations would tend to sway the counsels of Government and to dispense the revenues of the State. As was clearly foreseen by Lord Dufferin, with whose masterly Minute on this subject I am in entire agreement, under any such arrangement "the Viceroy would be without any adviser save the representative of the army, who would be more specially interested in pressing proposals involving expenditure or changes in organisation," and "the revenues of the country would be at the mercy of the Commander-in-Chief."

16. It would not be difficult for me to name instances within my own experience in which the Viceroy has been saved from what might have been

serious mistakes by having a second military adviser, of high rank and authority, to whom to turn. I have known military proposals put forward at Army Headquarters which were inconsistent with the fundamental principles of the policy of Government, or with the facts of the situation. A department which is charged with the custody of the records and traditions of Government can issue a warning against any such errors. The chain of subordinate authority proposed by the Commander-in-Chief could not be trusted to offer any such safeguard, since the corresponding officers under the existing system have, in the cases referred to, failed to supply it. Let me take the most ordinary probable illustration. We will suppose that some large scheme emanates from the Commander-in-Chief, upon the policy of which a decision is first required. This will be referred to the Viceroy with the powerful imprimatur of its author. Unless he is himself an expert in the matter, how is the Viceroy to learn that there may be more than one aspect of the case? It will be useless for him to send for any of the subordinate officers in the new Department. They will already have assisted to prepare the scheme, or will feel compelled by a sense of discipline to support it. The Viceroy will be bereft of any independent opinion under this organisation; and the autocracy of the Commander-in-Chief will be unchallenged.

17. There is another drawback in Lord Kitchener's plan which is not disposed of by his defence. The Commander-in-Chief's tours do not always or necessarily synchronise with those of the Viceroy. He may be absent from headquarters at other times, and may visit parts of the frontier to which the telegraph does not penetrate, or from which he cannot be hurriedly recalled. These tours are a valuable and essential portion of his duties. Meanwhile the Viceroy has at his side the Military Member whose presence in these cases becomes indispensable. But even so business is apt to be seriously delayed, and important questions at Army Headquarters are suspended. If the Viceroy possessed but one military adviser and the latter were absent, as from time to time he must be, for considerable periods of time, the organisation proposed by Lord Kitchener would doubtless do its best. But the head of the Government would be deprived of that authoritative military advice which, in a country like India, ought always to be at his hand.

18. If this is the condition of affairs in times of peace, I view with even greater alarm the probable consequence in times of war. The Commander-in-Chief has avowedly propounded his plan in order to enable the Government of India to cope with that grave emergency, and he has told us that he would shrink from conducting war without it. The importance of this statement I should be the last to minimise. But if His Excellency regards the prospect of a campaign from the military point of view, equally am I compelled to regard it from the point of view of the Government of India. It is the Government, and its head in particular, even more than the Commander-in-Chief, who would be held responsible for success or for failure; and no deference to military advice could exonerate the remainder of the Government, if they were to accept a scheme with their eyes open which they conscientiously believed would break down in the hour of trial. I cannot conceive, then, that any Viceroy would consent to conduct a great campaign against a European foe with the machinery that is offered him by the Commander-in-Chief. The latter, having taken the field, as, if he were a great soldier, he would probably desire to do, the Viceroy would be left at a time of the gravest crisis with an acting Commander-in-Chief whom he had very likely never seen, who could know nothing of the work of Government or the supreme control of military affairs, who might not be in agreement with his superior officer in the field, and who would be destitute of any authority or prestige except such as personal qualities might supply. In such a case the military authority and competence of Government would be perilously impaired, and in war as in peace the supreme power would presently be found in the possession of the real Commander-in-Chief. Speaking for myself, I should respectfully ask to be excused from accepting any such responsibility. Lord Lytton himself

was so impressed with the dangers of this situation that he made it an indispensable feature of his scheme that the Commander-in-Chief should not be long or frequently absent from the side of the Viceroy, and should never take command in the field.

19. I have so far regarded the case from the point of view of the policy and conduct of Government both in peace and in war. It should also be considered in its effect upon the Commander-in-Chief. I believe the combined duties which Lord Kitchener desires to vest in the head of the Army to be beyond the capacity of any one man, of whatever energy or powers. It is the function of the Commander-in-Chief in India to supervise the organisation, training, equipment, housing, sanitation, officering, discipline, inspection, and movements of the Army. He ought to know every division and brigade, to be familiar with the principal stations and cantonments, and to be in touch with all his principal officers. It is his duty to create a capable staff, to be responsible for appointments and promotions, to hold manœuvres and camps of exercise, and to visit the frontiers. In addition he is the head of the Intelligence Department, and is the natural originator of schemes of military policy and strategy. When war is declared he is responsible for mobilisation in the first place, and for the subsequent conduct of expeditions and campaigns. In addition, as an Extraordinary Member of Council, he must see all the papers and take a part in the entire business of Government. He is even called upon to be present at the meetings of the Legislative Council. This is more than enough to fill the entire time of a single man. That he should be able to assume in addition the control of all the administrative and spending departments, the conduct of correspondence with the Secretary of State and Local Governments, of communications with other departments, and of legislation when required in Council, the preparation and defence of the budget, as well as the great mass of routine that must under any system be connected with the administration of so large an army, spread over so vast an extent of country and so variously composed—would be, in my opinion, to expect the impossible. If any man were capable of such a burden, it would be the present Commander-in-Chief. But I believe it to be in excess of human capacity, and I confidently assert that no concentration of authority approaching it is attempted in any country possessing an army of similar size and compositeness in the world. Moreover administrative systems are not constructed in order to test exceptional men, but to be worked by average men. If the proposal of the Commander-in-Chief were to be accepted, it is conceivable that as long as he remains in India it might enjoy a temporary vitality. I hazard the confident prediction that it would not long survive his departure.

20. I am encouraged in stating the views which are recorded in this Minute by the knowledge that, with the single exception of Lord Lytton, they have been shared by every authority, whether civil or military, possessing long experience of the Indian Government and Army, who has written upon the subject. Lord Lytton also desired to destroy the Military Department, but for a different reason. In his own Military Secretary he essayed to create an adviser who would enable him to dispense altogether with departmental assistance. Nor am I aware of any public opinion in this country, where military affairs are discussed with such eager interest, in favour of the suggested change. Such a desire may exist in the immediate surroundings of the Commander-in-Chief. But I have seen no trace of it elsewhere. In the course of six years I have never heard it advocated, either in public or in private, either officially or in the press. If the suggested reform were so vital to our administration, is it credible that it should for so long and so completely have escaped attention?

21. With great reluctance, therefore, but without hesitation, I am compelled to advise against acceptance of the Commander-in-Chief's proposals. This is the first occasion on matters of the first importance on which I have dissented from him. But larger issues than the authority or views of any individual are at stake. In my view the entire constitution of the Government of India in relation to military matters is involved;

and it is our duty to consider the position of Government as a whole as well as of the Military Commander, and of our successors as well as ourselves. With a sufficiency of tact and conciliation I believe that the present system can be worked both efficaciously and harmoniously. Either it or something like it appears to me to be essential to the proper military and political administration of the Indian Empire. Any reasonable reform or readjustment in it we would willingly consider. But no such proposals are before us; and the Commander-in-Chief, in designing his new edifice, is not satisfied until he has completely demolished the old. I cannot recommend that it should be swept away on this single and unsupported indictment, or that there should be substituted for it an organisation which will, in my opinion, be injurious to administrative continuity, efficiency, and control in time of peace, and will expose us to even graver risks in time of war.

(Signed) CURZON.

Enclosure 4 in No. 2.

Minute of Dissent, by His Excellency the Commander-in-Chief, dated 18th March, 1905.

Since writing my Minute, I have studied all that has been urged against my proposals in the Minutes of His Excellency the Viceroy and of Sir E. Elles, as well as in this despatch itself. Some attempt has been made to dispute my facts, but, in my opinion, without success. My assertions have been contradicted, but not, I think, disproved. My arguments remain uncontroverted, and are, I believe, incontrovertible. I adhere, therefore, to everything that is contained in my Memorandum, and it follows that I entirely dissent from the accompanying despatch.

2. Without, however, criticising in detail the statements in this despatch—some of which have already been fully dealt with in my original Minute—I would like to disclaim absolutely the conclusion arrived at by my colleagues that my proposals involve a military autocracy or despotism, or contemplate any weakening of that absolute control of all military matters which is—and must remain—vested in the Governor-General in Council. I recommend that that control should be exercised through a different channel; but no one recognises more fully than I do the necessity for maintaining the control itself unimpaired. I do not admit that under my proposals the Government of India in general or the Finance Department in particular will find any difficulty in obtaining all the technical advice and assistance which they can possibly desire.

3. Finally, I must lay stress on the point, which I have already urged in my memorandum, but which has been ignored in the subsequent discussion, that this is not merely a local matter involving Indian interests alone. The question is one of vital importance to the Empire at large; since, in the only great war on land in which we are likely to be engaged, whilst the resources of the Empire will be placed at the disposal of India, the war will be carried on under the Indian military administration. If that administration is capable of discharging the obligation which such an addition to its duties and responsibilities will demand, our resources properly organised should prove sufficient to ensure victory to our arms. But if the administration proves unequal to the task—and I believe that as at present organised it will prove unequal to it—the effects of the disaster which will inevitably follow will be in no sense local but will be co-extensive with the Empire itself. I therefore urge the consideration of this question, not merely from the Indian, but still more from the Imperial point of view.

(Signed) KITCHENER,

General.

No. 3.

The Secretary of State for India to the Governor-General of India in Council.

My LORD,

May 31, 1905.

I have considered in Council with very great care your despatch in the Military Department, No. 36, dated 23rd March, 1905, in which you favoured me with the views of your Government as to the present system of military administration in India, and forwarded the opinions of the Commander-in-Chief and the Member of Council in charge of the Military Department, commonly referred to as "the Military Member," and also a Minute from Your Excellency on the whole situation. I recognise to the full the importance of the issues which you have now brought to my notice, and have submitted them for the consideration of His Majesty's Government.

2. It is pointed out in the early portion of the despatch under reply that the question submitted to you assumes a larger aspect than that which was raised in my despatch, No. 153, of the 2nd December, 1904, and you are of opinion that "the failure to provide the Indian Army in the past with a scheme of mobilisation equal in scope to that on which we are now engaged, upon Lord Kitchener's advice, in carrying into effect, is not due to the system under which we are working, but to the absence of funds, and to that cause alone." I entirely accept Your Excellency's statement as to the facts which have come under your personal notice, and realise that expenditure, which it has been reasonable to incur in recent favourable years, could not have been undertaken 10 or 15 years ago. But I would point out that, since the year 1900, there have been a succession of surpluses ranging from £1,670,000 to £4,950,000. The certainty of such surpluses accruing has usually been manifest some months before the close of the financial year. It appears to me beyond question, from some of the instances which have been brought before me in the present correspondence, that considerable orders for deficient supplies could have been more readily placed, under a system free from the delays necessitated by the relations existing between the Department of the Commander-in-Chief and the Military Department, than has been possible up to now.

3. I agree with Your Excellency in regarding the case submitted by the Commander-in-Chief, and the reply of Sir Edmond Elles, as opening up wide questions, the consideration of which is rendered extremely difficult by the startling discrepancy between the contentions of Lord Kitchener and the opinion which Your Excellency in Council has pronounced upon them. Lord Kitchener calls attention to the "enormous delay and endless discussion" involved in the Indian system; he speaks of vexatious and, for the most part, unnecessary criticism, extending not merely to the "financial effect of the proposal, but to its desirability or necessity from the purely military point of view." He regards the system as one of "dual control and divided responsibility," and after citing a number of instances in support of his view, he states that "the Army is bad, despite its splendid material in officers and men," and that no continuity of policy has been pursued, except that which is inherent to the present system, namely, "that of making it easy to stand still, and extremely difficult to move forward."

4. Your Excellency's despatch challenges these imputations *en bloc*, while the answer of Sir Edmond Elles on the charges of delay fully satisfies your Government. As regards the friction attributed to the present system, you desire to dissociate yourselves altogether from the charge that these two offices have been trained to unfortunate jealousy and antagonism, and you think that "there is no unnecessary or inherent want of co-ordination between the different parts of the military machine." You more especially refer to the treatment of the Commander-in-Chief's memorandum respecting preparations for war and the rapid realisation of the reorganisation

scheme put forward by him as being an unanswerable refutation of the charges against the Military Department. You are "particularly surprised to learn that the Military Member is really omnipotent in India in military affairs," and you regard the proposal of Lord Kitchener as one "to substitute for the control of the Army by the Governor-General in Council, which we regard as a fundamental principle of our constitution, control by a single individual, that is to say, the Commander-in-Chief himself." You further point out the impossibility of any one individual, however able, undertaking the sole control of the Departments now divided between the Military Member and the Commander-in-Chief, and you regard the presence of a Military Member as indispensable, in order to secure technical criticism of military proposals made by the Commander-in-Chief.

5. Your Excellency's despatch, in which all your colleagues, with the exception of the Commander-in-Chief, concur, shows that there is a complete divergence between the views of yourself and your Council and those of the Commander-in-Chief as to all these questions. No fault is admitted in the system; no suggestions are considered necessary for recasting it. Indeed, it is not easy to see in what respect, in consonance with your despatch, it would be possible to suggest reform. On the other hand, in the Minute of Your Excellency, of the 6th February, enclosed for our information, it is stated that "any reasonable reform or readjustment in the system we would willingly consider, but no such proposals are before us." I could have wished that we had heard at the same time what was in Your Excellency's mind in regard to possible reforms or readjustments, and in what direction you thought it possible that they might proceed. In regard to this, I have carefully considered the past history of the relations of the Commander-in-Chief and the Military Department, in order to ascertain whether the difficulties which have now arisen are of a novel character, or whether, having occurred before, any remedies have been proposed for them.

6. Your Excellency's Minute states, after reciting the numerous occasions on which the Army organisation has been made the subject of review and criticism, that "on all these occasions, without exception, the result has been a confirmation of the existing system, which may be said, therefore, to be supported by a consensus of authority almost unprecedented in the history of military administration." I cannot help feeling that this proposition is subject to some qualifications.

Sir Ashley Eden's Commission of 1879 stated in very strong terms the objections which existed to the present system, and the impossibility of working it satisfactorily.

Among other pregnant passages it states :—

"The position of the Executive Commander-in-Chief as a Member of Council is, in the opinion of the majority, one without precedent in the organisation of any European government or army. It is contrary to one of the most essential and salutary principles of sound administrations; and the common instinct and experience of all administrations, whether representative or despotic, has everywhere rejected it.

"It has been found to weaken simultaneously the executive initiative of the military, and the financial control of the civil authority, by constantly confounding and confusing their respective spheres of independent activity. It renders practically impossible that continuous personal contact, which in every well-organised system of military administration has been found so beneficial, between the supreme executive head of the whole army and the subordinate heads of its various branches and corps. Finally, between the Governor-General, the Commander-in-Chief and the Military Member, whom it places in fundamentally false relations towards each other, there has been, under each successive administration since the existence of this ill-advised arrangement, continual friction, or cause for friction.

“ One remedy which has occasionally been proposed for the inconveniences of the existing arrangement has been the division of the whole Army into four such army corps as we have agreed to recommend, and the abolition of the appointment of Commander-in-Chief altogether, making the Military Member of the Council practically the Commander-in-Chief and the head of the War Department,—making him, in fact, the administrative and executive head of the Army. We cannot bring ourselves to advocate such an arrangement.”

In consequence, the Committee recommended a drastic change in the existing system by excluding the Commander-in-Chief from Council.

Lord Lytton, writing as Governor-General in 1880, with a greater experience of war on a large scale than any of the Governors-General who have followed him, fully supported the Commission in their desire for change, but stated very forcibly his reasons for thinking that change should take the shape of excluding the officer in charge of the Military Department from Council, and not the Commander-in-Chief. The following paragraphs supply the main points in Lord Lytton's argument:—

“ Take away this seat in Council and intensify the Commander-in-Chief's subordination to the Military Member, as the Commission proposes to do, and it seems to me that the official position of the great executive head of the Army in India must forthwith become not only intolerable but untenable. I cannot but fear that no officer conscious of his own abilities, and possessing, with the independence of character and intellect which is desirable, the military rank and reputation which are requisite to fill with adequate efficiency and influence the great office of Commander-in-Chief in India, would then be found willing to accept it on such terms, and this would be a serious misfortune for both the Government and the Army of India. I cannot too emphatically record my conviction that the dual military Government organised in this country ‘on a system of want of trust’ should be abolished as speedily and completely as possible. To quote once more the wise words of Lord Dalhousie, ‘there cannot be two masters having the power to control public measures.’”

“ My conclusion is, then, that the Commander-in-Chief should be himself the Military Member, *and the only Military Member*, of the Viceroy's Council. In him alone, as in the War Minister of every country not governed by parliamentary institutions, should be united and concentrated the executive command and the administrative control of the Army. . . .

“ The recognised head of this great Army of India, cannot, with advantage to it or to the State, be long or frequently absent from the seat of Government, and were the Commander-in-Chief in India fully invested (as I for one would wish to see him) with all the important functions and responsibilities appropriate to his natural position in a non-Parliamentary Government, he would I feel sure be the first to recognise that his proper place is by the side of the Viceroy, and that it is not consistent with the efficient discharge of his highest duties to absent himself from the Council table of the Governor-General in order to take personal command of fractions of his own army which may happen to be employed at any time on active service. . . .

“ I do not approve or support the proposal to exclude the Commander-in-Chief from Council. But I am, nevertheless, deeply, convinced of the expediency of putting an end to the dual element in our present military administration.”

No action was taken on either of these proposals.

Lord Dufferin, writing in 1888, expressed in the following very strong terms his preference for the maintenance of the Military Member in Council:—

“ The history of the past is invoked by the department which is concerned with the maintenance of the constitutional and traditional policy

“ of the Government of India, while the purely military view of the matter
 “ under discussion is powerfully represented by the Commander-in-Chief
 “ both through the medium of his staff, and by his own presence and influ-
 “ ence in the Council Chamber. Under such a system I believe there is
 “ neither danger of rash innovations being carried by a military chief who
 “ from absence from India, or other causes, may not be in sympathy with
 “ Indian circumstances and affairs, nor the slightest risk that the Army of
 “ India shall be passed in the race of military reforms and inventions. . . .

“ It will be seen, therefore, that I hold the strongest opinion that the
 “ form of the supreme military administration in India should not be
 “ changed, but that opportunity should be taken to introduce improvements
 “ whenever this can be done without impairing the constitutional structure.

“ In conclusion, I desire to point out to my colleagues that these opinions
 “ are founded upon no mere theoretical considerations, but are based upon
 “ experience, for it has been my lot to overlook during my tenure of office
 “ considerable military operations and to enter upon military questions of
 “ great magnitude and importance.”

But in the following year Lord Roberts, the then Commander-in-Chief, placed his views very unmistakably before the Governor-General (Lord Lansdowne) in the following passages taken from his Minute:—

“ Although it would be difficult to find more able or experienced officers
 “ than those at present employed in administering the Army, inclusive of
 “ its finances and subsidiary departments; and although the Military
 “ Secretariat and the Army Headquarters offices have been brought close
 “ together at considerable expense, still, official correspondence has
 “ increased enormously, and the relations between the two great depart-
 “ ments of the Indian War Office are becoming less cordial than might be
 “ desired.

“ Such a state of things is much to be regretted. Here are two sets
 “ of officers of high capacity, animated by a common zeal, guided by a
 “ common sense of duty, and each striving to do their best for the Sovereign
 “ they serve and the army to which they belong. Yet each set appears to
 “ be pulling a different way, to be following a different object, and to
 “ be actuated by a jealous rivalry rather than by a friendly emulation. Such
 “ a result can only be brought about by a system so radically faulty that it
 “ neutralizes individual effort and estranges official relations.”

Changes in procedure were in consequence authorised by Lord Lansdowne, which satisfied Lord Roberts, and secured a more effective working of the system during the remainder of his period of office.

Your Excellency, while referring to the above opinions and some others, has not cited the views of any of the Commanders-in-Chief later than Lord Roberts, and no formal expression of opinion seems to have been invited on this matter in the ten years which preceded the appointment of Lord Kitchener. But it has been brought to my notice that both Sir George White and Sir William Lockhart, during their respective periods of command, at different times expressed opinions very similar to those which have been cited from Lord Roberts' Minute of 1889. It is also noteworthy that in June, 1898, Sir Donald Stewart, in a minute recorded in this Office, written apparently under a sense of the difficulties which then prevailed, gave his opinion as follows:—

“ I should like to go further and ask the Government of India to consider
 “ the desirability of excluding the Commander-in-Chief from Council. The
 “ Government can at any time consult the Commander-in-Chief on military
 “ or other matters when the necessity arises.”

7. So far then from the existing system being supported by a consensus of authority almost unprecedented in the history of military administration, I would point out, for your Excellency's consideration, that, while

successive Commanders-in-Chief have found it exceedingly difficult to work, the force of their contentions is fortified by the fact that the Ashley Eden Committee, Lord Lytton, and Sir Donald Stewart, all at different times proposed the removal of one of the contending parties from Council, and the evidence taken generally would appear to show that, although a *modus vivendi* has been secured by the tact and good feeling of the officers principally concerned, the system has not been one tending to smooth or effective working. To these authorities must be added that of the present Military Member, who, in the Minute enclosed in Your Excellency's despatch, argues in favour of the abolition of the dual system by the removal from Your Excellency's Council of the Commander-in-Chief, and adds that "his dual functions have in the past given rise to friction and will certainly do so again."

8. In reviewing the minutes which you have placed before me, I desire at once to express my conviction that there has been no deliberate opposition to or delay of the Commander-in-Chief's proposals by the Military Department. It is due to Sir Edmond Elles' own character, as well as to that of the officers serving under him, to make it perfectly clear that his discharge of duty has been dictated entirely by his conception of the responsibilities devolving upon him, and of the public interest. Moreover, his line of conduct has under existing regulations received the approval of Your Excellency's Government. The treatment of Lord Kitchener's reorganisation scheme by the Military Department is, as Your Excellency justly observes, a testimony to the spirit which animates the work of the higher officers of that Department. The question to be now considered is whether the conception which the Military Member has formed of his duty, no doubt following the precedent of some of his predecessors, is a correct one. Sir Edmond Elles states that "the system is that of *divide et impera*," and he cites the late Sir George Chesney to the following effect: "If the relations between Army Headquarters and the Government, as represented by the Military Department, are to be maintained harmoniously under the proposed arrangement, it can only be by the authorities connected with the former recognising their position of relative subordination, subordination compatible with deference to their opinions on the part of the Military Department, but nevertheless that the Military Department is the Government as far as they are concerned, and that its decisions must be loyally accepted."

9. These views appear to have animated the Military Member in the whole of his conduct of the affairs of his department. In theory they merely assert what is patent to everyone connected with the Government of India, namely, that the Commander-in-Chief, like every person and every department in the Government of India, must be subordinate to the Governor-General in Council, and must take his orders through some channel, and that the Military Department is the channel for conveying such orders. They infer that any indisposition on the part of the Commander-in-Chief and Army Headquarters to accept them in such a manner is due to a lack of appreciation of the constitutional principles on which the Government is conducted.

10. In practice, however, the insistence on Sir George Chesney's formula leads to an anomalous condition of affairs. It is obviously impossible for the Governor-General, who is himself immediately responsible for the control of the Foreign Department, who regulates the disposal of the difficulties that arise in all other departments of Government, and who holds one of the most laborious posts, if not the most laborious post, under the British Crown, to be consulted daily and hourly on the numberless questions which arise in the administration of an army. As a matter of daily routine, it is obvious that only a small number of such questions can be submitted to him or to the Council at all. They have to be decided, therefore, by some responsible officer, who, in this case, is the Member in charge of the Military Department.

The position, therefore, is as follows :—The most distinguished soldier available is placed in command of the Army in India. He is necessarily subject, as in the case of every other country where the command of the Army is not in the hands of a despotic ruler, to financial and political checks. But, in the case of India, alone, as it is believed, among all military organisations, the Commander-in-Chief is subject to having his military proposals checked and criticised by another expert of less standing and reputation than himself, who, after reviewing them, has the privilege of submitting the result to the final court of appeal in India, namely, the Governor-General in Council, where he votes on an equality with the Commander-in-Chief, and, finally, conveys to his own colleague the orders of the Government. This situation is rendered the more anomalous by the fact that the Secretary to the Government of India, who is necessarily in close relations with the Member in charge of the Military Department, is also an officer in the Army, and is available for consultation by the Viceroy, without the knowledge of the Commander-in-Chief, who has consequently two critics of inferior rank whose views on military questions may be preferred to his. Under such a system it can only be due to the tact and judgment which have been shown by all parties that complaints have not more frequently transpired; and, were it not for the important constitutional questions which are raised in the despatch under reply, and which have no doubt been present to the minds of Your Excellency's predecessors, it is doubtful whether the system in its present form would have been allowed to continue without modification up to the present time.

11. In paragraph 10 of the despatch, under reply, Your Excellency states that "in its constitutional aspect, we are as much in disagreement with the argument of the Commander-in-Chief as we have been in its more critical features. We regard his scheme as a proposal, not so much to improve the efficiency of the Army either in peace or war, as to revolutionise the Government of India," and you speak of "a system of military autocracy such as is advocated by Lord Kitchener." In paragraphs 14, 15, and 16 of Your Excellency's Minute, you review the dangers which would be involved by having a Commander-in-Chief as sole military adviser to the Government. I think that, in putting forward this contention, Your Excellency has hardly done justice to the checks under which the Government of India is worked. Even if the proposal of Lord Kitchener were adopted in its entirety, measures connected with the Army would still be subject financially to the criticism of an expert financier with a large department, the head of which has a seat in Council. In their political bearing they would come under the review of the five or six trained heads of departments sitting in Council, while above and beyond both is the Governor-General himself, wielding great power, with access to all documents or persons whom he may desire to examine. Supposing all these obstacles to have been surmounted, any change of importance, and many which are not of great importance, are, by the statutes which govern the administration of India, referred to the Secretary of State in Council at Whitehall. The organisation of the department under the Secretary of State involves the review of any military measure by a Military Department which has at present an Indian General at its head. Such measures are then submitted to one or more Committees of the Council of India, on which experienced military officers have, from its inception, always had a place, and are finally subject to the decision of the Secretary of State in Council. By the mere fact of the time occupied in the transmission and consideration of the documents, it is obvious that no step can be taken hastily or without due deliberation. Indeed, were the machinery about to be set up *de novo*, it is open to doubt whether the Indian Government might not urge that the checks imposed on the passage of a measure from the time it leaves the hands of its author to its final adoption after discussion in London, are too numerous for the rapid progress of business. Bearing in mind all these processes, which, though familiar to Your Excellency, do not appear to have been fully weighed in the despatch under reply, it is difficult to understand how the absence of a second military expert in Council

“ would produce a military autocracy,” or violate “ a fundamental principle “ of our constitution.”

12. His Majesty's Government, after most carefully weighing the arguments put forward on both sides, are forced to the conclusion that, while there may be strong reasons against the adoption as a whole of the proposals of the Commander-in-Chief, the time has come when it is necessary substantially to reform and readjust the system under which military business is conducted. Whatever the views of the framers of the Military Department may have been at its inception, it is clear that it can only have been intended to typify the paramount civilian control of the Governor-General in Council, and not to supply a military equipoise to the authority of the Commander-in-Chief. Nevertheless, during the last 25 years, the progress seems to have been consistently in the latter direction. The Secretariat has at its head a Major-General and two Colonels, while the number of military officers employed in the Department has very largely increased. Until recent years it was the practice of the head of the department to sink his military status on all occasions, and to adopt the civil rôle which appertains to the powers which he wields. While the estimate of those responsible as to the character of their duties appears to have somewhat changed, the actual work passing between the two departments has largely increased. It is noteworthy that in the year 1903-04 the number of communications passing between the Military Department and the Commander-in-Chief's Department amounted on mobilisation questions alone to nearly 10,000, although the two departments, as Your Excellency points out, are situated in the same building at Calcutta and in adjacent buildings at Simla. In reference to this, Sir Edmond Elles suggests that the abolition of the Mobilisation Committee is to a great extent responsible for this increase of correspondence, but it is clear that any committee, the chairman of which is liable to be subsequently overruled at the instance of one of the members, from whose department may emanate orders entirely opposed to the decision of the Committee, must be worked with some difficulty. The situation of both the Military Member and the Commander-in-Chief on such a Committee must necessarily be a delicate one.

13. The same observation applies to the discussions which have taken place between the two departments on matters in which military and financial considerations are blended. So long as the member in charge of the Military Department considers himself bound by his office to supply the Government of India with a technical and expert opinion on all that is proposed by the Commander-in-Chief, he would be wanting in his duty if he shrank from bringing forward such arguments as he thinks applicable to each case. It is thus possible for each officer to discharge his duty correctly, and yet for the public service to suffer, and I am satisfied that in many instances the discussions proceeding between these two departments have passed the limits of safety in matters in which action might be urgently required.

14. To take, as an instance, the question of the small arms ammunition reserve, on which both Lord Kitchener and Sir Edmond Elles have written at some length. The printed proceedings show that Lord Kitchener asked for a reserve of 1,000 rounds per arm of small arms ammunition on the 17th February, 1904. The scheme apparently was not noted on in the Military Department till the 19th May, 1904, a loss of three months. Discussion in the department proceeded till the 21st July, 1904, when a despatch was sent to the Secretary of State asking what was the amount of the reserve of small arms ammunition maintained at home. The Secretary of State telegraphed a reply on the 16th August, but the Military Department decided to await details by post, and the case was returned to the Adjutant-General in the Commander-in-Chief's Department, apparently for the first time, on the 21st September, after more than seven months' delay. In October the Commander-in-Chief, while adhering to his already-recorded opinion, accepted the Military Department's proposal for the time being, but reserved the right to re-open the question in the future. Accordingly, after nine months' consideration, the reserve of

1,000 rounds asked for was cut down to 750 rounds, involving a total addition of 50,000,000 rounds to be manufactured in three years. Further discussions took place as to whether ammunition immediately available for purchase in England out of savings on the Military Budget should be accepted as part of this supply, which was again contested by the Military Department, and a final decision was only given on the 22nd December. The whole question thus occupied ten months, and it is noteworthy that during that period telegrams were passing between the Secretary of State and the Viceroy as to a possible mobilisation and the provision of stores, of which this reserve was not the least urgent.

15. In considering how the difficulties which have arisen can be met, I desire to lay down that, in the opinion of His Majesty's Government, it is undesirable that in the future there should be two officers appointed to the Viceroy's Council for the purpose of giving expert opinions on military questions, or that there should be two departments under the Government of India equipped for the purpose of dealing with purely military problems. On the other hand, I agree with your Excellency in your opinion that it would be impossible for any one man, however able and hard working, to undertake the whole responsibility of the business at present conducted by the Military Department and the Commander-in-Chief. It would not be in accordance with modern ideas of military organisation to hamper the Commander-in-Chief with the details of contracts, manufacture, the provision of stores, and the conduct of military works, when the responsibilities of his own peculiar province tend to increase every year. It is necessary that the Commander-in-Chief's mind should be free for the control of the personnel and training of the army, for strategical plans, and for the direction of military intelligence and of schemes for mobilisation. But while it is highly desirable to make a division of labour which should not impose on the Commander-in-Chief the direction of details which are not wholly of a military character, it is essential that, while sparing him this burden, we should not impose on him a greater one by the duplication of discussion relating to military problems of every description. Starting from this standpoint, the following changes of organisation appear to His Majesty's Government to be necessary.

16. They propose to draw a clear distinction between the purely military services which should be controlled by the Commander-in-Chief, and the services of supply and manufacture, which will be under the control of a separate officer whose relations with the Commander-in-Chief will differ from those of the member in charge of the Military Department as at present organised.

17. The Commander-in-Chief will be directly responsible to the Governor-General in Council for command, staff, and regimental appointments, promotion, discipline, training, organisation, distribution of the army, intelligence, mobilisation, schemes of offence and defence, peace manœuvres, war preparation (excluding supply of matériel), and the conduct of war. As regards the Supply and Transport Department, in which matters of personnel and matériel are alike concerned, the arrangement which has recently been made will be adhered to. Such matériel, ammunition, and stores as are required for mobilisation will be entrusted to a personnel directly responsible to the Commander-in-Chief.

18. The functions of the Military Department, in charge of another member of your Council, will be limited to responsibility to Government for the control of army contracts, the purchase of stores, ordnance, and remounts, the management of Military Works, the Clothing and Manufacturing Departments, Indian Medical Service, and Indian Marine. The recent development of the Manufacturing Departments, which will, as your Excellency informs us, be shortly employing 15,000 to 20,000 skilled artisans, will make a special demand upon the time and administrative ability of the member in charge.

With regard to Military Finance, it has been suggested that it would be very advisable to transfer the Departments of the Military Accountant-General and of the Controllers to the Finance Department of your Excellency's Government. This, it is urged, while strengthening the financial control of your Government over all military proposals, would diminish the probability of friction between the Commander-in-Chief's Department and the Department of Military Supply, and would give to the latter some useful relief. I request that your Excellency will consider this proposal in Council, and will favour me with your opinion upon it.

19. When effect is given to these provisions, the work of the present Military Department will be distributed between two Departments, one of which, dealing with the subjects specified in paragraph 17, will be known as "The Army Department," and will be in charge of the Commander-in-Chief as Member of Council; while the other, to be called "The Department of Military Supply," will deal with the subjects mentioned in paragraph 18, and will be in charge of another Member of Council; and each of these departments will have its own Secretariat.

20. Apart from the apportionment of duties as indicated above, the procedure to be followed in conducting business between the Army Department and the Military Supply Department is very important, since it appears that the friction which has occurred of late years is due to the methods of the Military Department, as well as to the principles on which it has worked. The Member in charge of the Military Supply Department should realise that his duties are more of a civil than of a military nature, and that his business is to assist the Commander-in-Chief in his endeavours to render the army in all respects fit for war, within the limits of financial considerations.

21. The present system under which junior officers in the Military Department record their criticisms on the purely military proposals of the Commander-in-Chief will necessarily terminate. Neither the Member nor his Department will have the power to veto any proposal put forward by the Commander-in-Chief. The power of veto (apart from any statutory powers vested in the Governor-General) must rest exclusively with the Governor-General in Council after due consideration. As a means of expediting business, it appears particularly desirable that there should be frequent personal conference between the heads of the Military Supply and Army Departments.

22. In this connection I think that the sittings of the Mobilisation Committee may advantageously be revived. The difficulties which prevented Lord Kitchener from fully availing himself of the Committee in the past will have been done away with. The Commander-in-Chief, sitting as President of such a Committee, which would include the Member in charge of the Department of Military Supply, and other officers, will be able rapidly and effectively to dispose of many questions which are now the subject of prolonged correspondence.

23. The Member of Council in charge of the Military Supply Department will specially advise the Governor-General in Council on questions of general policy as distinct from purely military questions, and it will be desirable in the event of the Commander-in-Chief being an officer of the British service, that the Member should be an officer of considerable Indian experience and of administrative capacity, and intimately acquainted with the characteristics of the Native Army. His functions will be essentially those of a civilian administrator with military knowledge and experience. The changes which it is proposed to introduce into his department will make it necessary to dispense with some of the officials in the department whose numbers have considerably increased in the last twenty-five years, and to employ officers of a rank not so high as at present, but equal to that of their predecessors in earlier years, while the Secretary should not, in future, be of higher rank than that of Colonel. Some reduction of staff

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EAST INDIA (ARMY ADMINISTRATION)

R-1046

FURTHER PAPERS

REGARDING THE

ADMINISTRATION OF THE ARMY

IN

INDIA.

18

(In continuation of Cd. 2572.)

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EAST INDIA (ARMY ADMINISTRATION).

FURTHER PAPERS

REGARDING THE

ADMINISTRATION OF THE ARMY

IN

INDIA.

No. 1.

From Governor-General of India to the Secretary of State,
dated 6th July, 1905.

(Telegraphic.)

Your Military Despatch, No. 66, of the 31st May. Military Administration. We think scheme therein proposed, unless modified in important particulars, will be unworkable in operation, and that it will imperil military control of Governor-General in Council. It will further impose heavy burden upon Viceroy, while depriving him of indispensable advice. To remedy these defects we desire to submit following representations:—

1. Paragraph 23 assigns functions to Military Supply Member which cannot properly be performed except by a soldier, but is otherwise not inconsistent with appointment of a civilian. We think that he should always be a soldier, as Military Member has hitherto invariably been. Though we do not press for alteration in existing law, nomination of a civilian would obviously be fatal to safeguards which we now desire to create.
2. Paragraphs 15 and 23 are ambiguous as to functions of new Member. We advise that he should be available for official consultation by Viceroy on all military questions without distinction, and not only upon questions of general policy or when cases are marked for Council. We propose that identical conditions should apply to both of the Military Departments, and that upon submission of any case from either Department, Viceroy should, if he deems it necessary, refer it to head of other Department for advice. We do not anticipate that this will become general practice in either case, but power of reference will relieve Viceroy of burden of some responsibility, and where resorted to should tend to promote co-ordination.

3. Paragraph 22.—We propose to lay down that all important changes in Military organisation, or conditions of service of all ranks, or in customs affecting Native Army, or its Departments, which may be proposed by either Military Department, must be discussed by Mobilisation Committee, or a Committee with such other suitable designation as may be decided upon, of which Commander-in-Chief and Military Supply Member shall be essential Members, except in any cases where they may happen not to be in the same station.
4. Your Despatch is silent as to rank of Secretary to Government in Army Department. We think that he should be either a Major-General, or, if a Colonel, that he should have local rank of Major-General. It would be invidious if the official representative of Government of India were of lower rank than his colleagues in the Department.
5. We propose to draw up a schedule of all cases in the Army Department which it will be the Secretary's duty to submit to the Viceroy before orders are passed upon them. Object is to keep Viceroy and his colleagues acquainted with policy and proceedings of the Department.

These proposals are entirely concurred in by Commander-in-Chief.

We submit them as the minimum which, in our judgment, is necessary to render new organisation practicable.

No. 2.

**From Secretary of State for India to Governor-General
dated 14th July, 1905.**

(Telegraphic.)

Your telegram of 6th July. Army Administration. Preamble and concluding sentence of Your Excellency's telegram appear to show that you have misapprehended intention and practical effect of decision of His Majesty's Government. Your recommendations do not contravene the provisions of the Despatch of 31st May, and some of them are in exact fulfilment of the wishes and intentions which it conveyed. It is a matter of satisfaction to His Majesty's Government to find that, although Your Excellency's views are adverse to the change, the points which you think it necessary to raise upon the scheme itself appear to leave its general principles untouched, and that Lord Kitchener, whose decided preference for more drastic changes had great weight with His Majesty's Government, is now in agreement with the rest of your Government.

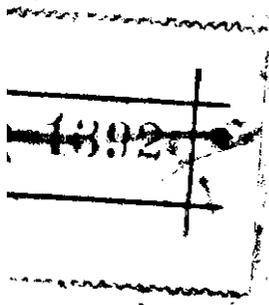
- (1.) We should not be prepared to propose alteration of the law, and the King's discretion to appoint soldiers or civilians to Governor-General's Council will therefore remain as it is; but paragraph 23 of Despatch clearly indicates that member in charge of Military Supply Department should usually be a soldier, and it is my intention on occurrence of impending vacancy to advise His Majesty to appoint a soldier.
- (2.) The Governor-General has constitutional right to consult any member of his Council officially or unofficially on any subject, and there is nothing to the contrary in the Despatch. The members in charge of Army and Military Supply Departments, like other members, must advise Your Excellency if invited to

do so, and the right of every member as established by law to discuss matters in Council will, of course, remain unaffected. But His Majesty's Government having decided to alter the existing system, and to give to members in charge of Army and Military Supply Departments independent channels of communication with Governor-General in Council, it follows that neither member can have any special claim to be consulted or to vote on the proposals of the other.

- (3.) Reference of important matters to Mobilization Committee, of which Commander-in-Chief and Military Supply Member were to be essential members, was contemplated in paragraph 22 of Despatch, and is approved accordingly.
- (4.) As stated in your telegram, Despatch was silent with regard to rank of Secretary to Government in Army Department, and His Majesty's Government see no objection to his having local rank of Major-General.
- (5.) Proposed schedule of classes of cases in Army Department, to be specially dealt with on the lines which you indicate, is quite in accordance with views of His Majesty's Government.

These arrangements, so far as they are matter for rules, will no doubt be embodied in Rules of Business which you were requested in paragraph 28 of Despatch to send home for approval. General approval above conveyed will be fully adhered to, but details must necessarily be subject to further consideration when rules are received.

EAST INDIA (ARMY ADMINISTRATION).



FURTHER PAPERS

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ADMINISTRATION OF THE ARMY



INDIA



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EAST INDIA (ARMY ADMINISTRATION).

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REGARDING THE

ADMINISTRATION OF THE ARMY

IN

INDIA.

No. 1.

Terms of reference to a Committee on Indian Army Administration, appointed in May, 1905.

To consider the correspondence which has taken place between the Secretary of State in Council and the Government of India on the subject of Army Administration in India, and to report:—

- (1) whether it is advisable that Army Administration in India should (subject to the Viceroy in Council) be, as at present, under two separate Military Heads of Departments;
 - (2) whether it is advisable that more than one member having the charge of military business, and speaking as an expert on military matters, should sit on the Viceroy's Council;
 - (3) if either, or both, of these questions be answered in the negative, then to advise what modifications of the present system should be adopted; and, more particularly,
 - (4) if a single member of Council be henceforward made responsible for Army Administration, whether that member should be the Commander-in-Chief; and
 - (5) whether it is advisable to provide that the proposals of the single member responsible for Army Administration shall be subject to independent military criticism for the benefit of the Viceroy in Council, and, if so, how this can best be accomplished.
-

No. 2.

Report of Committee.

The Committee have reviewed with great care the despatch submitted to them, and the accompanying Minutes. We have also had before us a number of papers bearing on Military Administration in India, including a report of Sir Ashley Eden's Committee in 1879, Minutes by Lord Lytton and Lord Dufferin, and other documents contributed by the India Office or by different members of the Committee. We have also asked for opinions on the general question, or on special points from various officials who have had past experience of working on the Council in India, including Lord Elgin, Lord Cromer, Sir Henry Brackenbury, Sir David Barbour, Sir Edwin Collen, and others.

Before answering the questions proposed to the Committee it is necessary to refer to the present constitution of the Viceroy's Council in respect of military questions, which presents certain anomalies. The business dealt with by the Government of India is divided into various Departments, each of which, with the exception of the Foreign Department, which is conducted personally by the Viceroy, is committed to a Member of Council who presides over the Department, and has the assistance of a Secretary to the Government, whose advice can be called for by the Viceroy apart from that of the member in charge of the department. The Secretary of each Department attends from time to time in Council when departmental matters are under discussion, and explains them at the Council Board, although he has no vote. This principle is applied to the Military Department in the same manner as to others, and, whatever may be the effect of its working in the Civil Departments, the Army presents special features, and difficulties have from time to time arisen.

The position of the Commander-in-Chief, although clearly defined and highly responsible, is one which it is not easy to fit in to any organization. As the head of the Army, having, under the Viceroy, the responsibility for all of what may be termed the "show" portions of the Army, he occupies a position second to no one in India except the Viceroy himself. In the Native Army he probably occupies almost a more conspicuous position than the Viceroy, and his pay and emoluments are more on a par with those of the Governors of Bombay and Madras or the Lieutenant-Governor of the Punjab than with those of an ordinary Member of Council. It has been the practice for many years past to give him a seat in Council as an Extraordinary Member, and the military prestige of Commanders-in-Chief has secured them for the last fifty years a very high degree of personal respect for their opinions.

But while custom and convenience have assigned a practically unique position to the Commander-in-Chief in regard to the Indian Government, his actual position in the official hierarchy is anomalous. The orders of the Government of India, which must of course be supreme, are conveyed to him by the Military Department, which is presided over by an officer of junior rank and possibly of inferior military attainments and experience to himself. This officer, who for many years past has been a Major-General, has as Secretary to the Government in his Department another officer, also recently a Major-General, who has not only the office of conveying to the Commander-in-Chief the decisions of the Government of India, but can himself be consulted, without reference to his immediate chief, by the Viceroy on any military question. The Commander-in-Chief has, therefore, between himself and the Viceroy, two officers of junior rank, both of whom are entitled to criticise all his proposals from a military standpoint. It is obvious that such a procedure can only be worked satisfactorily by those concerned if very special tact and judgment are shown on both sides.

It is unquestioned that proper provision must be made for a political and financial check to be applied to all the military proposals emanating

from the Commander-in-Chief, but it is clear to the Committee that the system, to which the present Viceroy attaches importance in his minute, of providing a soldier of presumably inferior attainments for the express purpose of criticising the military proposals of his superior officer after the latter has been placed at the head of the Army in India, must at times lead to friction, and is likely to produce unsatisfactory results.

Very wide divergence of opinion exists as to the merits and demerits of the present system, but it will be seen by a reference to past history that, allowing for periods when by the tact and good feeling of the officers presiding over these Departments the system has worked with comparatively little difficulty, there has been apparent from time to time a strain which has reacted prejudicially on the administration of the Army. Going back to 1879, we find that the Ashley Eden Committee, in which several General officers of high standing were included, reported that—

“ 141. The position of the Executive Commander-in-Chief as a Member of Council is, in the opinion of the majority, one without precedent in the organization of any European Government or Army. It is contrary to one of the most essential and salutary principles of sound administrations; and the common instinct and experience of all administrations, whether representative or despotic, has everywhere rejected it. . . .

“ It has been found to weaken simultaneously the executive initiative of the military, and the financial control of the civil authority, by constantly confounding and confusing their respective spheres of independent activity. It renders practically impossible that continuous personal contact, which in every well-organized system of military administration has been found so beneficial, between the supreme executive head of the whole Army and the subordinate heads of its various branches and corps. Finally, between the Governor-General, the Commander-in-Chief, and the Military Member, whom it places in fundamentally false relations towards each other, there has been, under each successive administration since the existence of this ill-advised arrangement, continual friction, or cause for friction.”

As a result they recommended the exclusion of the Commander-in-Chief from the Council, and thereby showed in the most practical way that they considered the system unworkable.

In 1889, after four years' experience of the Commandership-in-Chief, Lord Roberts wrote as follows:—

* * * These discussions have been natural enough, for to anyone acquainted with the working of the machinery by which the administration of the Army in India is carried on it must have been obvious, not only that the present procedure has become cumbrous, dilatory, and complicated, but that its defects are gradually increasing. Although it would be difficult to find more able or experienced officers than those at present employed in administering the Army, inclusive of its finances and subsidiary Departments; and although the Military Secretariat and the Army Head-quarters offices have been brought close together at considerable expense; still, official correspondence has increased enormously, and the relations between the two great Departments of the Indian War Office are becoming less cordial than might be desired.

Such a state of things is much to be regretted. Here are two sets of officers of high capacity, animated by a common zeal, guided by a common sense of duty, and each striving to do their best for the Sovereign they serve and the Army to which they belong. Yet each set appears to be pulling a different way, to be following a different object, and to be actuated by a jealous rivalry rather than by a friendly emulation. Such a result can only be brought about by a system so radically faulty that it neutralizes individual effort and

estranges official relations. . . . If Army administration is to be a success, the staff at Army Headquarters and the Military Secretariat must work together in unison, and must possess a common knowledge of the questions in which they are mutually concerned. Under the present procedure, I doubt whether this harmonious co-operation is possible, . . . and the tendency of late, whether accidental or intentional, has been to relegate the Commander-in-Chief, with his Head-quarter staff, to the position of a subordinate adviser on military questions, whose opinions indeed are entitled to a certain amount of respect, but are liable to be overruled, even on matters which have no financial or departmental bearing, and without reference to the Viceroy, by the high officials through whom his Excellency's orders have to be obtained and communicated.

"The evils of this arrangement are palpable. First, all the work involving references between Army Headquarters and the Military Department has to be done twice over. . . . Another disadvantage of the system is the inherent tendency of one set of able officers, who are expected to review the recommendations of another set of equally able officers, to endeavour to prove why a certain course of action should not, instead of why it should, be followed. . . . The next question that arises is how the present unsatisfactory state of affairs can best be remedied. Change for the sake of change is to be deprecated; and as the principles on which the business of the Army in India is intended to be carried on are thoroughly sound, though their present application may in some respects be capable of improvement, they should, I think, be strictly adhered to."

Lord Roberts in a subsequent letter, after the case had been considered by Lord Lansdowne, accepted the changes in procedure proposed, and is of opinion now that, given good feeling on both sides, the arrangements can work smoothly. Sir George White, who is disposed to concur in this opinion, also wrote very strongly in 1896, after three years' experience of the Commandership-in-Chief, as to the difficulties he had experienced in the Military Department.

In 1898 Sir Donald Stewart, in a formal minute, proposed to ask the Government of India to "consider the desirability of excluding the Commander-in-Chief from the Council." In 1901 Sir William Lockhart expressed himself forcibly as to the difficulty he found himself in with regard to the Military Department, and Lord Kitchener at almost the outset of his career as Commander-in-Chief took the same view.

With one exception recent Viceroys have supported the retention of the Military Member. Lord Lytton, however, in commenting, in 1880, on the Ashley Eden Commission, accepting their view of the difficulty which existed, expressed very strongly his preference for the exclusion of the Military Member from the Council and the maintenance of the Commander-in-Chief. Lord Dufferin, eight years later, dissented from this proposal, and expressed himself in the direction of maintaining both officials. The present Viceroy, while strongly advocating the retention of the Military Member, equally strongly objects to the exclusion of the Commander-in-Chief, and even pressed that Sir Power Palmer, when *locum tenens* before the arrival of Lord Kitchener, should be admitted to Council.

Two things appear to the Committee to be established:—

1. That in recent years, owing to the special circumstances of the repeated changes in the Commandership-in-Chief and the illness of Sir William Lockhart, a greater responsibility has been taken by the Military Department; and that the so-called Military Member has tended more and more to become an expert adviser than a civil administrator.
2. That difficulties have from time to time been apparent between the two Departments: that though such difficulties have been

staved off temporarily by the good management of individuals, they are incidental to the system, and must continually recur under existing conditions.

The Committee, in arriving at these conclusions, have closely examined the points referred to by Lord Kitchener as forming an impediment to good administration. We fully recognise that a large number of these points arise on matters of detail, and that on questions of principle the Military Department have endeavoured to meet the proposals of the Commander-in-Chief in a practical and uncontroversial spirit. The fact that the re-organization scheme, for which Lord Kitchener is responsible, was dealt with by the Government of India and passed within a few months, and after no less prompt treatment at the India Office had effect given to it, refutes *per se* any suggestion of deliberate obstruction by the Military Department as representing the Government of India. But the instances given make it perfectly clear—

1. That the Military Department has recently formed the habit of giving authoritatively an independent opinion on purely military questions.
2. That the discussions ranging between the two Departments have been protracted unjustifiably.
3. That orders to the Commander-in-Chief, when given, and decisions adverse to his proposals have been conveyed in many instances by the Military Department alone without reference to the Governor-General in Council.
4. That a spirit of opposition has grown up between the personnel of the two Departments, which is not conducive to the effective discharge of duty.

The Committee have taken into consideration two possible courses for amending the position. We have given a careful detailed consideration to Lord Kitchener's main proposal. We recognise that continual friction about details with another department may impose on the head of any department a heavier burden than would be entailed on him if he himself assumed the responsibility for the duties of that other department. We feel that to take from the Commander-in-Chief in time of peace the entire responsibility for the personnel of the service which he has to conduct in the field in time of war is undesirable.

We regard it as an established principle that officers, who have to take certain responsibilities in war under the authority of the Divisional or Army Corps Commander, should hold similar responsibilities under similar control in time of peace in order to obtain the necessary experience; and we think it necessary to put on record the fact that, although the system of the Indian Army can be made to accommodate itself to the needs of smaller campaigns, it has never yet been exposed to the strain of a general mobilisation.

Lord Kitchener assumes in his minute that the only way of meeting the difficulties that he complains of is to be found by the Commander-in-Chief assuming the whole of the duties now discharged by the Military Member. The Government of India, on the other hand, adduce strong reasons for believing that the system suggested by Lord Kitchener would be unworkable, although the Viceroy in a separate memorandum states "that any reasonable reform or re-adjustment in the system would be willingly considered." No such reform or re-adjustment was put before us by the Government of India. We have, however, considered two possible courses of action:—

1. The assumption by the Commander-in-Chief of the duties of the Military Member, except those of the Finance and Accounts Departments, which would be transferred to the Finance Member of Council. In the case of the adoption of a scheme

of this character we think it would be essential that the Viceroy should form a Military Committee or Committee of Defence presided over by himself, at which, besides the Commander-in-Chief, the presence of other officers should be obtained for the discussion of plans involving changes of organisation especially in relation to the Native Army.

2. The retention of the main duties of Supply, Contract, Military Works, Remounts, and other departmental services, with the control of the Manufacturing Departments under a Member of Council, who would stand, however, in a distinctly different relationship to the Commander-in-Chief from the present Military Member.

As regards proposal No. 1, we have been forced, after careful consideration to discard it. We invited opinions from past Viceroys, Commanders-in-Chief, and Military Members of Council, and we cannot doubt that the concentration of the whole responsibility of Supply of the Army under one head, if that head is to be the Commander-in-Chief, would be opposed to all modern principles in regard to Armies. It has become increasingly necessary of recent years for the Commander-in-Chief to control questions of military intelligence and organisation, and to spend even a larger time than heretofore upon the personnel of the Army. The greater amount of scientific attainment now required of officers necessitates a much more careful weighing of promotions, many of which have hitherto been given by seniority. Inspection, if it is to continue, by the Commander-in-Chief, means a great deal more than the perfunctory parades which were in vogue 30 or 40 years ago. The Commander-in-Chief requires to have his mind freed as far as possible from details, and, if he is in the last resort to be responsible for the making of contracts for boots and clothing, for negotiating the more rapid production of Army stores, and for settling disputes which may arise in the Manufacturing Departments, of which with even a well-trained staff he could scarcely divest himself altogether, it appears clear that too large a portion of his time will be diverted from his natural military duties.

A further difficulty arises in the fact that General officers are not as readily available in India as at home to attend meetings of defence or organisation, and that, being under the immediate personal command of the Commander-in-Chief, they have scarcely the requisite independence.

We come, therefore, to the second proposal. In our judgment it is necessary that the Commander-in-Chief in India, whoever he be, should be completely subordinate to the Viceroy and Governor-General of India. For this purpose it is not sufficient that a mere theoretical subordination should exist. It is desirable that in all questions of finance a practical control should be exercised, and that machinery should exist for seeing that questions which may have a political as well as a military character should be brought within the cognizance of the Viceroy in Council before action is taken. But we are forced to record our dissent from the feeling which underlies the despatch of the Government of India "that the military proposals of the Commander-in-Chief should be subjected to direct expert criticism." We are not aware of any other system in the world in which the soldier who is primarily responsible for the Army is brought face to face with a second soldier of less military reputation, and possibly of less experience, who is first to criticise his military proposals, has then an equal vote with him in Council, and finally conveys to him the approval or disapproval of his colleagues. If the so-called Military Member is to be regarded as competent to exercise this restraining influence on the Commander-in-Chief, it is worth recalling the fact that recently it has been the exception for a Military Member to receive an important Military appointment after vacating office.

Beyond this we point out that the Military Department has from various causes assumed a much more military character in the last few years than had formerly been the custom. The secretarial staff of the

Military Department, which used to contain 25 years ago a very small personnel, has now a Major-General as Secretary, and two officers with the rank of Colonel within it. The Military Member, who used until recently to sink his military capacity on all occasions, even to the extent of not wearing uniform, apparently no longer restricts himself in this respect. It would not be difficult to show how this change has permeated the whole system of military administration in India, and that it operates in certain instances very prejudicially is made clear by cases which have been brought before us.

It has, therefore, in our opinion, become incumbent on us to provide a machinery by which, while not imposing on the Commander-in-Chief duties which might equally well be performed by a well-trained Civil Department, and providing the Viceroy with efficient advice on matters of expenditure which might be over-hastily undertaken, or on measures which might be politically inadvisable, the official in charge of these duties should not administer his Department as a check on the Commander-in-Chief with regard to purely military questions.

A scheme to give effect to these suggestions has been worked out by a Sub-Committee, whose Report is appended, and which we generally propose to adopt. We think that great importance should be attached to the proposal to provide the Commander-in-Chief, if he happens to be an officer without any Indian experience, with two senior Indian officers upon his staff. The desire to obtain increased efficiency and proper training for a voluntary army involves a strain upon officers and men, whether in Great Britain or India, in excess of that which has previously been experienced.

The best military results cannot be obtained at times without a curtailment of holidays and recreation, or without calling for a certain amount of self-sacrifice on the part of all ranks. It is highly desirable, in an organisation like the Indian Army, that the measures which may be thought necessary for this purpose, should not be undertaken, or even indicated, without careful expert consideration at Headquarters. It is clear that the necessary precautions in carrying out such measures should not depend on the foresight of one officer in the military hierarchy alone; but it is also important that the Commander-in-Chief should not feel that all his measures are put forward tentatively, to be checked by minute criticism in another department after he has arrived at his opinion. He should be in a position to submit his schemes direct to the Governor-General in Council, which is not at present the case.

To sum up, the organisation now proposed will give the Commander-in-Chief a Staff which will make it possible for him to meet the more extended responsibilities which we propose to cast upon him. The Member in charge of Military Supply will have ample scope for his ability and energy in administering a Department which will be run on Civil lines with adequate Military knowledge. The cohesion between the two Departments should be secured by the re-establishment of the Mobilisation Committee as proposed by Lord Roberts, by which a large proportion of the nine or ten thousand letters, which now pass between the two Departments annually, would be rendered unnecessary.

These conclusions make it necessary that arrangements should be made by which Major-General Sir Edmond Elles, who is in his last year of office, should, without pecuniary loss to himself, be relieved of his duties as soon as may be convenient, but not later than the 1st October next, in order that an official who would restrict himself to the discharge of the duties contemplated for the re-organised Department should be appointed. We think it very undesirable that the Secretary in the Military Supply Department should be of higher rank than that of Colonel. It should, we think, be left to the Government of India to advise, as proposed by the Sub-Committee, whether any or all of the work done by the present Accounts Department should be transferred to the Finance Member of Council. Pending a

decision on this question the Accounts Department should remain as part of the Military Supply Department.

Our reply to the questions addressed to us in the terms of reference is consequently as follows:—

- ✓ 1. It is advisable that the strictly military portions of Army Administration should be under the exclusive control of the Commander-in-Chief, subject only to the Governor-General in Council; but the subsidiary Departments which are not of a purely military character, should, in our opinion, be left under the charge of another Member of Council.
 - ✓ 2. It is not desirable that any Member of Council except the Commander-in-Chief should speak as an expert on military problems, pure and simple; but, subject to the conditions laid down in the Sub-Committee's report, we think that there should be another Member having charge of the business specified in that report, and sitting on the Governor-General's Council.
- 3, 4, 5, are answered by the Report of the Sub-Committee appended to this paper which we recommend for adoption.

26th May, 1905.

(Signed) ST. JOHN BRODRICK.
ROBERTS, F.M.
GEORGE S. WHITE, F.M.
JAS. L. MACKAY.
J. J. H. GORDON, General.
E. FG. LAW.
SALISBURY.

ARTHUR GODLEY.
E. STEDMAN, General.

Enclosure to No. 2.

Report of Sub-Committee appointed 8th May, 1905.

If it be desired to retain a Military Member in Council in charge of a Department, we consider it essential that his duties and functions and those of his Department should be clearly defined and distinguished from those with which the Commander-in-Chief and the staff at Army Headquarters may properly be charged.

In our opinion a guide to the proper line of demarcation can be found by considering what services appertain wholly or mainly to the personnel side of military administration, and what to the materiel side.

The Commander-in-Chief should be directly responsible to the Governor-General in Council for command, staff, and regimental appointments, promotion, discipline, training, organisation, distribution of the Army, intelligence, mobilisation, schemes of offence and defence, peace manœuvres, war preparation (excluding supply of materiel), and the conduct of war. As regards the Supply and Transport Department, in which matters of personnel and materiel are alike concerned, we think that the arrangement which has recently been made should be accepted. We think, also, that such materiel, ammunition, and stores as are required for mobilisation should be entrusted to a personnel directly responsible to the Commander-in-Chief.

The functions of the Military Department under the Member in charge should be limited to responsibility to Government for the control of Army contracts, the purchase of stores, ordnance, remounts, the management of

Military Works, the Clothing and Manufacturing Departments, Indian Medical Service, and Indian Marine. With regard to Army Finance, some of us are in agreement with the opinion expressed by Sir D. Barbour that the Military Accounts organisation should be transferred to the Finance Department, but we are not unanimous on this point. We are all agreed that it is necessary that the present organisation for Army accounting should be reformed under the advice of a strong committee with a view of simplification and reducing the personnel, and we think that the Government of India should be consulted on the general question of the future position of the Military Accounts Branch.

Apart from the apportionment of duties as indicated above, the procedure in conducting business between Army Headquarters and the Military Department is very important, since we believe that the friction which has occurred of late years is due to the Military Department having become too powerful and busying itself unnecessarily about strictly Army matters. The Member in charge of the Department should realise that his duties are more of a civil than of a military nature, and that his business is to assist the Commander-in-Chief in his endeavours to render the Army in all respects fit for war, within the limits of financial considerations.

We deprecate the present system under which junior officers in the Military Department record their criticisms on the proposals of the Commander-in-Chief. We are strongly of opinion that neither the Military Member nor his Department should have the power to veto any proposal put forward by the Commander-in-Chief. The power of veto must rest exclusively with the Governor-General in Council, to be exercised only by the Governor-General in Council after due consideration. As a means of obviating friction, we think that it is particularly desirable that there should be personal conference between the heads of the Military Department and Army Headquarters. In this connection we think that more use might be made of the Mobilization Committee, as questions verbally treated by this body could be speedily decided with a minimum of correspondence and noting.

During the last five and twenty years there has been a considerable increase in the Staff of the Military Department, and the officers employed at present are of much higher rank than their predecessors in earlier years. If the arrangements which we have suggested are carried out, this will enable a reduction of Staff to be made which will go some way towards meeting the additional cost of the changes which we are about to recommend in the Army Headquarters.

The Member of Council in charge of the Military Departments should be the adviser of the Governor-General in Council on questions of general policy, as distinct from purely military questions. It would be desirable, in the event of the Commander-in-Chief being an officer of the British service, that the Military Member should be an officer of long Indian experience and administrative capacity, and intimately acquainted with the traditions and idiosyncrasies of the Native Army.

We consider that, under the arrangements proposed, it may be necessary to appoint an officer of superior rank as Chief of the Staff, and we think it should be laid down that, as vacancies occur, when the Commander-in-Chief is an officer of the British Army, two out of the three chief officers under him, Chief of the Staff, Adjutant-General, and Quartermaster-General, should be selected from the Indian Army, and that, when the Commander-in-Chief is an Indian Army officer, two of the three chief staff officers should be drawn from the British Army.

We think it essential that there should be a special officer for Secretariat duties at Army Headquarters, to prepare cases and documents for direct submission to the Viceroy in Council, and to undertake correspondence with other Government Departments.

In the event of the absence of the Commander-in-Chief from the seat of Government, this officer should, when summoned, attend meetings of the Governor-General's Council, to submit papers, and to give such information and explanations as may be called for.

Finally, we submit for consideration the question whether the name of the Military Department should not be altered. It might more appropriately be called the Department of Military Finance and Supply, or, if Army Finance is transferred to the Finance Department, it might be known as the Department of Military Supply.

(Signed) ARTHUR GODLEY.
 ROBERTS, F.M.
 JAS. L. MACKAY.
 J. J. H. GORDON,
 General.
 E. FG. LAW.

E. STEDMAN, General.

No. 3.

From Viceroy to Secretary of State for India, dated
 17th July, 1905.

(Telegraphic.)

I was about to recommend to you as first Military Supply Member, Major-General Sir E. Barrow, at present commanding Peshawur Division. He is one of the ablest soldiers in India, and would be acceptable both to Lord Kitchener and myself. New system will be confronted with great difficulties at start, and I can think of no one who would be so likely to overcome these as General Barrow. He knows of my intention to recommend him, and is now on his way to England on short leave. I suggest that you should see him. Appointment of any officer from home would, I fear, revive troubles which I hoped were subsiding.

No. 4.

From Secretary of State for India to Viceroy, dated
 1st August, 1905.

(Telegraphic.)

I have been carefully considering your recommendation of General Barrow whom I saw yesterday according to your wish; but while fully recognising his great capacity, I am advised that this would find more appropriate scope either in the Frontier Command which he now holds or as Chief of the Staff, should you and Lord Kitchener think him fitted for that post and recommend him. This is also the view of the Cabinet who are not willing to appoint General Barrow. I hope to telegraph you very shortly the name of the officer we propose for Military Supply Department.

No. 5.

**From Viceroy to Secretary of State for India, dated
2nd August, 1905.**

(Telegraphic.)

Your telegram of 1st instant regarding General Barrow. It must be evident that I can only satisfactorily inaugurate new system with aid of military colleague in whose experience, judgment, and ability I have fullest confidence, and, further, that if Military Supply Member is to give general military advice to Governor-General in Council, as decided by His Majesty's Government, and explicitly reaffirmed by Lord Lansdowne in House of Lords yesterday, he should be an officer of highest position and qualifications. In these circumstances I may reasonably expect, first, that I should be allowed to suggest the officer whom I consider best qualified for these purposes; and, secondly, that in the absence of any strong reasons to the contrary, my suggestions should be favourably entertained. Your telegram disappoints my expectations in both these respects. You refuse to grant me the assistance of the officer whom I hold to be pre-eminently suited for task, and whom I selected with the knowledge that he could and would loyally co-operate in carrying out wishes of His Majesty's Government. In conveying your refusal you assign no definite reason, indeed, you recognise General Barrow's great capacity, but you speak of having received other advice. Surely the person most competent to advise you as to a Member of Viceregal Council is the Viceroy himself. General Barrow's name was put by me with full knowledge of Lord Kitchener, and after discussion of alternative names with him, he further expressed his intention to recommend General Duff as Chief of the Staff, to which I agreed, and if any contrary advice has reached you, I cannot accept its validity. Finally, you express your intention to appoint as my colleague in these very difficult circumstances an officer selected by yourself. I trust that, with these considerations before you, you will see fit to modify the views expressed in your telegram, and will thus enable me to accept a responsibility which I infer that His Majesty's Government still desire me to assume.

No. 6.

**From Secretary of State for India to Viceroy, dated:
4th August, 1905.**

(Telegraphic.)

I have consulted the Cabinet again on the proposed appointment of General Barrow as Military Supply Member. The new Department to which we have the sole responsibility of making an appointment has, after long consideration, been placed on a different footing from the present Military Department. We have in consequence with great regret accepted General Elles's resignation, and we cannot favour the selection of an officer who from the positions he has previously held can hardly be expected to inaugurate the new system with an open mind. We believe that no officer occupying an important command, and likely to hold higher combatant positions, has been appointed to the Military Department since Sir Donald Stewart, who held the position for a few months in 1880. The appointment of Lord Roberts, when suggested in 1881, was negatived by Lord Hartington.

Although the selection of Members of Council rests with me, I have already deferred to your views twice this year, when no point of principle was involved, and I have no desire to nominate any one who is not personally agreeable to you. But it would not be reasonable for a nomination to be made which is in opposition to our expressed intentions, more especially when the officer in question would naturally hold a command in the field in war.

Lord Lansdowne, who knows and thinks highly of General Barrow, feels that in present circumstances his appointment as Military Supply Member would be inexpedient.

I do not gather from your reference to Lord Kitchener that he recommended General Barrow, but that he knew of your intention to recommend him.

The opinion of my Military Advisers here is that we shall do well to choose a Military Supply Member with some technical experience which would stand him in stead in the heavy charge of the Manufacturing Departments. Will you consult Lord Kitchener as to who in his opinion is the best man for the post, and let me have his views. We will willingly consider any names you and he desire to put forward.

You will see from the above that I am not anxious to press upon you any man you do not approve, but having, greatly against our will, been forced to deal with this vexed question of Army Administration, we must avoid any appointment which would in our opinion tend to reproduce previous difficulties.

No. 7.

**From Viceroy to Secretary of State for India, dated
5th August, 1905.**

(Telegraphic.)

In reply to your telegram of 4th instant, again refusing my request for services of General Barrow as Military Supply Member, and requesting the Commander-in-Chief's views as to officer best qualified for that post, I have to make the following representation. Lord Kitchener did not, and does not, consider it any part of the duty of the Commander-in-Chief to recommend to Secretary of State a Member of the Viceregal Council, an appointment for making which you have asserted sole responsibility.

I have carefully considered arguments contained in your telegram, and am regretfully compelled to authenticate my former views. I can assure you that I do this from no desire to continue a controversy, strain of which has now lasted without interruption for eight weeks, and which I have no longer the strength to endure, but because it is apparent from your telegram that His Majesty's Government deny me the confidence which alone can enable me to serve them with any advantage, and that they attach fundamentally different interpretation from myself to modifications which they accepted on 14th July, and upon acceptance of which alone I consented to remain in office. Chief point of those modifications was that Military Supply Member should not merely be purveyor of stores, with relatively inferior status and prestige in our administration, but that he should be qualified, in words of your own Despatch and as re-affirmed by Lord Lansdowne in House of Lords, to give advice on questions of general military policy to Governor-General in Council. Nevertheless, you now

propose to reject General Barrow who possesses these qualifications in an exceptional degree, you suspect him of not possessing an open mind because he formerly served in Military Department, although you were willing to offer his services to Lord Kitchener as Chief of the Staff, and you plainly indicate the type of officer whom you desire, by stating that he should be chosen for technical experience of Military stores and supplies, an experience which could not be expected to constitute him a qualified Military Adviser of Government of India on general questions, but which General Barrow among his many attainments happens also to possess in an unusual degree. Position is therefore, in principle, almost exactly where it was when I resigned in June, and the main conditions which caused me to resign on that occasion have again been called into being.

Finally, let me state my own position. His Majesty's Government desire me to introduce a new system of military organisation into India. This will be, and already is, a task of enormous difficulty. They are aware that I have only undertaken it from a sense of public duty, and they have had it in their power to accept my resignation at any time for two months and to place the task in other hands. The only conditions upon which I can carry out their policy, as they publicly stated in Parliament their belief in my desire to do, are that I should receive their support and be allowed the co-operation of the officer whom I consider best qualified for the purpose. If this is refused to me I cannot accept any further responsibility for the discharge of the duty, and a new Viceroy should be asked to attempt it.

I shall be obliged if you will place this representation before His Majesty's Government, and if they are unable to accept it I respectfully request Prime Minister to place my resignation at once in the hands of His Majesty the King.

No. 8.

**From Secretary of State for India to Viceroy, dated
8th August, 1905.**

(Telegraphic.)

Prime Minister desires me to forward you the following telegram:—

“His Majesty's Government have received your telegram with extreme regret. With every desire to meet your wishes they are unable to understand your position, and earnestly desire you to reconsider it.

“You charge us with ‘rejecting’ General Barrow for a place on the Council. It must, however, be remembered that the duty of advising the King on the choice of Members of Council rests solely with the Secretary of State, and that no greater violation of the Constitution can well be imagined than that this duty should degenerate into a merely formal submission to His Majesty of the views and recommendation of the Viceroy. We think you will admit that no Viceroy has been treated with more anxious consideration in respect of appointments to the Council than yourself by the Secretary of State.

“We agree with you in holding that it is no part of the duty of the Commander-in-Chief to ‘recommend’ Members for the Council. But we cannot think that in requesting you to ask Lord Kitchener's opinion on the qualification of a Member of Council who is to be a soldier, we did anything of which either the Commander-in-Chief or the Viceroy has reason to complain.

"We gather that General Barrow has no great liking for the system which you wish him to administer, and would prefer an office which would not withdraw him from a distinguished career of active service. Anxious therefore as we are to make your task a light one, it does not seem that General Barrow's appointment would be the most effectual method of attaining that end.

"The Government are most desirous of working cordially with you. We are confident that you will agree with us in holding that the Secretary of State cannot divest himself of the responsibility for recommending the high official who is to carry out the policy which you have explicitly accepted; and we believe that there ought to be no difficulty in finding an officer who, by inclination as well as by duty, would be disposed to work the new system smoothly and successfully."

No. 9.

From Viceroy to Secretary of State for India, dated
10th August, 1905.

(Telegraphic.)

Your telegram, 8th instant, communicating Prime Minister's views. I return my grateful thanks for expression of desire of His Majesty's Government to make my task a light one, and I accept unreservedly constitutional position as defined by Prime Minister. It will also not be denied that Viceroy is constitutional adviser of His Majesty's Government on all matters touching Indian administration, from which can scarcely be excluded the choice of colleagues with whom he is called upon to work. I recommended General Barrow in accordance with this conception of my duty, and when I spoke of his rejection I meant rejection of earnest request of Viceroy, twice repeated, for services of a particular colleague at a most exceptional juncture. I regret that I have failed to make my position clear to His Majesty's Government. I will now respectfully endeavour to explain it. My object in proposing modifications which were accepted by His Majesty's Government was that Government of India should possess second Military Adviser who should be a member of Government with a charge befitting his position and responsibilities. Hence it followed that Military Supply Department should be a substantial Department of Government, and that member should possess requisite authority and qualifications. In my telegram of 5th August I inquired whether this view was accepted by His Majesty's Government, since their suggestion of particular type of officer described in their telegram of 4th August seemed to be inconsistent with it. To this vital question I have not been favoured with any reply, and the ambiguity which remains is principal source of the difficulties with which we are still confronted, and to which I alluded in third paragraph of my telegram. I can perhaps best indicate their nature by summarising proposals which have now been placed before us by Commander-in-Chief for carrying out orders of Secretary of State. These proposals have not yet been circulated to my colleagues, or noted upon by me. But they will serve better than any other argument to explain what is real source of present difficulty, why I asked for support of His Majesty's Government, and why I attach so much importance to selection of a particular officer as my colleague.

The Commander-in-Chief's proposals are as follows:—

- (1.) All stores, whether mobilisation or peace, to be transferred to Commander-in-Chief.
- (2.) The Director-General of Ordnance and 44 officers, with all arsenals, to be transferred to Commander-in-Chief, leaving

Inspector-General of Ordnance Factories and 25 officers under Military Supply Department, the whole to be administered by Director-General of Ordnance.

- (3.) In Supply and Transport Department, Military Supply Member only to superintend contracts and registration, with 55 officers. Commander-in-Chief to control everything else with 218 officers.
- (4.) Army Remount Department to be transferred to Commander-in-Chief, Military Supply Member only to purchase horses with a borrowed officer.
- (5.) Existing Staff at Army Headquarters to be increased by Chief of Staff, one Brigadier as Director, three Assistant Adjutant-Generals, and three Deputy Assistant Adjutant-Generals.
- (6.) Army Department to contain a branch of Financial Department under a new Civilian Financial Secretary to Government with two Assistant Secretaries, the Commander-in-Chief also to have a separate military honorary adviser. Total strength of the finance section, including accounts, nine officers, 63 clerks.
- (7.) New Secretary to Government in Army Department to have no functions beyond conducting correspondence with Secretary of State and Local Governments and signing papers.
- (8.) Rules of business for Army Department to convert leading Staff Officers of Commander-in-Chief into officers of Government of India, with power to convey orders of Government excepting orders sanctioning expenditure.
- (9.) Total strength of Army Department, exclusive of finance section, to be 63 officers and 268 clerks.
- (10.) Military Supply Department to consist of three officers and 16 clerks, subordinate officers at headquarters, 13 officers, 76 clerks.
- (11.) Military Supply Member not to criticise opinions recorded by Commander-in-Chief on military questions.

It is estimated that under these conditions Military Supply Member will not have two hours work a day. Whatever may be merits of individual proposals in above list, their net result can only be to concentrate all military power in hands of Army Headquarters, to lead to serious congestion of business, and to reduce Military Supply Department to impotence. Indeed, in these circumstances creation of Military Supply Member would involve an unpardonable waste of public money, and it would be better to dispense with Department altogether. Proposals, moreover, while professing to be based upon Secretary of State's Despatch are almost indistinguishable from original scheme contained in Commander-in-Chief's minute, which was rejected by His Majesty's Government. Finally, they appear to me to be wholly inconsistent with conception of functions of Military Supply Member to which I have referred. I hope that this explanation will have made clear necessity of appeal which I addressed to His Majesty's Government on 5th August. If Commander-in-Chief's point of view is to prevail, it is useless for me to remain in India, since I could not frame scheme in accordance with it. If, on the other hand, I am desired to pursue matter, I must again ask for assurance of continuous support from His Majesty's Government, and, more particularly, I shall need the future co-operation of a colleague as Military Supply Member whom I know and can trust. I have asked for General Barrow, not with least idea of encroaching upon constitutional prerogative of Secretary of

State, but because he is the only officer known to me who possesses requisite qualifications. In his interview with me he cordially and unreservedly accepted my proposed submission of his name, although he might well entertain misgivings as to difficulties of task. In reply to His Majesty's Government's assurance of their desire to work cordially with me and to meet my wishes I have now ventured to indicate manner in which their support will be most helpful. Otherwise I feel that any further labour on my part must be fruitless, and I would again earnestly plead relief from a position which I could not conscientiously or usefully continue to fill.

No. 10.

**From Secretary of State for India to Viceroy, dated
11th August, 1905.**

(Telegraphic.)

I have brought the views which you have fully stated in your telegram of the 10th August before the Cabinet, and am glad that you accept unreservedly the constitutional position as defined by the Prime Minister. We are willing at all times to hear the views which the Viceroy may privately tender, but it is evident that, should the Viceroy, having made a recommendation to an appointment which it is the Secretary of State's duty to fill, enforce it by proffering his resignation if the appointment be not made, the authority vested constitutionally in the Secretary of State would pass to the Viceroy.

It was entirely from a desire to meet your wishes that we requested you in my telegram of the 4th August to consult Commander-in-Chief as to what officer other than General Barrow might be most suitable for the post of Military Supply Member. As regards that officer, the Cabinet as you are aware have decided not to appoint him. We desire to appoint as Military Supply Member an officer of standing who not only has special experience fitting him for the work of the Department as now constituted, but who is not in the line of probable promotion to the highest posts of a purely military nature, and who is therefore not looking to employment in the field in case of war. Any officer with long experience in India so appointed should be able to give valuable guidance if referred to; but we hold that the Mobilisation Committee, which it was proposed to establish in paragraph 22 of the Despatch of the 31st May, the province of which has since been clearly laid down as including all important changes in military organisation, conditions of service, or customs affecting Native Army, and to which it was proposed to summon any officers whose advice might be desirable, will furnish the Viceroy with far more valuable advice on the Commander-in-Chief's proposals than could be furnished by any single individual. Moreover, we hope that, as in the case of the Prime Minister on the Defence Committee at home, the Viceroy on important questions may find himself able to preside over the deliberations of such a Committee.

You will understand that it is impossible for us to contemplate a return to the *status quo ante*, and, if the consideration of these questions can only be limited both by yourself and Lord Kitchener to carrying out the spirit of the despatch of the 31st May, to which we are prepared strictly to adhere, we apprehend no difficulty in arriving at a thoroughly workable conclusion. But in regard to the difficulties in which you find yourself, you hardly, I think, make allowance for the position in which we have been placed on this side. After the most exhaustive consultation by the Secretary of State

with all authorities on the subject in this country, a policy has been laid down as to which you publicly expressed strong views of dissent. We have on our part accepted your declaration of the "utmost desire to carry out our policy loyally," and it is important that nothing should now be proposed which might appear to re-establish the old conditions.

We agree with you that further controversy over the settlement is inadvisable, and we earnestly hope that we may rely on you to meet our views in the working out of the necessary details.

No. 11.

From Viceroy to Secretary of State for India, dated
12th August, 1905.

(Telegraphic.)

I have received your telegram with much regret. With regard to the constitutional point, His Majesty's Government know well that I only urged appointment of a particular officer to assist me in carrying out their policy with greatest chance of success. Main question, however, is one not of choice of an individual, but of principles underlying future change in our administration. Upon this point I have repeatedly pressed for clear intimation of views of His Majesty's Government, since, without a common understanding here and in England, new system cannot be constructed, much less survive. I also asked for definite support of His Majesty's Government in effort to shape new organisation in accordance with what I believed their views to be. In reply, I have failed to receive either the information or the assurance which I sought, and I am reluctantly driven to the conclusion that the policy of His Majesty's Government differs fundamentally from what I thought had been agreed upon with the Government of India, and is based on principles which I could not conscientiously carry into execution. In these circumstances my ability to act with advantage as head of the Indian Government has ceased to exist, and I beg you again to place my resignation in Prime Minister's hands. In interests of new organisation, which I am now powerless to introduce, it is desirable that I should be relieved of my duties with as little delay as possible. Prorogation of Parliament having prevented any statement from being made, I request that recent telegraphic correspondence be made public in order to explain circumstances which have led to my resignation.

No. 12.

From Secretary of State for India to Viceroy, dated
16th August, 1905.

(Telegraphic.)

Following telegram from Prime Minister to Viceroy:—

"Your telegram 12th August. We hoped that principles underlying proposed change in Military Administration had been made clear in Despatch of 31st May, as well as in other communications; that no

assurances were required to prove the desire of His Majesty's Government to give you all the support necessary to carry this change into effect; and that in any case assurances had been explicitly given.

“ But if after all that has passed you still re-iterate your request to be relieved of your office, I know not how to combat further what I take to be a fixed resolve, and have, therefore, with the profoundest regrets, communicated your wishes to the King.—A. J. BALFOUR.”

No. 13.

From Secretary of State for India to Viceroy, dated
16th August, 1905.

(Telegraphic.)

I have learned your decision to resign with very deep regret. Throughout your administration, since your appointment as Governor-General in 1898, my colleagues and I have endeavoured to give you constant support in the many measures of administrative reform which you have initiated, including the partition of Bengal, upon which we recently adopted your proposals.

I have always been anxious to defer to your judgment in regard to appointments wherever possible, and during the present year have accepted your nominations to two posts on your Council, for the appointment of which I am constitutionally responsible.

We have, moreover, spared no pains during the last twelve months to arrive at a satisfactory settlement of the difficulties which arose within your Council between Lord Kitchener and General Elles, and on which you have seriously differed with Lord Kitchener.

The procedure adopted by agreement between the Prime Minister and yourself in considering these differences has led to a modification of the present system, which, as it was agreed upon unanimously by a strong Committee in this country, including Lord Roberts and Sir George White, as well as by the Council of India and the Cabinet, we had hoped would be accepted by the contending parties in India.

We read with great concern the terms of your pronouncement on 18th July, but we maintained our reliance on your expressed desire to carry out our policy loyally. In subsequent correspondence you have diverged from the views of His Majesty's Government, and have nominated and pressed upon us for appointment to the new department an officer who has served eight years in the Military Department under the old system, and who would be withdrawn from a combatant career to act as a check on the Commander-in-Chief.

This appointment being in the view of His Majesty's Government likely to cause a renewal of friction, you were invited to confer with Lord Kitchener and suggest the name of some officer who might be acceptable to both parties, but this you did not see your way to do.

The appointment is vested by law in His Majesty, and it is my duty, when advising him, to consider the matter under all its aspects, and with the assistance of the best advice which can be obtained from all available sources. His Majesty's Government are prepared strictly to adhere to the principles underlying recent changes in Army Administration stated in Despatch of 31st May and in my telegram of 14th July, and we shall deal in the spirit of those Despatches with any proposals submitted. We cannot

be indifferent to the means by which these changes are to be carried out. We were aware that our views on this point might not be in accordance with yours, but we believed nevertheless that you had accepted our decision and were prepared unreservedly to carry it into effect.

We have been forced with great reluctance to conclude from your recent telegrams that this is not the case, and I do not see how it would be possible to meet your views without going back on a policy which does not rest on any personal opinion, but which has been decided upon after exhaustive consideration by those best qualified to advise us.

We see no objection to the publication of the telegrams which have recently passed, and I propose also to publish the report of the Committee which sat at the India Office.

No. 14.

From Secretary of State for India to Viceroy, dated
16th August, 1905.

(Telegraphic.)

From the communication made by Lord Kitchener to the "Times," published 14th August, His Majesty's Government fear there is some misunderstanding as to his views in regard to questions recently under discussion between us.

You will, I am sure, agree with us that it is essential, if we are to publish telegrams, that their accuracy should not subsequently be challenged. Please therefore show all telegrams which it is proposed to publish, and also this telegram, to Lord Kitchener, and inform us of any correction or remarks which he may wish to make with regard to his own opinions.

No. 15.

From Viceroy to Secretary of State for India, dated
18th August, 1905.

(Telegraphic.)

Your telegram of 16th instant. I do not quite follow inference drawn by you from Lord Kitchener's communication to "Times." That communication is in accordance with facts, and was intended to correct popular misapprehension of a published telegram. I have, however, gladly shown to Lord Kitchener whole of telegrams specified by you. He has suggested that in my telegram of 17th July for the words "would be acceptable both to Lord Kitchener and myself" should be substituted the words: "I am under the impression he would be acceptable to Lord Kitchener as well as myself." I have no objection to this suggestion. I am addressing you in a separate message about my telegram of the 10th instant.

No. 16.

From Viceroy to Secretary of State for India, dated
18th August, 1905.

(Telegraphic.)

I have shown to Lord Kitchener my telegram to you of 10th August, and I report his opinion in his own words. He repudiates the description of his proposals contained in summary, and cannot concur in subsequent remarks about Military Supply Department. I should sincerely regret if I had misconstrued Commander-in-Chief's intentions. But my summary was based upon most minute and careful scrutiny of his formulated views and proposals by the expert military officers of Government, and after renewed examination of the papers I am unable to recede from the interpretation which I gave.

No. 17.

From Viceroy to Secretary of State for India, dated
18th August, 1905.

(Telegraphic.)

I had hoped after receiving Prime Minister's gracious telegram of 16th August that there would be no further call for remarks from me. I am compelled, however, to notice certain points in your subsequent telegram which do injustice to my position.

Your second paragraph suggests that I was in some way a party to proceedings which led to recent decision upon military questions. I have no responsibility for any step at any stage beyond representation to Prime Minister in November last that, if His Majesty's Government desired question to be examined by Government of India, constitutional method would be to ask our opinion by despatch. When I left England His Majesty's Government were fully aware that I disagreed wholly with proposals to change our military administration, and it was with that knowledge in their possession that I was permitted to return.

You observe that, after expressing every desire to carry out loyally the policy of His Majesty's Government, I have diverged from their views, and am not prepared unreservedly to carry them into effect. I must repudiate this charge. I loyally commenced undertaking. It was only when I realised that His Majesty's Government's interpretation of the modifications differed so materially from that of the Government of India, and that in conflicts which were certain to arise between Commander-in-Chief and rest of Government of India in shaping his proposals, I could not confidently rely upon that support from His Majesty's Government which had been denied to us at earlier stage, that I had no alternative but to resign.

With regard to your opening remarks, I am not now concerned to speak of the earlier years of my administration, but looking back upon more recent events I reflect with sorrow how little justification there has been for the claim which you make of having rendered me constant support.

No. 18.

**From Secretary of State for India to Viceroy, dated
19th August, 1905.**

(Telegraphic.)

I have no wish to trouble you with a further telegram, but beg to assure you there was no desire whatever to do injustice to your position, and that, in reference to the misunderstanding to which you refer, my telegram of 16th August, like all previous telegrams on this subject, was sent with the full concurrence of the Prime Minister.

EAST INDIA (NORTH-WEST FRONTIER CAMPAIGN, 1919).

CORRESPONDENCE REGARDING THE
MEDICAL ARRANGEMENTS AND COMFORTS
FOR THE TROOPS ON
THE NORTH-WEST FRONTIER.

Presented to Parliament by Command of His Majesty.



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1	Telegram	1919. 23 July	Secretary of State for India.	Viceroy, Army Department.	Criticisms of medical and other arrangements published in Indian Press. Report requested.
2	"	28 July	" "	" "	Cholera camp at Kohat. Report requested.
3	"	30 July	" "	" "	Refers to No. 1. Further Press criticisms. Calls for early report.
4	"	27 July	Viceroy, Army Department.	Secretary of State for India.	Reply to No. 1. Transmits copy of communique, already pub- lished in India, on provisioning and medical arrangements.
5	"	31 July	Secretary of State for India.	Viceroy, Army Department.	Refers to No. 3. Calls for report regarding allegations in Parliament as to cholera cases at Ali Masjid.
6	"	2 Aug.	" "	" "	Refers to No. 4. Requests date of the communique and calls for report on conditions prior to it.
7	"	5 Aug.	" "	" "	Refers to No. 2. Kohat Hospital. Further allegations.
8	"	5 Aug.	Viceroy, Army Department.	Secretary of State for India.	Reply to No. 3. Report on water supply, medical arrange- ments, and rationing.
9	"	5 Aug.	" "	" "	In continuation of No. 8. Mili- tary condition of India at time of Afghan outbreak.
10	"	6 Aug.	" "	" "	Refers to No. 2. Conditions at Kohat.
11	"	7 Aug.	Secretary of State for India.	Viceroy, Army Department.	Question in Parliament. Alleged representations to General Staff in 1917 regarding necessity for water pipe line to Ali Masjid.
12	"	7 Aug.	Viceroy, Army Department.	Secretary of State for India.	Refers to No. 5. Conditions at Ali Masjid.
13	"	8 Aug.	" "	" "	Refers to No. 4. Communique was issued on 14th July. For conditions prior to it refers to Nos. 8 and 9.
14	"	9 Aug.	Secretary of State for India.	Viceroy, Army Department.	Question in Parliament. As to inoculation against cholera of 6th Indian Brigade.
15	"	12 Aug.	Viceroy, Army Department.	Secretary of State for India.	Refers to No. 7. Cholera cases at Kohat.
16	"	13 Aug.	Secretary of State for India.	Viceroy, Army Department.	Refers to No. 10. Calls for further report as to conditions at Kohat.
17	"	13 Aug.	Viceroy, Army Department.	Secretary of State for India.	Refers to No. 14. Arrangements for inoculation against cholera.

EAST INDIA (NORTH-WEST FRONTIER CAMPAIGN, 1919).

The following correspondence is presented to Parliament in accordance with the undertaking given by the Secretary of State for India in answer to questions in the House of Commons on the 13th and 14th August. The Government of India's answers to all the Secretary of State's telegrams have not yet reached him. They will be presented when they have all been received.

No. 1.

From the SECRETARY OF STATE FOR INDIA to the VICEROY, Army Department.
Dated 23rd July 1919.

(Telegraphic.)

Press in this country have published Reuter's telegram of 6th July containing extract from Calcutta "Englishman" reflecting on arrangements made for health and provisioning of forces on N.W. frontier. Also Reuter's telegram of 11th July regarding statement in Allahabad "Pioneer" that medical and other arrangements were inadequate at opening of campaign but have improved. Please let me have a report by telegraph.

No. 2.

From the SECRETARY OF STATE to the VICEROY, Army Department.
Dated 28th July 1919.

(Telegraphic.)

Complaints are being made in Parliament and Press as to the arrangements at Cholera Camp, Kohat. Absence of equipment, furniture, sheets, ice, &c. Please let me have a report by telegraph.

No. 3.

From the SECRETARY OF STATE to the VICEROY, Army Department.
Dated 30th July 1919.

(Telegraphic.)

Reference my telegram of the 23rd July. Following allegations appeared in the Press here yesterday regarding medical arrangements:—

(1) Violent cholera epidemic in June apparently due to defective arrangements for water supply. News of the outbreak suppressed "for military reasons." (2) In one hospital there were no sheets, towels or blankets, no soda water or ice and no provision for washing, and at one time supply of bandages gave out. Condition of rooms indescribable and they were never cleaned. Beds touched one another and sick and convalescent cases intermingled. (3) Only two doctors available for 400 wounded taken to Peshawar. Operations had to be carried out under oil lamps. (4) General complaints about lack of ample rations. Above allegations are supplementary to those on which I am already telegraphing separately to you. Please investigate and report fully by telegraph as early as possible as allegations are causing considerable comment here.

No. 4.

From the VICEROY, Army Department, to the SECRETARY OF STATE FOR INDIA.
Dated 27th July 1919. (Received 31st July.)

(Telegraphic.)

Your telegram dated 23rd July. We suggest that publicity be given to the following statement which has appeared in the public press in India, but which apparently has not been mentioned by Reuter. *Begins:—*

1. *Food, &c.*—Two essentials at this time of year are ice and mineral waters. Ice machines are working at the following places:—Rawal Pindi, Nowshera, Peshawar, Kohat, Bannu, Dardoni, Tank, Dera Ismail Khan, and Quetta. Further

machines are under erection as follows:—Two at Landi Kotal, one additionally at Kohat, and one at Thal. Ice is forwarded daily from the nearest factory to station at present without machines, *e.g.*, up the Khyber Pass. As regards soda-water machines, 22 are already working on the frontier, and six more are on their way to the frontier. The total daily output of these machines will be approximately 90,000 bottles. This output is in addition to that of local factories. Each machine is being sent up complete with cylinders and bottles for one month's consumption, and a reserve of three months has been arranged for. Mineral waters are issued to all officers and men in hospital. The scale of rations for British and Indian troops is much superior to any previously granted for campaigns in India. That for British includes the following daily issues:—3 ozs. bacon, 10 ozs. potatoes, 6 ozs. of onions, 8 ozs. other fresh vegetables, 3 ozs. jam, 2 ozs. of condensed milk and 2 ozs. of tinned or dried fruit, 3 ozs. of oatmeal, and one extra ounce of condensed milk besides rice, curry powder, and lime juice are issued three times a week. Cigarettes or tobacco or cigars are issued weekly, with an allowance of sweets as a substitute for non-smokers. Under the new scale for Indian troops the meat ration has been doubled, and a daily issue of fresh vegetables, condensed milk, as well as weekly issues of cigarettes provided.

2. *Hospitals and Hospital Comforts.*—Orders have been issued to all generals in command that medical officers are to ask for whatever they deem necessary for the comfort of the sick and wounded in their charge and that their demands are to be met at once. Additional hospitals for 4,000 British and 8,000 Indian troops have been established in specially fitted barracks in proximity to the frontier, and electric lighting and fans where none already exist are being supplied to the former. Convalescent depôts for officers and soldiers have, in addition, been formed, mainly in the Murree Hills. Special arrangements have been made for the supply of fresh milk to the sick in hospital and cows for this purpose have been placed so far at the front as Dakka, Bannu, and Tank. Scale of equipment of Indian general hospitals have been reviewed and arrangements for providing additional equipment are in progress.

3. *Canteens.*—Arrangements have been made for the establishment of field force canteens for British and Indian troops at such places on the frontier as General Officer Commanding Forces may select, and the necessary personnel and stores have been despatched.

4. *Officers' Messes, &c.*—Special messes have been formed at the following places for the use of individual officers passing through Jamrud, Kohat, Bannu, Kalabagh, Mari, Indus, Tank, Darya Khan, Dera Ismail Khan, Quetta, Rawal Pindi, and Peshawar. Others are about to be established at Kachi Garhi, Ali Masjid, Landi Kotal, and Thal.

5. *Rest Camps, &c.*—Rest camps for British and Indian troops *en route* to the front have been organised at Ambala, Lahore, Rawal Pindi, Nowshera, Peshawar, and Quetta. These messes and rest camps have been inspected by General Officers Commanding and special officers detailed from General Headquarters. Their reports indicate satisfactory working. In addition to the Monro canteens at Rawal Pindi, Lahore, Delhi, and other important centres, Monro canteens have been established for the use of British troops at Quetta and Peshawar, and are being largely used. The opening of a similar canteen at Kalabagh has been approved. Tea rooms are being established at various railway stations for the special use of Indian troops, and General Officers Commanding Forces are making similar arrangements at all stations and camps at the front where such an organisation may be needed. To ensure that the above arrangements for the health and comfort of the troops are working satisfactorily and up to the standard designed by the Commander-in-Chief in India, staff officers from general headquarters carry out under His Excellency's orders frequent tours of inspection on the frontier. *Ends.*

Since the above statement was published piped-water supplies to all camps in the Khyber Pass have been completed. The Directors of Medical and Veterinary Services, Director-General Military Works, India, the Inspector of Quartermaster-General's Services, the Director of Movements and General Staff Officers and the Supply Directorate at General Headquarters, have made such tours of inspection, and His Excellency, Commander-in-Chief in India, in company with the Director-General of Transportation and the Director of Staff Duties, is now on tour. The acting

Chairman of the Executive Committee of the St. John's Ambulance Association and of the Indian Branch of the Joint War Committee is now at the front visiting hospitals and arranging for the comfort of the sick. It is needless to add that the Red Cross Society has given and are giving every help in their power, and that additional comforts for the troops are being systematically forwarded to the front by the Comforts for Troops Organisation.

No. 5.

From the SECRETARY of STATE to the VICEROY, Army Department.
Dated 31st July 1919.

(Telegraphic.)

With reference to my telegram of 30th July. Medical arrangements North-west Frontier. Question in Parliament alleges that there were about 400 cases of cholera and over 100 deaths in the 6th Brigade at Ali Masjid. Medical arrangements and personnel altogether inadequate, and insufficient supply of anti-cholera vaccine and saline tabloids. Please report by telegraph.

No. 6.

From the SECRETARY of STATE to the VICEROY, Army Department.
Dated 2nd August 1919.

(Telegraphic.)

Your telegram of 27th July. Medical arrangements on frontier. What was the date of your communiqué? I await report on conditions prior to it.

No. 7.

From the SECRETARY of STATE to the VICEROY, Army Department.
Dated 5th August 1919.

(Telegraphic.)

Continuation of my telegram dated 28th July. Kohat Hospital and arrangements. Also it is alleged that food and cooking very bad, and absence of train accommodation for conveyance of convalescents to Hill Stations.

No. 8.

From the VICEROY, Army Department, to the SECRETARY of STATE.
Despatched 5th August 1919. (Received 6th August.)

(Telegraphic.)

In reply to your telegram of the 30th July. Taking the allegations in order (1) there is no indication as to place at which arrangements for water supply are alleged to have been defective, so we will deal with cholera outbreak as a whole. Firstly the conditions should be realised—we have six separate lines of operations covering a front of approximately 500 miles long, the local water supply is often by means of open irrigation channels, but piped-water supply for troops is installed in recognised camps. Cholera is endemic amongst civil population in whole area, and there has been the presence of large numbers recently enlisted transport and other followers without any water discipline or ideas of sanitation, together with insufficiency of supervision for above owing to shortage of experienced British officers and personnel. Arrangements for immediate supply of pure water in such a terrain are impossible to supervise in the case of troops compelled to march during conditions of abnormal heat, and it is to be remarked that incidence of disease was very small amongst British troops. The

number of cholera cases reported to date, total 95 British and 1,374 Indian, mostly followers, that is to say, 0·59 per cent. and 0·88 per cent. respectively of total numbers employed. Protective measures as follows were initiated before outbreak occurred. Supplementary piped-water supply commenced, but work hampered by shortage of pumps, and pipes demanded from England, Mesopotamia, and elsewhere. Water for troops chlorinated. Additional outbreak details. In most cases incidence of disease occurred amongst followers, and news of outbreak was immediately reported to you on 9th July, periodical reports as to course of epidemic being telegraphed thereafter. News of outbreak was purposely not published in press for military reasons, and we approve of this action. It would have encouraged Afghan morale if news had reached them that we were hampered by disease, and it would have discouraged recruitment in India. As no specific hospital unit is mentioned reply to your No. 2 is impossible. Can you specify which hospital is referred to and approximate dates of alleged shortage of equipment. If Kohat, then please see our reply to your telegram of 28th July to follow later. The statement that there were only two medical officers available to attend the wounded is without foundation. Twelve were immediately available, whilst many more were close at hand with mobilised units. Between 15th May and 17th May, which included the dates between which the most severe fighting took place, approximately, 322 of all ranks of British and Indian were wounded on the Khyber line. The Director of Medical Services, Khyber front, reported to headquarters that the majority of the British wounded were in Station Hospital, Peshawar, within few hours of the action, and some actually transferred by ambulance train to Rawal Pindi within the course of the day. Electric light installation with well electrically lit operating theatre is provided at the British General Hospital at Peshawar. The Indian General Hospital has at present standard oil lamps, but electric lights are being installed. At no time has there been a shortage of rations. At the outbreak of hostilities the authorised reserves of 60 days for the field army stock complete, and indeed in excess in regard to some items. The full original scale of Indian field rations was issued at the outset, but was supplemented by additional items which had been included in the light of experience gained in Mesopotamia. Such of these extras as were actually included in the Mesopotamia scale were available in Karachi and Bombay Overseas Base Reserves were despatched to the Frontier within 48 hours of mobilisation on being ordered in accordance with our pre-arranged plans. This was followed by immediate purchase of articles necessary to complete rations to the present scale, the details of which you have had, which is varied in kind and scientifically balanced in regard to its nutritive properties. The bacon ration has proved a difficulty, and stocks obtained from Australia have not stood the Indian climate. Where shortage has occurred a substitute has been provided in preserved meat and pickles. Potatoes travel badly in intense heat, and in consequence it has not always been possible to maintain regular supply. For these likewise onions and tinned fruit were issued as substitute. The stocks of lime juice on Willcock's recipe, amounting to 31,300 gallons and 2,200 gallons at Bombay and Karachi respectively were available, and were despatched at once to the front at the outbreak of hostilities. These represented about two months' supply for the North-west Frontier Force as it stood at the time. The sour lime crop practically failed last year owing to shortage of rain, and no contract was made for lime juice until the present lime harvests began about June-July. Contracts have now been made for 37,000 monthly, and from middle of August onwards for an additional 10,000 gallons.

No. 9.

From the VICEROY, Army Department, to the SECRETARY OF STATE FOR INDIA.
Despatched 5th August 1919. (Received 6th August).

In continuation of our telegram of the 5th instant, we think it desirable that you should be in possession of a broad outline of the position we have to meet. The Afghan outrage came upon us at a time when not only had we reduced ourselves to the narrowest margin of safety in respect of personnel and munitions of war, of which India had been stripped to support forces in Mesopotamia, Egypt, Persia, and France, but when we had still further to reduce our strength in demand to the popular demand for demobilisation in the interest of industrial reconstruction both at home and in India. Moreover, it occurred at a time when our military arrangements had been to

a certain extent dislocated by special measures necessary to preserve order in the Punjab and elsewhere, and to deal with a situation which at one time threatened to spread over India. The same facts had affected our railway services, for considerable damage had been done to the railways themselves, and the whole railway administration of Northern India had been in a certain measure dislocated. The suddenness with which Afghan situation developed into a crisis and was at once followed by defection of our Frontier militia, together with the threat of a rebellion in Peshawar itself, deprived us of the measure of security on which we reasonably counted to cover our concentration, since not only had the advanced echelons of our Field Army to be diverted to replace militia, but they had actually to preserve order in the districts. Consequently, instead of being able to proceed on a deliberate system of rapid concentration, we were forced at once to send troops to every part of the Frontier, and so reverse our pre-arranged plan of concentration, which provided that the despatch of stores and equipment should precede that of troops. As regards hospitals, you, no doubt, realise that in a country like the North-West Frontier of India, where there are no public buildings that are capable of immediate occupation, there is no alternative but the evacuation of barracks and their conversion into hospitals. This had been planned in peace time, but it could not be carried out in a moment, especially during the hot weather. You must remember, too, that a very great percentage of our Indian soldiers were away on leave at the time of the outbreak, and their immediate recall threw an additional burden on the railways, already strained to almost their limits. Ice and soda-water are not Government issues in ordinary times of peace, and, consequently, on being faced with a hot-weather campaign, we were forced to buy plant in the open market which we had already drained to meet demands from Mesopotamia. The Commander-in-Chief has informed us that his experience in the Army has led him to the conclusion that a certain time must always elapse before the machinery to ensure smooth working of hospital and rearward services materialises, however elaborate be the pre-arranged schemes, and that the early days in France and Gallipoli will bear this out. Although complaints brought forward in the Press are general in character, and, therefore, difficult to refute, there are two that are more specific. The first, that the wounded, after the action at Dakka, were left with only two doctors, must be characterised as a deliberate mis-statement, for it was reported to Headquarters by the Director of Medical Services with General Barrett that the majority of wounded were in the Station Hospital at Peshawar, and some actually transferred to Rawal Pindi by ambulance train within the course of the day. The second complaint deals with Kohat and the inadequacy of the hospital arrangements there. You can easily figure to yourself that when a station with hospital accommodation to meet the needs of a few battalions had to be expanded to requirements of a division owing to serious menace to our left flank by Nadir Khan's advance to Thal, there must necessarily be some delay and inconvenience, especially as the amenities of civilisation are not forthcoming in what is little more than a Frontier outpost. As soon as Nadir Khan had been dealt with, the British battalions were diverted to stations near the Frontier, where there were barracks for British troops. The Officer-in-Command assures me that everything that was possible was done. Outbreaks of cholera are unavoidable throughout India, and it is little to be wondered at that the Frontier has not been immune. We may consider ourselves fortunate that the outbreak has not been worse, for the best of discipline is not proof against the pangs of thirst and a thirsty man, especially a follower, in an Indian July does not pause to consider source at which he quenches his thirst. The points raised in your telegram, dated 28th July, will be reported on separately.

No. 10.

From the VICEEROY, Army Department, to the SECRETARY OF STATE FOR INDIA.
Despatched 6th August 1919. (Received 7th August.)

(Telegraphic.)

In reply to your telegram of the 28th July, remarks on the general situation in our two telegrams of 5th August are specially applicable to Kohat, where we had to rush up an unexpectedly large force to deal with the enemy on Barrett's left. Cholera started at Kohat on June 5th and ended about June 20th, and during that period there were 400 cases. Cholera hospitals were improvised with all possible speed on

June 7th, and were working satisfactorily on June 12th. Equipment was provided from general hospitals on the spot, purchased locally or obtained from Red Cross. For the period, June 5th to June 11th, there were 202 cases of cholera and 24 deaths. It is reported by Kohat that ice was deficient on one day only, owing to breakdown on railway, and that there was no deficiency in hospital furniture or sheets.

No. 11.*

From the SECRETARY OF STATE FOR INDIA to the VICEROY, Army Department.
Dated 7th August 1919.

(Telegraphic.)

Question in Parliament alleges representations made to General Staff, Simla, in 1917 regarding necessity for pipe line for water to camp site at Ali Masjid, but nothing done until outbreak of cholera recently. Please let me know facts.

No. 12.

From the VICEROY, Army Department, to the SECRETARY OF STATE FOR INDIA.
Despatched 7th August 1919. (Received 8th August.)

(Telegraphic.)

In reply to your telegram of the 31st ultimo, we are inquiring as to actual number of cases of cholera 6th Brigade, and these will be sent later. Meantime it can be said that figures are exaggerated, because incidence of cholera occurred amongst personnel of Transport Corps collected at Ali Masjid who were not connected with 6th Brigade but were isolated there. The total cases of cholera all corps and transport units reported as occurring at Ali Masjid from commencement of outbreak on June 6th to termination on June 18th was 251, of which 15 were British, of whom 6 died, and 236 Indian, of whom 73 died. As to personnel and medical arrangements a casualty clearing station arrived at Ali Masjid the day after the outbreak to reinforce field ambulance already there. Until its arrival arrangements were not sufficient. Anti-cholera vaccine was always procurable in sufficient quantities. It should be explained that saline tabloids are really a compressed form of common salt, and this was always available and used effectively for hypertonic solution whenever there was any temporary shortage of saline tabloids. As soon as further information is obtained we will send a further telegraphic report giving fullest details.

No. 13.

From the VICEROY, Army Department; to the SECRETARY OF STATE FOR INDIA.
Despatched 8th August. (Received 9th August.)

(Telegraphic.)

Referring to your telegram dated 2nd August. The communiqué was issued to the press on 14th July. For conditions prior to it please see our two telegrams of 5th August.

No. 14.

From the SECRETARY OF STATE FOR INDIA to the VICEROY, Army Department.
Despatched 9th August.

(Telegraphic.)

Question in Parliament. Please furnish early report by telegraph as to how many men 6th Indian Brigade and attached troops were inoculated against cholera before being sent on service on the frontier.

* Reply from Government of India not yet received.

No. 15.

From VICEROY, Army Department, to SECRETARY OF STATE FOR INDIA.
Despatched 12th August 1919. (Received 13th August.)

(Telegraphic.)

With reference to your telegram of 5th August, hospitals for cholera cases at Kohat had to be suddenly improvised on 7th June. The arrangements for cooking were not satisfactory at the outset on account of scarcity of fully-trained cooks available for all purposes. Fully-efficient cooks were provided for the Indian hospitals by 12th June, and for the British hospitals by 20th June. The retention of convalescents at Kohat was not due to lack of train accommodation, but to the necessity for bacteriological examination before moving convalescents, who might be cholera carriers, to other stations in India.

No. 16.

From the SECRETARY OF STATE FOR INDIA to the VICEROY, Army Department.
Dated 13th August 1919.

(Telegraphic.)

Your telegram of 6th August. Specific allegations have been made that for a few days there were no arrangements made for feeding officers, no sheets or basins, that an officer's private basin was seized and all patients washed in it, that service of food was bad. I cannot reconcile this with Kohat's statement that there was no deficiency in hospital furniture and sheets. Please make further inquiry and report for inclusion in blue book this week.

No. 17.

From the VICEROY, Army Department, to the SECRETARY OF STATE FOR INDIA.
Dated 13th August 1919. (Received 13th August 1919.)

(Telegraphic.)

Your telegram dated 9th August. Under normal peace conditions troops are not inoculated against cholera or before being sent on service unless cholera occurs amongst the civil population in the area where troops are stationed, or where they proceed on active service. Cholera had not been reported at frontier posts when mobilisation took place.

General Officer Commanding, North West Frontier, reported that the majority of the units in Ali Masjid were already inoculated previously to the outbreak, that the inoculation of the transport and labour corps was in process of being carried out when the outbreak occurred; also that the necessary vaccine was available, and that the inoculation of those not already protected was taken in hand.

to remove and dispose of the carcass in accordance with any general directions given by the cantonment authority by notice, or any special directions given by the Cantonment Magistrate on receipt of such report as aforesaid ; or,

- (p) except with the written permission of the cantonment authority, stores or uses night-soil, manure, rubbish or any other substance emitting an offensive smell ;

shall be punishable with imprisonment for a term which may extend to eight days, or with fine which may extend to fifty rupees.

67. The cantonment authority may, by public notice, appoint from time to time certain periods within which any dogs, without collars or other marks distinguishing them as private property, found straying in the streets or beyond the enclosures of the houses of the owners of such dogs, may be destroyed ; and such dogs may be destroyed, in accordance with such order, by such person and in such manner as the Cantonment Magistrate may direct.

Explanation.—In this section the word “house” includes a hut, shop, warehouse or building.

Sanitation.

68. The following officers shall, for the purposes of sanitation, have control over, and be responsible for, the sanitary condition of the parts of the cantonment hereinafter indicated, namely :

Division of responsibility for sanitation.

- (a) each Commanding Officer—his regimental lines, including the regimental bazar and all latrines used by the troops and followers under his command or control :
- (b) the Executive Engineer—all yards, works, workshops and other places used by establishments under his charge :
- (c) the Executive Officer of the Commissariat Department—all transport lines, cattle-yards, slaughter-houses, bakeries and other places used by establishments under his charge :
- (d) the head of any other Military Department occupying, as such, any part of the cantonment—all blocks of buildings, workshops and other places used by establishments under his charge :
- (e) the Cantonment Magistrate—the Sadr Bazar, all roads, and all other parts of the cantonment not under the control of any officer mentioned in clause (a), clause (b), clause (c) or clause (d).

69. (1) Every officer mentioned in section 68 shall forward to the cantonment authority a weekly sanitary report, stating that the parts of the cantonment over which he has control as aforesaid have been inspected by him, and are, in his opinion, in a sanitary condition or otherwise, as the case may be.

(2) Where any such officer as aforesaid reports that any part of the cantonment under his control is not, in his opinion, in a sanitary condition, he shall specify the defects and may make such suggestions for remedying the same as he may think fit.

70. The Sanitary Officer shall exercise a general sanitary supervision over the whole cantonment, shall report every insanitary practice and every insanitary condition of things, whenever or wherever existing therein, both to the officer responsible under section 68 and to the cantonment authority, and shall attach to his report such recommendations for the remedy of the same as he may think fit.

General duties of Sanitary Officer.

71. The Cantonment Magistrate shall, subject to the other provisions of this Code and the control of the cantonment authority,—

Cantonment Magistrate's duties in respect of sanitation.

- (a) make, and supervise the carrying out of, all arrangements (including the provision and maintenance of a sufficient number of animals, vehicles, receptacles and implements, and of places for keeping the same) necessary for—
 - (i) the removal of night-soil and other offensive matter and rubbish

from latrines, urinals, streets and all other places, public and private, from which the removal of the same by the public conservancy establishments is directed by the cantonment authority ;

- (ii) the surface cleansing of all streets and the watering thereof ; and
 - (iii) the maintenance in a sanitary condition of public and private latrines and urinals, of encamping grounds and sarais, of public and private markets and slaughter-houses, of fair-grounds, of all sources of public water-supply and the lands in the vicinity thereof, of all other places likely to create a nuisance, and, generally, of every part of the cantonment other than the parts mentioned in clauses (a) to (d) of section 68 ;
- (b) make frequent inspections of all parts of the cantonment with a view to ensuring that all orders of the cantonment authority on sanitary matters are duly obeyed, and that the public conservancy establishments satisfactorily perform their duties ; and,
- (c) take all necessary steps for remedying any defects in the sanitary condition of the cantonment of which he may become aware and for which funds can be provided.

72. (1) So far as the funds at its disposal permit, the cantonment authority shall provide and maintain a sufficient number of public latrines and urinals, with all necessary conservancy establishments.

Provision and maintenance of public latrines and urinals and conservancy establishments.

(2) Such latrines and urinals shall be placed in proper and convenient situations, as near as circumstances admit to the dwelling-places or places of resort of the persons for whose use they are intended :

Provided that, except with the previous sanction of the General Officer of the Command, no latrine or urinal shall be placed within fifty feet, and no trench latrine shall be placed within two hundred feet, of any inhabited building.

(3) Separate latrines and urinals shall ordinarily be provided for males and females, or, if any latrine or urinal is provided for the use of both sexes, separate divisions shall be provided for each sex, and each such latrine, urinal or division shall be marked as being for the use of men only, or women only, as the case may be.

73. (1) In providing public latrines the cantonment authority shall observe the following directions, namely :

Directions as to provision of public latrines and establishments therefor.

- (a) such number of latrines shall be provided as will admit of there being one compartment for the use of every fifteen adults using the latrines ;
- (b) no latrine shall be constructed for the use of more than five hundred adults ;
- (c) every latrine, other than a trench latrine, shall be provided with proper closed iron receptacles in the proportion of not less than two for every hundred adults using the latrine, and with not less than one iron or glazed earthen pan for each compartment ;
- (d) for every latrine, other than a trench latrine, there shall be provided,—
 - (i) for the cleansing thereof, sweepers in the proportion of not less than one for every hundred adults using the latrine, and
 - (ii) for the removal of night-soil therefrom, air-tight iron filth-carts in the proportion of not less than one for every five hundred adults using the latrine, or, where carts cannot be used, sweepers in the proportion of not less than three for every five hundred adults using the latrine ; and
- (e) for every trench latrine, there shall be provided digging-sweepers in the proportion of not less than one for every two hundred adults using the latrine :

Provided that, if in any case it is impracticable, owing to want of funds or for any other sufficient reason, fully to observe the foregoing directions, the General Officer of the Command may declare the extent to which they shall be observed.

(2) No public latrine shall be constructed or rebuilt except on a plan approved of by the General Officer of the Command.

74. The cantonment authority shall, whenever necessary, provide and maintain in proper and convenient positions receptacles or places for the temporary deposit of offensive matter and rubbish.

75. The cantonment authority shall appoint places for the disposal of night-soil, carcasses and other offensive matter and rubbish.

76. The cantonment authority may, by notice in writing,—

- (a) require any person having the control, whether as owner, lessee or occupier, of any land or building,—
 - (i) to close any offensive cesspool belonging to the land or building, or
 - (ii) to provide a receptacle (of a pattern, if any, approved of by the cantonment authority) for filth accumulating on or in the land or building, or
 - (iii) to keep in a cleanly condition (in such manner, if any, as may be prescribed by the notice), any receptacle provided for such filth, or
 - (iv) to prevent the water of any private latrine, urinal, sink or bath-room, or any other offensive matter, from soaking, draining, flowing or being put from the land or building upon any street or public place or into any water-course or into any drain not intended for the purpose : or
- (b) require the owner or other person having the control of any private latrine or urinal not to put the same to public use ; or,
- (c) where any plan for the construction of private latrines or urinals has been approved of by the cantonment authority and copies thereof may be obtained free of charge on application,—
 - (i) require any person repairing or constructing a private latrine or urinal not to allow the same to be used until it has been inspected by or under the direction of the Cantonment Magistrate and approved of by him as conforming with that plan, or
 - (ii) require any person having the control of a private latrine or urinal to rebuild or alter the same in accordance with that plan ;
- (d) require the owner or other person having the control of any private latrine or urinal which, in the opinion of the cantonment authority, creates a nuisance, to remove the latrine or urinal, and to substitute fresh earth, to such a depth, not exceeding two feet, as may be specified in the notice, for the earth on which the latrine or urinal stood ; or
- (e) require any person having the control, whether as owner, lessee or occupier, of any land or building,—
 - (i) to have any latrine provided for the same shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling or working in the neighbourhood, or
 - (ii) to cleanse with deodorants any latrine or urinal belonging to the land or building ; or
- (f) require any person who has the control, whether as owner, lessee or occupier, of any land or building, and has allowed any offensive matter or rubbish to accumulate or remain thereon or therein, to collect the same and deposit it, for removal by the public conservancy establishment, at such times and in such receptacles or places, situate at not more than one hundred feet from the nearest boundary of the premises, as may be specified in the notice ; or
- (g) where any land or building is situate within one hundred feet of a public drain or other place set apart for the discharge of drainage and the drains belonging to the land or building are, in the opinion of the cantonment authority, insufficient, require any person having control of the land or building, whether as owner or lessee, or, in the case of neighbouring lands or buildings, the several lessees or owners having control of the lands or buildings conjointly, to provide sufficient drainage within fifteen days from the service of the notice ; or

- (h) require any person to desist from making or altering any drain leading into a public drain ; or
- (i) require any person who is creating or likely to create a nuisance by—
 - (i) altering, obstructing or encroaching upon a public drain, or
 - (ii) impeding the flow of water owing to the absence of a culvert or the existence of an insufficient culvert under a path leading to his premises,
 to desist therefrom ; or
- (j) require any person who is constructing or laying a drain, to obey any directions which the cantonment authority may, on the advice of the Executive Engineer, think fit to give in order to ensure the completion of the work to its satisfaction ; or
- (k) require any person, being the owner and having the control of any drain, to provide and apply to the same, within ten days from the service of the notice, such covering as may be specified in the notice ; or
- (l) require any person having the control of a drain to remove, within a period to be specified in the notice, any obstruction from the same, or to cleanse, purify, repair or alter the same or otherwise put it in good order.

77. (1) The cantonment authority may, by notice in writing, require the owner or lessee of any building or land, in such manner as may be specified in the notice, to remove or provide any latrine, urinal, cesspool or other receptacle for filth, or to provide any additional latrines, urinals, cesspools or other receptacles as aforesaid which should in its opinion be provided for the building or land.

(2) The cantonment authority may, by notice in writing, require any person employing more than twenty workmen or labourers to provide such latrines and urinals as it may think fit, and to cause the same to be kept in proper order and to be daily cleansed.

78. (1) The cantonment authority may provide for the performance by its agents of the duties usually performed by sweepers in respect of any building or land, or of any latrine, urinal, cesspool or other receptacle for filth pertaining to any building or land, with the consent of the occupier of the building or land, or without such consent where the occupier fails to make arrangements to the satisfaction of the cantonment authority for the performance of such duties.

(2) Where the cantonment authority has provided for the performance by its agents of the duties referred to in this section, all matter removed by such agents in performing such duties shall be at the disposal of that authority.

79. The cantonment authority may, by notice in writing, require the owner, lessee or occupier of any land to clear away and remove any thick or noxious vegetation or undergrowth which appears to it to be injurious to health or offensive to the neighbourhood.

80. Where any tank, marshy ground or waste or stagnant water, whether within any private enclosure or not, is in such a condition as to create a nuisance, the cantonment authority may, by notice in writing, require the owner, lessee or occupier of the land, within thirty days from the service of the notice, to fill up the tank or ground, or to drain off or remove the water, as the case may be :

Provided that, if, in the opinion of the cantonment authority, it is unreasonable to throw the whole expense on the owner, lessee or occupier, it may, with the previous sanction of the General Officer of the Command, require him to pay only a proportion of the expense.

81. (1) Where it appears to the cantonment authority that any block of buildings is, by reason of the manner in which the buildings are crowded together, in an unhealthy condition, it may cause the block to be inspected by a special committee consisting of—

- (a) the Sanitary Officer,

- (b) the Civil Surgeon of the district, or, if his services are not available, some other medical officer of the Government, and
 (c) the Executive Engineer, or some person deputed by the Executive Engineer in this behalf.

(2) The special committee shall make a report in writing to the cantonment authority on the sanitary condition of the block; and, if it considers that the overcrowded condition thereof is likely to cause risk of disease to the inhabitants of the buildings or of the neighbourhood, or to endanger the public health, it shall clearly indicate, on a plan verified by the Executive Engineer or by the person deputed by him to serve on it, the buildings which should, wholly or in part, be removed in order to abate the unhealthy condition of the block.

(3) If, upon receipt of such report, the cantonment authority is of opinion that all or any of the buildings indicated should be removed, it may, by notice in writing, require the owners thereof to remove them:

Provided, first, that the cantonment authority shall make compensation to such owners for any buildings which may have been erected under proper authority: and

Provided, secondly, that the cantonment authority may, if it appears to it to be equitable under the circumstances to do so, pay to such owners such sum as it may think fit as compensation for any buildings which may not have been erected under proper authority.

(4) The sum payable as compensation under the first proviso to sub-section (3) may be settled by mutual agreement between the cantonment authority and such owners as aforesaid, or, in default of agreement, by a committee of arbitration constituted as provided in Chapter XX.

Explanation.—In this section, the word “buildings” includes enclosure-walls or fences connected with buildings.

82. Where it appears to the cantonment authority that any building used as a dwelling is so overcrowded as to endanger the health of the inmates thereof, it may, after such inquiry as it thinks fit, by notice in writing, require the owner or occupier, within a time to be specified in the notice, to abate the overcrowding of the building by reducing the number of lodgers, tenants or other inmates.

Reduction of number of inmates of overcrowded dwelling.

83. (1) Where any building is so ill-constructed or dilapidated as to be, in the opinion of the cantonment authority, in an insanitary state, the cantonment authority may, by notice in writing, require the owner, within a time to be specified in the notice, to execute such repairs, or to make such alterations, as it may think necessary in order to remove such defects.

Power to require that building be repaired or altered so as to remove sanitary defects.

(2) A copy of every notice issued under sub-section (1) shall be conspicuously posted on the building to which the notice relates.

Explanation.—A notice issued under sub-section (1) shall be deemed to have been complied with if the owner of the building to which it relates, has, instead of executing the repairs or making the alterations directed by the notice, removed the building.

84. The cantonment authority may, by notice in writing, require the owner, lessee or occupier of any building or land which appears to it to be in a filthy or unwholesome state, within twenty-four hours to cleanse the same or otherwise put it in a proper state in such manner as may be specified in the notice.

Power to require land or building to be cleansed.

85. Whoever fails to comply with a notice issued under any of the provisions of sections 76 to 84, shall be punishable with fine which may extend to fifty rupees, and, in the case of a continuing failure, with an additional fine not exceeding five rupees for every day after the first in regard to which he is convicted of having persisted in the failure.

Penalties.

CHAPTER VII.

CONTROL OVER STREETS, BUILDINGS, LANDS, TREES, ETC.

Streets and Buildings.

86. The cantonment authority may attach to the outside of any building brackets for lamps in such manner as not to occasion any injury thereto or inconvenience.

Power to attach brackets for lamps.

87. (1) The cantonment authority may cause a name to be given to any street, and to be affixed on any building in such place as it may think fit, and may also cause a number to be affixed to any building; and may, from time to time, cause such names and numbers to be altered.

Names of streets and numbers of buildings.

(2) Whoever destroys, pulls down or defaces any such name or number, or puts up any name or number differing from that put up by order of the cantonment authority, shall be punishable with fine which may extend to twenty rupees.

88. The cantonment authority may, by public notice, direct that within certain limits, to be fixed by the notice, the roofs and external walls of huts or other buildings shall not, without its permission in writing, be made or renewed of grass, mats, leaves or other highly inflammable materials, and may, by notice in writing, require any person, who has disobeyed any such direction as aforesaid, to remove or alter the roofs or walls so made or renewed, as it may think fit.

Roofs and external walls not to be made of inflammable materials.

89. (1) Whoever, except in such a case as is provided for by Chapter XXI, intends to erect or re-erect any building shall give notice in writing, in the manner hereinafter prescribed, of his intention to the cantonment authority, and the cantonment authority may, within six weeks after the receipt of the notice, refuse to sanction the building, or may sanction it either absolutely or subject to such directions as it may think fit to issue in writing in respect of all or any of the following matters, namely:

Notice of new buildings.

- (a) the free passage or way to be left in front of the building;
- (b) the space to be left about the building to secure free circulation of air and facilitate scavenging and the prevention of fire;
- (c) the ventilation of the building;
- (d) the provision and position of latrines, urinals, cesspools or other receptacles for filth;
- (e) the level and width of the foundation, the level of the lowest floor and the stability of the structure; and
- (f) the line of frontage with neighbouring buildings, if the building abuts on a street:

and the person erecting or re-erecting the building shall obey all such written directions:

Provided that the cantonment authority shall make full compensation to the owner for any damage which he may sustain in consequence of its prohibition of the re-erection of any building, or of its requiring any land belonging to him to be added to the street.

(2) Whoever gives notice to the cantonment authority under sub-section (1), shall, along with the notice, forward a plan and specification of the building which he intends to erect or re-erect, together with a site-plan of the land of such character and with such details as the cantonment authority may require; and no such notice shall be valid until such plans and specification have been supplied.

(3) Where any building is begun or erected without the giving of the notice and the submission of the plans and specification required by this section, or in contravention of any order of the cantonment authority issued within six weeks of the receipt of a valid notice thereunder, the cantonment authority may, by notice in writing, to be delivered within a reasonable time, require the building to be altered or demolished, as it may think necessary.

(4) Where the cantonment authority neglects or omits for six weeks after the receipt of a valid notice under this section to make and deliver to the person who has given the notice, any order in respect thereof, it shall be deemed to have sanctioned the proposed building absolutely.

(5) Every sanction for the erection or re-erection of a building given or deemed to have been given by the cantonment authority as aforesaid shall be available for one year from the date on which the notice became valid and complete, and no longer; and, if the building so sanctioned is not begun by the person who has obtained the sanction, or some one lawfully claiming under him, within that period, it shall not thereafter be begun without fresh sanction; but such person as aforesaid may at any subsequent time give fresh notice to the cantonment authority in the manner hereinbefore prescribed, and thereupon the provisions hereinbefore contained shall apply to the fresh notice.

Explanation.—In this section the expression “erect or re-erect any building” includes—

- (a) any material alteration or enlargement of any building;
- (b) the conversion into a place for human habitation of any building not originally constructed for human habitation;
- (c) the conversion into more than one place for human habitation of a building originally constructed as one such place;
- (d) the conversion of two or more places of human habitation into a greater number of such places;
- (e) such alterations of the internal arrangement of a building as affect an alteration of its drainage or sanitary arrangements, or affect its security; and
- (f) the addition of any rooms, buildings, out-houses or other structures to any building.

90. (1) The owner or occupier of a building shall not, without the permission in writing of the cantonment authority, add to, or place against or in front of, the building, any projection or structure overhanging, projecting into, or encroaching on, any street, or into or on any drain, sewer or aqueduct therein.

(2) The cantonment authority may, by notice in writing, require the owner or occupier of any building to alter or remove any such projection or encroachment as aforesaid;

Provided that, in the case of any projection or encroachment lawfully in existence at the commencement of this Code, the cantonment authority shall make reasonable compensation for any damage caused by the removal or alteration.

(3) The cantonment authority may, by order in writing, give permission to the owners or occupiers of buildings in any particular street to put up open verandahs, balconies or rooms projecting from any upper storey thereof to an extent beyond the line of the plinth or basement-wall, and at a height from the level of the ground or street, to be specified in the order.

91. The cantonment authority may, by notice in writing, require the owner or lessee of any building or land in any street to put up and keep in good condition proper troughs and pipes for receiving and carrying the water from the building or land and for discharging the same so as not to inconvenience persons passing along the street.

92. The cantonment authority may, by notice in writing, require any person who has, without its permission in writing, newly erected or re-erected any building over any public sewer, drain, culvert, water-course or water-pipe, to pull down or otherwise deal with the same as it may think fit.

93. Where any building, well, tank, reservoir, pool, depression or excavation is, in the opinion of the cantonment authority, for want of sufficient repair, protection, or enclosure, as the case may be, dangerous to persons passing by or dwelling or working in the neighbourhood, the cantonment authority may, by notice in writing, require the owner or occupier thereof to repair, protect

or enclose the same ; and, if there is, in the opinion of the cantonment authority, imminent danger, it shall forthwith take such steps to avert the danger as it may think necessary.

94. Where any building, wall or structure, or anything affixed thereto, or any bank or tree, is, in the opinion of the cantonment authority, in a ruinous state or in any way dangerous, the cantonment authority may, by notice in writing, require the owner or occupier thereof forthwith either to remove the same or to cause such repairs to be made as it may think necessary for the public safety, and, if there is, in the opinion of the cantonment authority, imminent danger, it shall forthwith take such steps to avert the danger as it may think necessary.

Buildings, etc., in ruinous or dangerous state.

95. The cantonment authority may, by notice in writing, require the owner or part-owner, or person claiming to be the owner or part-owner, of any building or land, or the lessee or person claiming to be the lessee of any land, which, by reason of abandonment or disputed ownership or other cause, has remained untenanted and become a resort of idle and disorderly persons or otherwise a nuisance, to secure or enclose the same within a time to be specified in the notice.

Power to require untenanted building or land becoming a nuisance to be secured or enclosed.

Boundaries, Trees, etc.

96. (1) The cantonment authority may, by public notice, prohibit the construction of boundary-walls, hedges or other fences of any material or description which is, in its opinion, unsuitable, unsightly or otherwise objectionable.

(2.) The cantonment authority may, by notice in writing, require the owner or lessee of any land—

(a) to remove from the land any boundary-wall, hedge or other fence which is, in its opinion, unsuitable, unsightly or otherwise objectionable ;

(b) to construct on the land sufficient boundary-walls, hedges or other fences of such material, description and dimensions as may be specified in the notice ;

(c) to maintain the boundary-walls, hedges or other fences, on the land in good order.

Explanation.—In this section, the expression “boundary-walls, hedges or other fences” includes all necessary gates and the posts or pillars thereof.

97. The cantonment authority may, by notice in writing, require the owner, lessee or occupier of any land within three days to cut or trim any hedges on the land in such manner as may be specified in the notice.

98. No general felling of trees, and no general lopping or trimming of trees in a manner likely to cause permanent injury thereto, shall be ordered by the cantonment authority without the previous sanction of the General Officer of the Command.

99. (1) No tree of mature growth, whether standing in any private enclosure or not, shall be felled without the previous sanction of the cantonment authority.

(2) Where, in the opinion of the cantonment authority, the felling of any tree of mature growth standing in a private enclosure is necessary for sanitary reasons, the cantonment authority may, by notice in writing, require the owner, lessee or occupier of the land to fell the tree within a time to be specified in the notice.

100. The cantonment authority may—

(a) cause to be lopped or trimmed any trees standing on land belonging to the Government ; or,

Power to require lopping or trimming of trees.

- (b) by public notice, require all owners, lessees or occupiers of land, or, by notice in writing, require the owner, lessee or occupier of any land, to lop or trim, in such manner as may be specified in the notice, all or any trees standing on such land.

101. (1) Where, in the opinion of the cantonment authority, the cultivation of any description of crop, or the use of any kind of manure, or the irrigation of land in any specified manner, is for any reason undesirable, the cantonment authority may, by public notice, prohibit such cultivation, use or irrigation after a certain date to be specified in the notice :

Provided that, if, when a notice is issued under this section, any land to which it relates has been lawfully prepared for cultivation or any crop is sown therein or is standing thereon, the cantonment authority—

- (a) may, subject to such conditions as it may think fit to impose, postpone the date from which the notice is to take effect ; or
- (b) may, if it appears to it to be equitable under the circumstances to do so and whether or not it postpones the date from which the notice is to take effect, pay to any person interested in the land or crop such sum as it may think fit as compensation for any loss incurred by reason only of his having complied with the notice : and
- (c) shall, if it directs that the notice is to take effect without delay, make compensation to all persons interested in the land or crop for any loss incurred by reason only of their having complied with the notice.
- (2) The sum payable as compensation under clause (c) of the proviso to sub-section (1) may be settled by mutual agreement between the cantonment authority and such person or persons as aforesaid, or, in default of agreement, by a committee of arbitration constituted as provided in Chapter XX.

102. The cantonment authority may, by notice in writing, require the owner, lessee or occupier of any land to abstain from the improper use of the same, whether by quarrying, or by removing earth, sand, stone or gravel, or by digging a tank, well or pit.

103. Whoever, without the permission in writing of the cantonment authority, digs up the surface of any public grass-land, shall be punishable with fine which may extend to twenty rupees.

Penalties.

104. Whoever fails to comply with any notice issued under this Chapter, shall be punishable with fine which may extend to fifty rupees, and, in the case of a continuing failure, with an additional fine not exceeding five rupees for every day after the first in regard to which he is convicted of having persisted in the failure.

CHAPTER VIII.

CONTROL OVER SARAIS, ENCAMPING-GROUNDS, TRAFFIC, ETC.

Sarais.

- Duties of keepers of sarais. 105. (1) Every keeper of a sarai shall be bound,—
- (a) if to his knowledge any person in the sarai is ill of any infectious or contagious disorder, or has died of any such disorder, to make an immediate report of the fact to the officer in charge of the police-station within the jurisdiction of which the sarai is situated ;
- (b) to maintain a sufficient supply of pure water for the use of persons frequenting the sarai ;
- (c) to keep all parts of the sarai in a clean and sanitary condition ; and
- (d) to give any information which the Cantonment Magistrate may, by notice in writing, require regarding—
- (i) the boundaries of the sarai, and
- (ii) any matters affecting its management and condition.

(2) Whoever fails to give the Cantonment Magistrate any information required under this section or wilfully gives him false information shall be punishable with fine which may extend to twenty rupees, and, in the case of a continuing failure, with an additional fine not exceeding five rupees for every day after the first in regard to which he is convicted of having persisted in the failure.

106. (1) The Cantonment Magistrate may, by notice in writing, require any keeper of a sarai to report to him, or to any person whom he may appoint in this behalf, either orally or in writing as to persons using sarai. he may be directed in the notice, the name and description, or the names and descriptions, of any person or persons who resorted to the sarai during any period, to be specified in the notice.

(2) Where a written report is required, the form in which the same is to be furnished may be specified in the notice.

(3) Whoever fails to comply with any notice issued under this section or wilfully makes a false report thereunder, shall be punishable with fine which may extend to twenty rupees, and, in case of a continuing failure, with an additional fine not exceeding five rupees for every day after the first in regard to which he is convicted of having persisted in the failure.

107. (1) Where the keeper of a sarai commits a breach of any of the provisions of sections 105 and 106, the cantonment authority may, in addition to any punishment which may be inflicted thereunder, by notice in writing, require that the sarai be closed to the use of the public.

(2) A notice issued under sub-section (1) shall be cancelled and cease to have effect, if the keeper of the sarai satisfies the cantonment authority that no such breach as aforesaid would be likely to occur in the event of the sarai being re-opened to the use of the public.

XXII. of
1867.

108. The provisions of sections 105, 106 and 107 shall not apply to any cantonment to which the Sarais Act, 1867, for the time being extends.

Encamping-grounds, etc.

109. (1) No place in the cantonment shall be used as an encamping-ground or for the pitching of tents without the permission in writing of the cantonment authority.

(2) Such permission as aforesaid may be granted subject to any conditions which the cantonment authority may think fit to impose with respect to sanitary arrangements and other matters affecting the public health, safety or convenience.

Markets and Slaughter-houses.

110. No person shall in any market sell, or expose for sale, any article of food or drink for human consumption which is unfit for human consumption. therefor.

Hours during which markets may be kept open. 111. (1) The cantonment authority may, by public notice, limit the hours during which any market may be kept open for public use.

(2) A copy of every notice issued under sub-section (1) shall be conspicuously posted in each market to which the notice relates.

Sanitary Officer and Cantonment Magistrate to inspect markets. 112. The Sanitary Officer and the Cantonment Magistrate shall frequently inspect—

- (a) articles of food and drink for human consumption kept for sale in markets ;
- (b) the water-supply of markets ;
- (c) the arrangements for the removal and disposal of offensive matter and rubbish from markets ; and
- (d) all other arrangements for maintaining markets in a proper sanitary condition.

113. The cantonment authority may, by public notice, prohibit the sale or exposure for sale, of any animal or article, or class of animals or articles, in any public market.

Power to prohibit or restrict sales in public markets.

114. Where the owner or the person in charge of a private market applies for a license therefor, such license shall be granted free of charge by the Cantonment Magistrate on his being satisfied.

Licensing of private markets.

- (a) that convenient passages have been provided between the shops, stalls, sheds or standings in the market ;
- (b) that a sufficient supply of pure water is provided for the market ;
- (c) that, in the case of a large market, one or more public latrines, at a distance of not less than fifty yards from the market, and one or more public urinals, according to requirements, are provided for the use of persons frequenting the market ; and
- (d) that suitable arrangements are made for—
 - (i) keeping the market in a clean and sanitary condition and removing offensive matter and rubbish therefrom,
 - (ii) the proper ventilation of the buildings and structures in the market, and
 - (iii) the proper maintenance of the public latrines and urinals (if any) provided for the use of persons frequenting the market.

115. No private market shall, after the commencement of this Code, be opened to public use until it has been licensed.

New private markets to be licensed.

116. (1) The cantonment authority may require,—

Power to require existing private markets to be licensed.

- (a) by notice in writing, the owner or the person in charge of any private market in existence at the commencement of this Code, or,
 - (b) by public notice, the owners or the persons in charge of any class of such markets,
- to furnish, within a time specified in the notice, any information which may be needed for the purpose of determining whether a license should be required for any such market.

(2) On the expiration of such time as aforesaid, the cantonment authority shall determine, in respect of each market to which the notice relates, whether or not it is necessary to require a license.

(3) Where the cantonment authority determines that a license shall be required for any such market, and a license therefor either is not applied for or is refused, the cantonment authority may, by notice in writing, require the owner or the person in charge of the market to close the same until a license has been obtained.

117. The owner or the person in charge of a licensed market shall be bound—

Duties of owners or persons in charge of licensed markets.

- (a) to maintain convenient passages between the shops, stalls, sheds or standings in the market ;
- (b) to maintain a sufficient supply of pure water for the market ;
- (c) to keep the market in a cleanly and sanitary condition and to remove all offensive matter and rubbish therefrom ; and
- (d) to maintain in good order any public latrines or urinals which may have been provided for the use of persons frequenting the market.

118. (1) Where the owner or the person in charge of a licensed market commits a breach of any of the provisions of sections 111 and 117, the cantonment authority may, in addition to any punishment which may be inflicted under this Code, by order in writing, suspend the license for any period to be specified in the order, or withdraw the license.

Power to suspend or withdraw licenses for markets.

(2) No market for which a license has been granted under this Chapter, shall be kept open for public use while the license therefor is suspended or after the same has been withdrawn.

(3) A copy of every order made under sub-section (1) shall be conspicuously posted in the market to which the order relates.

119. The Cantonment Magistrate shall maintain a register of all private markets which have been licensed under this Chapter, showing—

- (a) the date on which the license was issued, and,
- (b) where the license has been suspended, the date and period of the suspension, or,
- (c) where the license has been withdrawn, the date of the withdrawal.

120. Whoever, knowing that a license granted for a private market is for the time being suspended or has been withdrawn, sells or exposes for sale therein any meat, fish, milk, fruit, vegetables or other perishable articles of food for human consumption, shall be punishable with imprisonment for a term which may extend to eight days, or with fine which may extend to fifty rupees.

121. Where the cantonment authority has made or approved of any arrangements for—

- (a) passing and marking animals in a slaughter-house as being suitable for slaughter, or
- (b) regulating the admission into a slaughter-house of persons carrying on business or trade or working for gain therein, or regulating the conduct of such persons therein,

the owner or the person in charge of the slaughter-house shall not slaughter, or permit to be slaughtered, any animal therein, unless those arrangements are duly observed.

122. (1) The cantonment authority may, by public notice, limit the hours during which any slaughter-house may be kept open for use and the slaughter of animals may be permitted therein.

(2) A copy of every notice issued under sub-section (1) shall be conspicuously posted in each slaughter-house to which the notice relates.

123. (1) Where it is, in the opinion of the cantonment authority, necessary on sanitary grounds to do so, the cantonment authority may, by public notice, prohibit, for any period not exceeding one month to be specified in the notice, or for such further period, not exceeding one month, as it may from time to time by a like notice specify, the use of any slaughter-house or the slaughter therein of any animal of a description specified in the notice.

(2) A copy of every notice issued under sub-section (1) shall be conspicuously posted in the slaughter-house to which the notice relates.

124. Where the owner or the person in charge of a private slaughter-house applies for a license therefor, such license shall be granted free of charge by the Cantonment Magistrate on his being satisfied—

- (a) that convenient passages have been provided between any pens, standings or yards in the slaughter-house ;
- (b) that a sufficient supply of pure water has been provided for the slaughter-house ;
- (c) that sufficient drains have been provided ;
- (d) that the premises are so enclosed as to prevent the interior being visible by passers-by : and
- (e) that suitable arrangements have been made for—
 - (i) keeping the slaughter-house in a clean and sanitary condition and removing offensive matter and rubbish therefrom ;
 - (ii) the proper ventilation of the buildings and structures in the slaughter-house ;
 - (iii) the proper maintenance of the drains and of any public latrines and urinals that may be required for the use of persons frequenting the slaughter-house ;

- (iv) the treatment of animals in the slaughter-house ;
- (v) the slaughter of animals in a humane manner within an enclosure so constructed that animals placed therein shall be out of sight of animals kept outside ;
- (vi) the removal of animals to such enclosure as aforesaid ;
- (vii) the disposal or destruction of animals which are offered for slaughter and are from disease or any other cause unfit for human consumption ; and
- (viii) the destruction of carcases which from disease or any other cause are found after slaughter to be unfit for human consumption :

Provided that no license shall be granted for a slaughter-house opened after the commencement of this Code if the slaughter-house is situate at any place which the cantonment authority thinks, especially with regard to any neighbouring drains or water-courses, to be objectionable.

125. No private slaughter-house shall, after the commencement of this Code, be open to public use until it has been licensed.
New private slaughter-houses to be licensed.

126. (1) The cantonment authority may, by notice in writing, require the owner or the person in charge of any private slaughter-house in existence at the commencement of this Code to furnish, within a time to be specified in the notice, any information which may be needed for the purpose of determining whether a license should be required therefor.
Power to require existing private slaughter-houses to be licensed.

(2) On the expiration of such time as aforesaid the cantonment authority shall determine whether or not it is necessary to require a license.

(3) Where the cantonment authority determines that a license shall be required for the slaughter-house, and a license therefor either is not applied for or is refused, the cantonment authority may, by notice in writing, require the owner or the person in charge of the slaughter-house to close the same until a license has been obtained.

127. The owner or the person in charge of a licensed slaughter-house shall be bound—
Duties of owners or persons in charge of licensed slaughter-houses.

- (a) to maintain convenient passages between any pens, standings or yards in the slaughter-house ;
- (b) to maintain a sufficient supply of pure water for the slaughter-house ;
- (c) to keep the slaughter-house in a cleanly and sanitary condition, to provide and maintain receptacles for refuse, and to remove all offensive matter and rubbish from the slaughter-house ;
- (d) to maintain in good order the drains of the slaughter-house and any public latrines or urinals which may have been provided for the use of persons frequenting it ;
- (e) to maintain suitable arrangements for the purposes mentioned in section 124, clause (e), sub-clauses (iv) to (viii) ; and
- (f) to prevent the keeping of animals at the slaughter-house for more than twenty-four hours.

128. (1) Where the owner or the person in charge of a licensed slaughter-house commits a breach of any of the provisions of sections 122, 123 and 127, the cantonment authority may, in addition to any punishment which may be inflicted under this Code, by order in writing, suspend the license for any period to be specified in the order, or withdraw the license.
Power to suspend or withdraw licenses for slaughter-houses.

(2) No slaughter-house, for which a license has been granted under this Chapter, shall be kept open to public use, and no animal shall be slaughtered therein while the license therefor is suspended or after the same has been withdrawn.

(3) A copy of every order made under sub-section (1) shall be conspicuously posted in the slaughter-house to which the order relates.

129. The Cantonment Magistrate shall maintain a register of all private slaughter-houses which have been licensed under this Chapter, showing—
Register of private slaughter-houses.

- (a) the date on which the license was granted ; and
 (b) where the license has been suspended, the date and period of the suspension ; or
 (c) where the license has been withdrawn, the date of the withdrawal.

130. Whoever, knowing that a license granted for a slaughter-house is for the time being suspended or has been withdrawn, slaughters any animal therein, shall be punishable with imprisonment for a term which may extend to eight days, or with fine which may extend to fifty rupees.

Slaughtering in slaughter-house when license suspended or withdrawn.

Levy of stallages, rents and fees in public markets and slaughter-houses.

131. (1) The cantonment authority may—

- (a) charge, for the occupation or use of any stall, shop, standing, shed or pen in a public market or slaughter-house, and for the right to expose goods for sale in a public market and for weighing and measuring goods sold therein, and for the right to slaughter animals in any public slaughter-house, such stallages, rents and fees as shall from time to time be fixed by it, with the approval of the Officer Commanding the District, in this behalf ; or,
 (b) with the approval of the Officer Commanding the District, farm the stallages, rents and fees leviable as aforesaid, or any portion thereof, for any period not exceeding one year at a time.
 (2) A copy of the table of stallages, rents and fees (if any) leviable in any public market or slaughter-house under sub-section (1), printed in the English language and in such other language or languages as the cantonment authority may direct, shall be affixed in some conspicuous place in the market or slaughter-house, as the case may be.

132. (1) No person shall, without the permission in writing of the cantonment authority, bring into the cantonment any cattle, sheep, goats or swine intended for human consumption or the flesh of any such animal slaughtered outside the cantonment.

Import of cattle and flesh.

(2) Any animal or flesh brought into the cantonment in contravention of sub-section (1) may be seized by the Cantonment Magistrate or by any servant of the cantonment authority and sold or otherwise disposed of as the cantonment authority may direct, the sale-proceeds being credited to the cantonment fund.

(3) Whoever commits a breach of the provision of this section, shall be punishable with fine which may extend to fifty rupees.

Explanation.—Nothing in this section shall be deemed to apply to cured or preserved meat.

Traffic.

133. The cantonment authority shall not permanently close any street or open any new street without the previous sanction of the General Officer of the Command.

Closing and opening of streets.

134. Whoever is driving a vehicle along a street, shall, except in case of actual necessity, keep to the left when passing a vehicle coming from the opposite direction, and to the right when passing a vehicle going in the same direction.

Rule of the road.

135. No animal shall be ridden or driven, and no vehicle shall be driven, on any street in a rash or negligent manner.

Rash riding or driving.

136. No animal shall be ridden or driven, and no vehicle shall be driven, on any street at a time or in a manner prohibited by public notice issued by the cantonment authority or by the District Superintendent of Police.

Riding or driving at time or in manner prohibited.

137. No vehicle shall be driven, led or kept standing on any street between nightfall and dawn without a suitable lamp, unless there is sufficient moonlight to render a lamp unnecessary.

Use of lamps on vehicles.

138. Whoever is driving any elephant or camel on a street, shall remove the same to a safe distance on the approach of a horse or of bullocks drawing a vehicle.

Removal of elephant or camel on approach of horse or vehicle drawn by bullock.

139. No vehicle or animal shall be left on a street without proper control.

Leaving vehicle or animal without proper control.

140. No animal shall be trained, broken in or led for exercise on any street at a time or place prohibited by public notice issued by the cantonment authority.

Training, breaking or exercising animal.

Obstructing street. 141. No person shall—

- (a) cause any vehicle, with or without an animal harnessed thereto, to remain or stand on any street longer than may be necessary for loading or unloading or for taking up or setting down passengers ; or
- (b) leave or fasten any vehicle or animal so as to cause obstruction in any street ; or
- (c) expose any article for sale, whether upon a stall or booth or in any other manner, so as to cause obstruction in any street ; or
- (d) in any other manner wilfully obstruct or cause obstruction to the free passage of any street.

Burial and Burning Grounds.

142. The cantonment authority may, by notice in writing, require the owner or keeper of any burial or burning ground to supply such information as may be specified in the notice concerning the condition, management or position of such ground.

Power to call for information regarding burial and burning grounds.

143. (1) No place not previously used as a burial or burning ground shall, after the commencement of this Code, be so used without the permission in writing of the cantonment authority.

Permission required for use of new burial or burning ground.

(2) Such permission as aforesaid may be granted subject to any conditions which the cantonment authority may think fit to impose for the purpose of preventing annoyance to, or danger to the health of, persons living in the neighbourhood.

144. (1) Where the cantonment authority is of opinion, after making or causing to be made local inquiry, that any burial or burning ground has become offensive to, or dangerous to the health of, persons living in the neighbourhood, it may, with the previous sanction of the Local Government, by notice in writing, require the owner or keeper of such ground to close the same from a date to be specified in the notice.

Power to require closing of burial or burning ground.

(2) Where the Local Government sanctions the issue of any notice under sub-section (1), it shall declare the conditions on which the burial or burning ground may be re-opened, and a copy of the declaration shall be annexed to the notice.

(3) Where the Local Government sanctions the issue of any such notice as aforesaid, it shall require a new burial or burning ground to be provided at the expense of the cantonment fund, or, if the community concerned is willing to provide a new burial or burning ground, a grant to be made from the cantonment fund towards the cost of the same.

145. No corpse shall be buried or burnt in any burial or burning ground in respect of which a notice issued under section 144, sub-section (1), is for the time being in force.

Prohibition of use of burial or burning ground closed under section 144.

146. No grave shall be made in any burial ground at a less distance than three feet from the margin of the nearest grave.

Distance between graves.

147. No corpse shall, without the permission in writing of the cantonment authority, be buried in any burial ground in a grave of less depth than—

- (a) four feet, where the grave is made of masonry ; or
 (b) six feet, where the grave is not made of masonry.

148. Every corpse brought to a burial or burning ground shall be buried or burnt, as the case may be, within six hours after it has been so brought.

149. Every corpse brought to a burning ground shall be completely reduced to ashes.

150. Where a corpse has been buried, burnt or otherwise disposed of in contravention of any of the provisions of sections 143, 145, 146, 147, 148 and 149, the cantonment authority may, if it thinks fit, take such order therewith, or with the remains thereof, as shall ensure the proper disposal of the same in accordance with this Code.

151. The provisions of sections 142 to 150 shall not apply to any burial-ground which is for the time being managed under rules published in the Public Works Department Code.

CHAPTER IX.

WATER-SUPPLY.

152. All sources of public water-supply (except such as are used for the purposes of waterworks and are for the time being under the control of the Public or Military Works Department) shall be under the control of the cantonment authority.

153. Where there are no water-works the cantonment authority shall take all necessary measures for maintaining a supply of pure water, for guarding from pollution water which is used for human consumption, and for preventing polluted water from being so used.

154. (1) Where, in the opinion of the cantonment authority, the water in any source of public water-supply is likely, if used by any human being or by any milch animal for drinking purposes, to engender or cause the spread of any disorder, the cantonment authority may, by public notice, prohibit the use or removal of the same for all or any of the following purposes, namely :

- (a) the drink of human beings or admixture with any article of human consumption ;
 (b) the drink of milch animals, or admixture with any article of food or drink for milch animals ;
 (c) the washing of vegetables or of cooking utensils ;
 (d) any other purpose which is likely to cause its introduction into any article of human consumption.
- (2) A copy of every notice issued under sub-section (1) shall be conspicuously posted near the source of water-supply to which the notice relates.

155. The cantonment authority may, by notice in writing, require the owner, or any person having control, of any source of public water-supply which is used for drinking purposes,—

- (a) to keep the same in good order, and to clear it from time to time of silt, refuse or decaying vegetation ; or,

- (b) if the water therein is proved to the satisfaction of the cantonment authority to be unfit for drinking purposes, to take such measures as may be specified in the notice to prevent the public from having access to, or using, such water :

Provided that, in the case of a well, such person as aforesaid may, instead of complying with the notice, signify in writing his desire to be relieved of all responsibility for the proper maintenance of the well and his readiness to place it under the control and supervision of the cantonment authority for the use of the public, and the cantonment authority shall thereupon undertake the control and supervision of the same.

Polluting source of public drinking-water-supply. 156. (1) Whoever—

- (a) bathes in any source of public water-supply which is used for drinking purposes ; or
- (b) washes, throws or causes or permits to enter, therein any dog or other animal ; or
- (c) washes or cleanses therein any clothes, wool, cloth, leather, skin, utensil or other thing ; or
- (d) throws or allows to flow thereinto any offensive matter or rubbish ; or
- (e) causes or allows the water of any sink, drain, steam-engine or boiler, or any other filthy or polluted water, belonging to him or under his control, to flow thereinto ; or
- (f) does any other act whereby the water thereof is polluted or is likely to be polluted ;

shall be punishable with imprisonment for a term which may extend to eight days, or with fine which may extend to fifty rupees.

(2) For the purposes of this section the cantonment authority may, by public notice, declare what sources of public water-supply are used for drinking purposes.

(3) A copy of every notice issued under sub-section (2) shall be conspicuously posted near the source of water-supply to which the notice relates.

157. The cantonment authority may, by public notice, prohibit any act specified in the notice which would, in its opinion,—
 Impairing quality, or diminishing quantity, of water in source of public drinking-water-supply or impairing usefulness of water-works.

- (a) impair the quality or diminish the quantity of the water in any source of public water supply which is set apart for public use and is used for drinking purposes ; or
- (b) injure or impair the usefulness of any of the pipes, locks, cocks or other fittings of water-works.

158. (1) The cantonment authority may, by public notice, prohibit trespasses upon land occupied by water-works.

(2) A copy of every notice issued under sub-section (1) shall be conspicuously posted on the land to which the notice relates.

159. (1) No person shall, without the permission in writing of the cantonment authority alter, obstruct, or encroach upon public water-channel.
 Altering, obstructing or encroaching upon public water-channel.

(2) The cantonment authority may, by notice in writing, require any person who has made any such alteration, obstruction or encroachment as aforesaid, to remove, or desist from, the same.

160. (1) The cantonment authority may, by public notice, prohibit fishing, boating or the gathering of flowers or plants, generally or by any particular method specified in the notice, in any source of public water-supply, where it considers that any such act is likely to cause danger to the public health.
 Power to prohibit polluting of source of public water supply by fishing, boating, or gathering flowers or plants.

(2) A copy of every notice issued under sub-section (1) shall be conspicuously posted near the source of water-supply to which the notice relates.

Throwing of corpse into source of public water-supply.

161. No person shall throw a corpse into any source of public water-supply.

162. The cantonment authority may, by notice in writing, require the owner, lessee or occupier of any place in which is carried on any offensive trade or manufacture whereby the water in any source of public water-supply is polluted, to take steps to abate such pollution.

Power to prohibit pollution of source of public water-supply by carrying on offensive trade.

163. No person shall, without the permission in writing of the cantonment authority,—
Placing latrine, etc., or depositing offensive matter or rubbish, near source of public water-supply.

(a) place any latrine, urinal, cesspool or drain, or
(b) use for the deposit of offensive matter or rubbish any place, within fifty feet of any source of public water-supply.

164. The cantonment authority may, by notice in writing, require any lessee, owner or occupier on whose land any latrine, urinal, cesspool, drain or other receptacle for offensive matter exists within fifty feet of any source of public water-supply, to remove or close the same within one week from the service of the notice.

Removal of latrine, etc., near any source of public water-supply.

165. Whoever—

(a) bathes, or
(b) washes any animal, or any clothes, wool, cloth, leather, skin, utensil or other thing, by the side of any public well or spring so as to pollute the water thereof, shall be punishable with imprisonment for a term which may extend to eight days, or with fine which may extend to fifty rupees.

Bathing or washing at public well or spring.

166. (1) The cantonment authority may, by public notice, prohibit—

(a) bathing, or
(b) the washing of animals or of clothes, wool, cloth, leather, skins, utensils or other things, or of any class of such things, by the public or any class thereof at any public place specified in the notice.

(2) The cantonment authority may, by public notice,—

(a) appoint places for—
(i) bathing, or
(ii) the washing of animals or of clothes, wool, cloth, leather, skins, utensils or other things, or any class of such things ; and

(b) fix the hours at which alone bathing or washing may be carried on at any place so appointed.

(3) In any notice issued under sub-section (1), separate places may be appointed for bathing and washing, respectively, and separate places may be appointed for bathing by men and women, respectively.

(4) A copy of every such notice as aforesaid shall be conspicuously posted on or near the place or places to which the notice relates.

Explanation.—In this section, the expression “washing an animal” includes driving or throwing an animal, or permitting it to go, into water.

CHAPTER X.

TRADES, CALLINGS AND OCCUPATIONS.

Licenses required for carrying on of certain occupations.

167. No person of any of the following classes, namely :

(a) butchers, and sellers of poultry, game or fish ;

- (b) persons keeping pigs for profit, and dealers in the flesh of pigs which have been slaughtered in India ;
- (c) persons keeping milch cattle or milch goats for profit ;
- (d) persons keeping for profit any animals other than pigs, milch cattle or milch goats ;
- (e) dairymen and buttermen ;
- (f) makers of bread, biscuits or cake, and sellers of bread, biscuits or cake made in India ;
- (g) sellers of fruit or vegetables ;
- (h) manufacturers of aerated or other potable waters, or ice, and sellers of the same ;
- (j) sellers of any medicines, drugs or articles of food or drink for human consumption (other than the flesh of pigs, milk, butter, bread, biscuits, cake, fruit, vegetables, aerated or other potable waters, or ice) which are of a perishable nature ;
- (k) sellers of water to be used for drinking purposes ;
- (l) washermen ;
- (m) dealers in hay, straw, wood, charcoal or other inflammable material ;
- (n) details in fireworks, kerosine oil, petroleum or any other inflammable oil or spirit ;
- (o) tanners and dyers ; and
- (p) persons carrying on any trade or occupation from which offensive or unwholesome smells arise ;

shall carry on his trade, calling or occupation in any part of the cantonment, unless he has applied for and obtained a license from the cantonment authority :

Provided, first, that a license shall not be withheld if the applicant is willing to comply with such conditions as the cantonment authority may think fit to impose under section 168 :

Provided, secondly, that no charge shall be made for any license granted under this section : and

Provided, thirdly, that no person who is, at the commencement of this Code carrying on his trade, calling or occupation in any part of the cantonment shall be bound to apply for a license for carrying on such trade, calling or occupation in that part until he has received from the cantonment authority not less than three months' notice in writing of his obligation to do so, and that, if the cantonment authority refuses to grant him a license, it shall pay him reasonable compensation for any loss incurred by reason of such refusal.

168. A license granted to any person under section 167 shall specify the part of the cantonment in which the licensee may carry on his trade, calling or occupation, and may contain any conditions which the cantonment authority may think fit to impose with respect to the following matters, namely :

Conditions which may be entered in such licenses.

- (a) in the case of butchers, and sellers of poultry, game or fish,—
 - (i) the apparatus and coverings to be used in the operations of their trade ;
 - (ii) the places at which, and the manner in which, meat, poultry, game or fish may be exposed for sale ; and
 - (iii) the disposal of meat, poultry, game or fish when found to be unfit for human consumption :
- (b) in the case of persons keeping pigs for profit, and dealers in the flesh or pigs which have been slaughtered in India,—
 - (i) the places at which pigs may be kept ;
 - (ii) the number of pigs which may be kept at any one place ;
 - (iii) the season and the places at which pigs may be slaughtered and the flesh offered for sale ;
 - (iv) the manner in which pigs shall be inspected prior to slaughter ; and
 - (v) the manner in which the flesh thereof shall be inspected and marked prior to sale, and disposed of when found to be unfit for human consumption :
- (c) in the case of persons keeping milch cattle or milch goats for profit,—
 - (i) the places at which such animals may be kept ;
 - (ii) the number of such animals which may be kept at any one place ;

- (iii) the sources from which such animals shall be watered ;
 - (iv) the segregation of any sick or diseased animals ; and
 - (v) the taking of any other measures which the cantonment authority may think necessary for maintaining the premises in a clean and sanitary state :
- (d) in the case of persons keeping for profit any animals other than pigs, milch cattle or milch goats,—
- (i) the places at which such animals may be kept ;
 - (ii) the number of such animals which may be kept at any one place ; and
 - (iii) the manner of keeping the animals so as to prevent their becoming a public nuisance or injurious to the public health :
- (e) in the case of dairymen and buttermen,—
- (i) the vessels and other apparatus to be used in the operations of their trade ;
 - (ii) the places at which and the manner in which milk or butter may be prepared and kept for sale ; and
 - (iii) the taking of any other measures which the cantonment authority may consider necessary for keeping the premises and all vessels and apparatus in a clean and sanitary state :
- (f) in the case of makers of bread, biscuits or cake, and sellers of bread, biscuits or cake made in India,—
- (i) the apparatus and the water, flour and other ingredients which may be used in the operations of their trade ;
 - (ii) the places at which bread, biscuits or cake may be prepared and kept for sale ;
 - (iii) the inspection to be exercised over the making of such articles ; and
 - (iv) the disposal of any such articles which may be found to be unwholesome :
- (g) in the case of sellers of fruit or vegetables,—
- (i) the places and seasons at which fruit or vegetables, or any specified kinds of fruit or vegetables, may be sold ; and
 - (ii) the disposal of any fruit or vegetables which may be found to be unwholesome, or of which the sale has been prohibited under clause (g), sub-clause (i) :
- (h) in the case of manufacturers of aerated or other potable waters, or ice, and sellers of the same,—
- (i) the sources from which water used in such manufacture shall be taken ;
 - (ii) the machinery, chemicals and ingredients which may be used in such manufacture ;
 - (iii) the measures to be taken in order to ensure the proper filtering of the water used and the cleanliness of all apparatus and receptacles used ; and
 - (iv) the attachment of labels or the adoption of other means for the purpose of identifying the factory at which each article was made :
- (j) in the case of sellers of any medicines, drugs or articles of food or drink for human consumption (other than the flesh of pigs, milk, butter, bread, biscuits, cake, fruit, vegetables, aerated or other potable waters, or ice) which are of a perishable nature, the disposal of any articles which may be found to be unwholesome :
- (k) in the case of sellers of water to be used for drinking purposes,—
- (i) the sources from which such water shall be taken ; and
 - (ii) the taking of measures to ensure the cleanliness of mussuks or any other vessels or utensils used for carrying such water :
- (l) in the case of washermen, the places at which clothes may be washed, dried or kept :
- (m) in the case of dealers in hay, straw, wood, charcoal or other inflammable material,—
- (i) the places at which such materials may be kept ;
 - (ii) the quantity which may be stored at any one place, and the manner of storing ; and

- (iii) the precautions against fire to be taken by the dealer or the person in charge of the business :
- (n) in the case of dealers in fireworks, petroleum, kerosine oil or any other inflammable oil or spirit,—
 - (i) the places at which, and the quantities in which, any such article may be stored or kept for sale : and
 - (ii) the taking of any measures which the cantonment authority may consider necessary for the prevention of danger to life or property :
- (o) in the case of tanners and dyers, the taking of measures for regulating the discharge of refuse matter from their premises and for abating any nuisance arising from such premises ; and
- (p) in the case of persons carrying on any trade or occupation from which offensive or unwholesome smells arise, the taking of any measures which the cantonment authority may consider necessary for the abatement of any nuisance arising from the premises.

Explanation.—For the purposes of clause (a), sub-clause (iii), meat which has been subjected to the process of blowing, shall be presumed to be unfit for human consumption.

169. The cantonment committee (if any) may, by bye-laws made at a meeting of which at least six clear days' notice has been given,—
 Power of cantonment committee to make bye-laws as to vehicles, etc.

- (a) render licenses necessary for the proprietors or drivers of vehicles, boats or animals kept or plying for hire within the cantonment, and fix the fees payable for such licenses and the conditions on which they are to be granted and may be revoked, and
- (b) limit the rates which may be demanded for the hire of any carriage, cart, boat or other conveyance, or of animals hired to carry loads, or for the services of persons hired to carry loads, and the loads to be carried by such conveyances, animals or persons when hired in the cantonment for a period not exceeding twenty-four hours, or for a service which would ordinarily be performed within twenty-four hours :

Provided that no bye-law made under this section by the cantonment committee of a cantonment in which the Hackney Carriage Act, 1879, or Bengal Act V of 1866 (*an Act to make better provision for the regulation of hackney carriages and palankeens in the town and suburbs of Calcutta*), or the Calcutta Hackney Carriage Act, 1891, or the Madras Hackney Carriage Act, 1879, or Bombay Act VI of 1863 (*an Act for the regulation of public conveyances in the town, suburbs and harbour of Bombay*) is in force, shall apply to any vehicle to which any of those Acts applies.

XIV of 1897.

Ben. Act II. of 1891.
 Mad. Act. III of 1879.

170. No person holding a license under section 167 for keeping for profit milch cattle or milch goats, or pigs or any other animal which may be used for human consumption, shall allow the same—
 Feeding animals on filth, etc.

- (a) to be fed upon refuse or any filthy or deleterious substance ; or
- (b) to graze in any place in which grazing has for sanitary reasons been prohibited by public notice issued by the cantonment authority.

171. No dairyman holding a license under section 167 shall mix water with, or otherwise adulterate, any milk intended for sale
 Adulteration of milk.

172. No butterman holding a license under section 167 shall adulterate any butter intended for sale.
 Adulteration of butter.

173. No person holding a license under section 167 shall sell any article of food or drink for human consumption which is unfit for that purpose.
 Selling food or drink unfit for human consumption.

Power to remove brothels and prostitutes.

174. (1) The cantonment authority may, by notice in writing, prohibit—

(a) the keeping of a brothel, or
 (b) the residence of a public prostitute,
 in the cantonment or in any specified part thereof.

(2) Whoever fails to comply with a notice issued under sub-section (1), shall be punishable with imprisonment for a term which may extend to eight days, or with fine which may extend to fifty rupees, and, in the case of a continuing failure, with an additional fine not exceeding five rupees for every day after the first in regard to which he is convicted of having persisted in the failure.

175. No public prostitute shall be permitted to reside within the limits of any regimental bazar situate in the cantonment.
 Exclusion of public prostitutes from regimental bazars.

176. (1) Where any person, holding a license under section 167 or section 169, commits a breach of any of the provisions of sections 168, 170, 171, 172 and 173, the cantonment authority may, in addition to any punishment which may be inflicted under this Code, by order in writing, suspend the license for any reasonable time to be specified in the order, or withdraw the same.
 Power to suspend or withdraw license.

(2) No person who has obtained a license under this Chapter for carrying on a trade, calling or occupation in any part of the cantonment, shall carry on such trade, calling or occupation in that part while such license is suspended or after the same has been withdrawn.

CHAPTER XI.

PREVENTION AND TREATMENT OF DISEASE.

Infectious or Contagious Disorders.

Information to be given of existence of infectious or contagious disorder.

177. Whoever,—

- (a) being a medical practitioner and in the course of practice becoming cognizant of the existence of any infectious or contagious disorder in any dwelling, other than a public hospital or dispensary, in the cantonment or its neighbourhood ; or,
- (b) in default of such medical practitioner, being the owner or occupier of such dwelling and being cognizant of the existence of any infectious or contagious disorder therein ; or
- (c) in default of such owner or occupier, being the person in charge of, or in attendance on, any person suffering from any infectious or contagious disorder in such dwelling and being cognizant of the existence of the disorder therein ;

fails to give information or gives false information to the cantonment authority respecting the existence of such disorder, shall be punishable with fine which may extend to fifty rupees :

Provided that a person not required by this section to give information in the first instance, but only in default of some other person, shall not be punishable if it is shown that he had reasonable cause to suppose that the information had been, or would be, duly given :

Provided, also, that this section shall not apply to venereal disease where the person suffering therefrom is under specific and adequate medical treatment, and, by reason of habits, conditions of life and residence, is unlikely to spread the disease.

Explanation.—In this section, the expression “infectious or contagious disorder” includes venereal disease.

178. (1) In the event of the cantonment being at any time visited or threatened by an outbreak of any infectious or contagious disorder among the inhabitants thereof, or of any epidemic disease among the cattle, sheep or goats therein, the General Officer of the Command, if he thinks that the provisions of this Code
 Special measures on outbreak of infectious or contagious disorder among inhabitants, or epidemic disease among cattle.

or of any law at the time in force are insufficient for the purpose, may, with the previous sanction of the Local Government,—

(a) take such special measures, and

(b) by public notice, prescribe such temporary regulations to be observed by the public or by any person or class of persons,

as he thinks necessary to prevent the outbreak of the disorder or disease or the spread thereof.

(2) Whoever commits a breach of any temporary regulation prescribed under sub-section (1), shall be deemed to have committed an offence punishable under section 188 of the Indian Penal Code. XLV. of 1860.

179. Where it is certified to the Cantonment Magistrate by a medical practitioner that the outbreak or spread of any infectious or contagious disorder is, in the opinion of such medical practitioner, attributable to the milk supplied by any dairyman, the Cantonment Magistrate may, by notice in writing, require the dairyman, within a time to be specified in the notice, to furnish him with a full and complete list of the names and addresses of all his customers within the cantonment, or to give him such information as will enable him to trace the persons to whom the dairyman has sold milk.

180. Where it is certified to the Cantonment Magistrate by the Sanitary Officer that it is desirable, with a view to prevent the spread of any infectious or contagious disorder, that the Sanitary Officer should be furnished with a list of the customers of any washerman, the Cantonment Magistrate may, by notice in writing, require the washerman, within a time to be specified in the notice, to furnish the Sanitary Officer with a full and complete list of the names and addresses of all owners within the cantonment of clothes and other articles for whom the washerman washes or has washed during the six weeks immediately preceding the date of the notice.

181. Where, after inspection, the Sanitary Officer is of opinion that any infectious or contagious disorder is caused, or is likely to arise, from the consumption of the milk supplied from a dairy, or from the washing of soiled clothes or other articles in any place, or from any process employed by a washerman, he shall report the matter to the Cantonment Magistrate.

182. Upon receipt of a report submitted under section 181, the Cantonment Magistrate may, by notice in writing,—

Action on report submitted under section 181.

(a) prohibit the person in charge of the dairy from supplying milk therefrom until the notice has been withdrawn ; or, as the case may be,

(b) prohibit the washerman from washing soiled clothes or other articles in any such place or by any such process as aforesaid until the notice has been withdrawn or unless he uses such place in such manner or washes by such process as the Cantonment Magistrate may direct in the notice.

183. The Sanitary Officer, or any Medical Officer of the Government appointed by him in this behalf, may take possession of any milk, clothes or other articles which are, or have recently been, in the possession of any dairyman or washerman on whom a notice under section 179 or section 180 has been served, and may subject the same or cause the same to be subjected to such chemical or other process as he may think necessary ; and the cantonment authority shall pay from the cantonment fund all the costs of the process, and shall also pay to the owner of the milk, clothes or other articles such sum as compensation for any loss occasioned by such process as may in the circumstances appear to it to be reasonable.

Contamination of public conveyances,

184. Whoever—

(a) enters a public conveyance while suffering from an infectious or contagious disorder which would be likely to be communicated to other persons using the conveyance ; or

(b) uses a public conveyance for the carriage of a person who is suffering from any such disorder ; or

(c) uses a public conveyance for the carriage of the corpse of a person who has died from any such disorder ;

shall be bound to notify the fact to the driver and to report to the Cantonment Magistrate the number of the conveyance and the name of the driver.

185. Where any person suffering, or the corpse of any person who has died, from an infectious or contagious disorder, has been carried in a public conveyance, the driver shall forthwith report the fact to the officer in charge of the nearest police-station in the cantonment, and that officer shall forthwith cause the conveyance to be disinfected, if that has not already been done.

186. Where the Cantonment Magistrate is, upon the advice of the Sanitary Officer, of opinion that the cleansing or disinfecting of any building or part of a building, or of any articles therein likely to retain infection, or the renewal of the flooring of any building or part of a building, would tend to prevent or check the spread of any infectious or contagious disorder, he may, by notice in writing, require the owner or occupier to cleanse and disinfect the said building, part or articles, or to renew the said flooring, within a time to be specified in the notice :

Provided that, where, in the opinion of the Cantonment Magistrate, the owner or occupier is, from poverty or any other cause, unable effectually to carry out any such requisition, the Cantonment Magistrate may, at the expense of the cantonment fund, cleanse or disinfect the building or part, or any articles therein likely to retain infection, or renew the said flooring.

187. Where the destruction of any hut or shed is, in the opinion of the cantonment authority, necessary to prevent the spread of any infectious or contagious disorder, the cantonment authority may, by notice in writing, require the owner, within a time to be specified in the notice, to destroy the hut or shed and the materials thereof :

Provided that the cantonment authority shall pay to the owner such sum as may in the circumstances appear to it to be equitable for any loss incurred by reason of the destruction of such hut, shed or materials.

188. The cantonment authority shall provide free of charge temporary shelter or house accommodation for the members of any family in which an infectious or contagious disorder has appeared, who have been compelled to leave their dwellings, by reason of any proceedings taken under section 186 or section 187, and desire any shelter or accommodation as aforesaid to be provided for them.

189. Whoever lets a building or part of a building in which any person has, within the six weeks immediately preceding, been suffering from an infectious or contagious disorder, shall, before letting the building or part, disinfect the same, in such manner as the cantonment authority may, by public or special notice, direct, together with all articles therein liable to retain infection.

Explanation.—For the purposes of this section, the keeper of a sarai shall be deemed to let part of a building to any person who is admitted as a guest into the sarai.

190. No person shall, without previous disinfection of the same, give, lend, sell, transmit or otherwise dispose of to another person any article or thing which he has reason to know has been exposed to contamination by any infectious or contagious disorder.

191. The cantonment authority shall, by public notice, prescribe the manner in which infectious excreta and other matter is to be dealt with or disposed of.

Making or selling of food, etc., or washing of clothes, by infected person. 192. Whoever, while suffering from an infectious or contagious disorder,—

- (a) makes or offers for sale any article of food or drink for human consumption, or any medicine or drug ; or
- (b) takes any part in the business of washing or carrying soiled clothes ; shall be punishable with imprisonment for a term which may extend to eight days, or with fine which may extend to fifty rupees.

193. The cantonment authority may, by notice in writing, prohibit any person, while suffering from, or likely to spread, any infectious or contagious disorder, from making, carrying or offering for sale, or from taking any part in the business of making, carrying or offering for sale, any article of clothing or bedding, or anything for use in the making of clothing or bedding, or any other article for personal wear or use which may be specified in the notice.

Power to prohibit the making, carrying or selling of clothes, bedding or other articles by infected person.

194. When any cantonment is visited or threatened by an outbreak of any infectious or contagious disorder, the cantonment authority may, on the advice of the District Magistrate and the Sanitary Officer, by public notice, restrict in such manner, or prohibit for such period, as may be specified in the notice, the sale or preparation of any article of food or drink for human consumption specified in the notice or the sale of the flesh of any description of animal specified in the notice.

Power to restrict or prohibit sale of specified articles of food or drink, on outbreak of infectious or contagious disorder.

195. Where any person has died from any infectious or contagious disorder, the Cantonment Magistrate may, by notice in writing,—

Disposal of infected corpse.

- (a) require any person having charge of the corpse—
 - (i) to bury, burn or otherwise dispose of the same according to the custom of the class to which the deceased belonged, forthwith or within any period, not being less than twenty-four hours after death, to be specified in the notice, or
 - (ii) to convey the same to a mortuary, thereafter to be disposed of in accordance with law ; or
- (b) prohibit the removal of the corpse from the place where death occurred, except for the purpose of being buried, burnt or otherwise disposed of as aforesaid or of being conveyed to a mortuary.

Hospitals and Dispensaries.

Maintenance or aiding of hospitals and dispensaries. 196. (1) So far as the funds at its disposal permit, the cantonment authority, may—

- (a) provide and maintain, either within or without the cantonment, as many hospitals or dispensaries as may be necessary ; or
- (b) make, upon such terms as it thinks fit to impose, a grant-in-aid to any hospital or dispensary, whether within or without the cantonment, not maintained by it.

(2) Every hospital or dispensary maintained or aided under sub-section (1) shall have attached to it a ward or wards for the treatment of persons from infectious or contagious disorders.

Explanation.—In this section, the expression “infectious or contagious disorder” includes venereal disease.

197. A Medical Officer, to be appointed in such manner as the Local Government may direct, shall be in charge of every hospital or dispensary maintained or aided under section 196.

Medical Officer to be in charge of hospital or dispensary.

198. Subject to the control over the cantonment fund which is vested in the Local Government by section 23 of the Cantonments Act, 1889, there shall be appointed, for every hospital or dispensary maintained or aided under section 196, such subordinate establishment as may be necessary.

Subordinate establishments for hospitals or dispensaries.

Cantonments—XIII of. or—1889.

199. So far as the funds at its disposal permit, the cantonment authority shall cause every hospital or dispensary maintained or aided under section 196 to be provided with—

- Medical supplies, appliances, etc.
- (a) all requisite drugs, instruments, apparatus, furniture and appliances ;
 - (b) sufficient cots, bedding and clothing for in-patients ; and
 - (c) such further requisites as may be necessary.

200. Every hospital or dispensary maintained or aided under section 196, shall be maintained in accordance with the rules made, generally or specially, by the Governor General in Council or the Local Government for the conduct of hospitals and dispensaries, or in accordance with the said rules modified in such manner as the Governor General in Council or the Local Government may think fit.

201. At every hospital or dispensary maintained or aided under section 196 the sick poor of the cantonment, persons in the cantonment suffering from infectious or contagious disorders, and, with the sanction of the cantonment authority, any other sick persons, may receive medical treatment free of cost, and, if treated as in-patients, shall be either dieted gratuitously or, should the Medical Officer in charge so direct, granted subsistence allowance on a scale to be determined by the cantonment authority :

Free patients.

Provided that the subsistence allowance granted as aforesaid shall not be less than the lowest allowance for the time being fixed for the subsistence of judgment debtors by the Local Government under section 338 of the Code of Civil Procedure.

Explanation.—In this section, the expression “infectious or contagious disorder” includes venereal disease.

202. Any sick person who is ineligible under section 201 to receive medical treatment free of cost in any hospital or dispensary maintained or aided under section 196, may, upon such terms as the cantonment authority thinks fit to impose, be admitted to treatment in such hospital or dispensary.

203. If the Medical Officer in charge of a hospital or dispensary maintained or aided under section 196 has *prima facie* grounds for believing that any person living in the cantonment is suffering from an infectious or contagious disorder, he may, by notice in writing in the form set forth in Schedule II. or in any similar form, call upon such person to attend at the hospital or dispensary at a time to be specified in the notice, and not to quit it without the permission of the Medical Officer in charge, unless and until such Medical Officer is satisfied, by examination (if necessary), that such person is not in fact suffering, or is no longer suffering, from such disorder.

Power to call upon person suffering from infectious or contagious disorder to attend at, and remain in, hospital or dispensary.

Provided that, if, having regard to the nature of the disorder, or the condition of the person suffering therefrom, or the general environment and circumstances of such person, the Medical Officer considers the attendance of such person at the hospital or dispensary inexpedient, he may dispense with such attendance and take such measures or give such directions as he may think fit and proper.

Explanation.—In this section, the expression “infectious or contagious disorder” includes venereal disease.

204. (1) If the Medical Officer in charge of a hospital or dispensary maintained or aided under section 196 reports in writing to the Commanding Officer of the cantonment that any person, having received a notice as provided by section 203, has refused or omitted to attend at the hospital or dispensary, or that such person having attended at the hospital or dispensary, has quitted it without the permission of such Medical Officer, the Commanding Officer of the cantonment may, if he thinks fit, by order in writing, direct such person to remove from the cantonment within twenty-four hours, and prohibit him from remaining longer in, or re-entering, it without his permission in writing.

(2) Whoever, having been prohibited under sub-section (1) from remaining in or re-entering the cantonment, fails to remove from or re-enters it without the permission in writing of the Commanding Officer of the cantonment, shall be punishable with imprisonment for a term which may extend to eight days, or with fine which may extend to fifty rupees, and, in the case of a continuing failure, with an additional fine not exceeding five rupees for every day after the first in regard to which he is convicted of having persisted in the failure.

205. No spirituous or fermented liquor or intoxicating drug or preparation shall be introduced into a hospital or dispensary maintained or aided under section 196 without the permission of the Medical Officer in charge.

Introducing liquor or drug into hospital or dispensary.

206. (1) No land in the cantonment shall be selected for use as a cholera hospital or cholera camp without giving the Cantonment Magistrate and the Sanitary Officer an opportunity of stating their opinions upon the proposed selection.

Cholera hospitals and camps in cantonments.

(2) Where any land in the cantonment is used as aforesaid, it shall be ploughed up as soon as practicable after it has ceased to be so used.

Pilgrims.

207. (1) The cantonment authority may provide or prescribe suitable routes for the use of persons passing through the cantonment—

Routes for pilgrims and others.

(a) on their way to or from fairs or places of pilgrimage or other places of public resort ; or

(b) during times when an infectious or contagious disorder is prevalent ; and may, by public notice, require such persons as aforesaid to use such routes and no others.

(2) All routes provided or prescribed under sub-section (1) shall be clearly and sufficiently indicated by the cantonment authority.

CHAPTER XII.

SUPPRESSION OF MENDICANCY AND LOITERING AND REMOVAL OF DISORDERLY PERSONS.

Mendicancy.

208. No mendicant shall, in any street or public place in the cantonment, loiter or beg for alms.

Mendicancy.

Loitering and Importuning.

209. Whoever, in any street or public place in the cantonment, loiters for the purpose of prostitution or importunes any person to the commission of sexual immorality, shall be punishable with imprisonment for a term which may extend to eight days, or with fine which may extend to fifty rupees :

Loitering or importuning for sexual immorality.

Provided that no person shall be charged with a breach of the provisions of this section except on the complaint of the person importuned, or of an officer, as defined in the Cantonments Act, 1889, in whose presence the breach was committed, or of a member of the British military police-force employed in the cantonment and specially authorized in this behalf by the Commanding Officer of the cantonment, in whose presence the breach was committed.

X111. of
1889.

Removal of Disorderly Persons.

210. (1) The Cantonment Magistrate may, on receiving information that any person, whether resident in or frequenting the cantonment, —

Removal and exclusion from cantonment of disorderly persons, etc.

(a) is a disorderly person keeping or frequenting a common gaming-house, a disorderly drinking-shop, or a disorderly house of any other description, or

XLV. of
1860.

(b) has been convicted more than once, either within the cantonment or elsewhere, of an offence punishable under Chapter XVII. of the Indian Penal Code, or

44 & 45
Vict., c. 58.

(c) has been convicted, either within the cantonment or elsewhere, of any offence punishable under section 156 of the Army Act, or

V. of 1898.

(d) has been ordered, under Chapter VIII. of the Code of Criminal Procedure, 1898, either within the cantonment or elsewhere, to execute a bond for his good behaviour,

may make an order in writing, setting forth the substance of the information received, and issue a summons requiring the person to show cause why he should not be required to remove from the cantonment and be prohibited from re-entering it.

(2) Every summons issued under sub-section (1) shall be accompanied by a copy of such order as aforesaid, and the copy shall be delivered by the officer serving the summons to the person served with the same.

(3) The Cantonment Magistrate shall, when the person so summoned appears before him, proceed to inquire into the truth of the information received, and take such further evidence as he thinks fit, and, if, upon such inquiry, it appears to him to be necessary for the maintenance of good order that the person should be required to remove from the cantonment and be prohibited from re-entering it, the Cantonment Magistrate shall report the matter to the Commanding Officer of the cantonment and, if the Commanding Officer of the Cantonment so directs, shall issue a notice in writing requiring the person to remove from the cantonment within a time to be specified in the notice and prohibiting him from re-entering it without the permission in writing of the Commanding Officer of the cantonment.

211. (1) The Commanding Officer of the cantonment, if he thinks it expedient to exclude any person from the cantonment, whether with or without assigning any reason therefor, shall send to the Cantonment Magistrate an order in writing to that effect, and the Cantonment Magistrate shall cause a copy of the order to be served on the person, together with a notice in writing requiring him to remove from the cantonment within a time to be specified in the notice and prohibiting him from re-entering it without the permission in writing of the Commanding Officer of the cantonment :

Provided that no such order as aforesaid shall be made—

(a) where the only reason for making it is that the person—

(i) is disorderly, or

(ii) has been convicted of an offence punishable under Chapter XVII. of the Indian Penal Code or section 156 of the Army Act, or

(iii) has been ordered under Chapter VIII. of the Code of Criminal Procedure, 1898, to execute a bond for his good behaviour ; or

(b) unless the Commanding Officer of the cantonment thinks that the presence of the person in the cantonment is dangerous to good order or military discipline.

(2) A copy of every order made under sub-section (1) shall forthwith be sent by the Commanding Officer of the cantonment to the General Officer of the Command.

212. Whoever, knowing that any person has, under section 210 or section 211, been required to remove from the cantonment and has not obtained the requisite permission to re-enter it, harbours or conceals such person in the cantonment, shall be punishable with imprisonment for a term which may extend to eight days, or with fine which may extend to fifty rupees.

Harbouring or concealing person ordered to remove from and prohibited from re-entering a cantonment.

CHAPTER XIII.

CARE OF ANIMALS.

Prevention of cruelty.

213. Whoever ill-uses, tortures or cruelly beats any animal in the cantonment, shall be punishable with imprisonment for a term which may extend to eight days, or with fine which may extend to fifty rupees.

Cruelty to animals.

XLV. of 1860.
44 & 45
Vict., c. 58.
V. of 1898.

214. (1) Unless the General Officer of the Command concurs with the cantonment authority in thinking that there is some special reason to the contrary, the cantonment authority shall apply to the Local Government to extend the Prevention of Cruelty to Animals Act, 1890, to the cantonment. XI. of 1890.

(2) In making an application under sub-section (1) the cantonment authority shall, unless there is some special reason to the contrary, suggest that the place appointed to be an infirmary under section 6, sub-section (2), of the said Act shall be the pound (if any) established for the cantonment under the Cattle-trespass Act, 1871. I. of 1871.

(3) Where the Prevention of Cruelty to Animals Act, 1890, has been extended to any cantonment, the provisions of section 213 of this Code shall cease to have effect therein.

Grazing.

215. Every owner, or the person in charge, of an animal grazing on any land belonging to the Government in the cantonment shall be bound to keep it under proper care and control. I. of 1871.

216. (1) Where any animal is found grazing on land belonging to the Government in the cantonment without being under proper care or control, it may be seized by any servant of the cantonment authority and sent within twenty-four hours to the nearest pound established under section 4 of the Cattle-trespass Act, 1871. I. of 1871.

(2) Every animal so sent to the pound shall be dealt with as if it had been impounded under the provisions of the said Act, and the provisions of the said Act shall apply thereto.

(3) Every member of the police-force employed in the cantonment shall, when required, aid in preventing resistance to any such seizure as aforesaid and rescues from persons making such seizures.

217. (1) Whoever takes delivery of any animal impounded from the pound-keeper (if any) appointed under section 6 of the Cattle-trespass Act, 1871, shall inform the pound-keeper of the name of the owner of the animal and the name of the person who had charge of the same at the time of its seizure. I. of 1871.

(2) Whoever refuses to give the pound-keeper the information required by this rule, or wilfully gives him false information, shall be punishable with fine which may extend to fifty rupees.

CHAPTER XIV.

PREVENTION OF FIRE.

218. (1) No person shall, in any place in the cantonment within one hundred yards of a public building or building having a thatched roof, or in any other place in which the collection or placing of highly inflammable materials may be prohibited by public notice issued by the cantonment authority,—

- (a) stack or collect dry grass, straw or any other highly inflammable material, or
- (b) build a matted structure or a cooking-place.

(2) The cantonment authority may, by notice in writing, require any person who has stacked or collected any grass, straw or other highly inflammable material, or has built a matted structure or a cooking-place, in contravention of the provisions of sub-section (1), to remove such stack, collection or structure as aforesaid within a time to be specified in the notice.

219. No person shall, without the general or special permission of the
 Letting-off fireworks, sending up fire balloons, or lighting bonfire, without permission. cantonment authority, let off rockets or fire-works of any description, send up a fire-balloon or light a bonfire.

220. No person shall set a naked light on or near any building in any
 Setting naked light on or near building. street or public place in the cantonment in such manner as to cause danger of fire :

Provided that this prohibition shall not extend to the use of lights, with the permission in writing of the cantonment authority, for purposes of illumination on the occasion of a festival or public or private entertainment.

CHAPTER XV.

REGISTRATION OF BIRTHS AND DEATHS.

221. (1) The Cantonment Magistrate shall maintain registers, in such forms
 Registers of births and deaths to be maintained. as may be prescribed by the Local Government, of all births and deaths occurring in the cantonment.

(2) No charge shall be made for the registration of any birth or death under this Chapter.

222. The head for the time being of every house or family in which any
 Duty of head of house or family to report birth therein. birth occurs, shall, within eight days after the event, report the same to the Cantonment Magistrate, together with the following particulars, namely :—

- (a) the date of the birth, and the sex and name (if any), of the child ;
- (b) the name, place of residence and occupation, and the caste or religion (if any), of the father, if the person making the report is willing to furnish these particulars ; and
- (c) the name and place of residence of the person making the report.

223. The head for the time being of every house or family in which any
 Duty of head of house or family to report death therein. death occurs, shall, within twenty-four hours after the event, report the same to the Cantonment Magistrate, together with the following particulars, namely :—

- (a) the date of the death, the sex, name, age and occupation, and the caste or religion (if any), of the deceased, the cause of death, and the place of residence of the deceased at the time of death ;
- (b) the name of the father, or, if the deceased was a married woman, the name of her husband, if the person making the report is willing to furnish these particulars ; and
- (c) the name and place of residence of the person making the report.

224. It shall be the duty of every Medical Officer of the Government to
 Duty of Medical Officers to report births and deaths. report to the Cantonment Magistrate, as soon as practicable after the event, every birth and death occurring in the cantonment of which he may become cognizant in the exercise of his profession.

225. Whoever fails to comply with the provisions of section 222 or
 Penalty. section 223, shall be punishable with fine which may extend to five rupees.

CHAPTER XVI.

APPOINTMENT OF AGENTS BY ABSENTEE OWNERS.

226. (1) Whoever, being the owner of any building or land in the
 Duty of absentee owner to appoint agent. cantonment, is absent therefrom, shall appoint some person residing in or near the cantonment to act as his agent for all the purposes of the Cantonments Act, 1889, and of this Code, and shall notify such appointment to the Canton Magistrate.

(2) Whoever fails to appoint an agent as required by sub-section (1), shall be punishable with fine which may extend to twenty rupees, and, in the case of a continuing failure, with an additional fine not exceeding five rupees for every day after the first in regard to which he is convicted of having persisted in the failure.

227. (1) Where any person, by reason of his receiving the rent of im-
 Relief to agents and trustees. moveable property as agent or trustee, or of his being as agent or trustee the person who would receive the rent if the property were let to a tenant, would, under any of the provisions of this Code, be bound to discharge any obligation imposed on the owner of the property for the discharge of which money is required, he shall not be bound to discharge the obligation unless he has, or but for his own improper act or default might have had, in his hands funds sufficient for the purpose belonging to the owner.

(2) The burden of proof of the facts entitling an agent or trustee to relief under sub-section (1) shall lie on him.

(3) Where any agent or trustee has claimed and established his right to relief under this section, the cantonment authority may, by notice in writing, require him to apply to the discharge of such obligation as aforesaid the first moneys which shall come to his hands on behalf, or for the use, of the owner; and, on failure to comply with the notice, he shall be deemed to be personally liable to discharge the obligation.

CHAPTER XVII.

INSPECTION, ENTRY, SEARCH AND ARREST.

Inspection, Entry and Search.

228. The General Officer of the Command, the Officer Commanding the District or the District Magistrate may enter into or on, and inspect, any building or land, if it appears to him to be necessary to do so in order to the exercise of any power conferred upon him by this Code.

Entry and inspection by the General Officer of the Command, the Officer Commanding the District or the District Magistrate.

229. The cantonment authority, by itself or by any person generally or specially authorized by it in this behalf, may—

Entry and inspection by, or by the authority of, the cantonment authority.

- (a) enter into, or on, any building or land for the purpose of—
- (i) removing any buildings or materials, or altering any building, in pursuance of a notice issued by the cantonment authority in accordance with the conditions of a lease executed under section 259; or
 - (ii) resuming any land in pursuance of a notice issued by the Local Government in accordance with the conditions of a lease executed as aforesaid; or
 - (iii) performing any act authorized by any of the provisions of sections 93, 94 and 285, sub-section (1); or
 - (iv) making any inspection authorized by the provisions of section 81, sub-section (1); or
- (b) enter into and inspect any place which is, or may recently have been, used as a burial or burning ground, if it appears to the cantonment authority to be desirable to do so in order to the carrying out of any of the provisions of this Code; or
- (c) enter into, or on, and inspect, any building or land in, on, or with respect to which the cantonment authority has reason to believe—
- (i) that a breach of any of the provisions of this Code has been committed; or
 - (ii) that any notice issued under this Code has not been duly complied with; or
 - (iii) that any conditions imposed under this Code have not been duly observed; or

- (iv) that any notice should be issued under this Code ; or
- (v) that any conditions should be imposed under the provisions of section 109, sub-section (2), section 143, sub-section (2), or section 168.

230. The Sanitary Officer, by himself or by any Medical Officer of the Government specially deputed by him by an order in writing in this behalf, may—
Entry, inspection and search by, or by the authority of, the Sanitary Officer.

- (a) enter into or on any building or land for the purpose of inspecting any receptacles or places provided under section 74 for the temporary deposit of offensive matter and rubbish ; or
- (b) enter into, and inspect, any dairy, or any place at which a washerman washes or keeps clothes or other articles in the course of his business, if it appears to the Sanitary Officer to be necessary to do so in order to the prevention of the spread of any infectious or contagious disorder ; or
- (c) enter into or on, and inspect, any building or land in or on which the Sanitary Officer has reason to believe that there is, or has recently been, any person suffering, or the corpse of any person who has died, from any infectious or contagious disorder, and search for infected persons, corpses or articles therein or thereon ; or
- (d) enter into or on any building or land in or on which the Sanitary Officer has reason to believe that there is any public conveyance which has been used for the carriage of a person suffering, or the corpse of a person who has died, from any infectious or contagious disorder, and which has not been disinfected ; or
- (e) enter into or on, and inspect, any building or land in, on or with respect to which the Sanitary Officer has reason to believe—
 - (i) that any such nuisance as is described in section 66, clause (d), clause (e), clause (o) or clause (p), has been committed, or
 - (ii) that a breach of any of the provisions of sections 105, 121, 127, 145 to 149, 156, 170 to 173 and 192 has been committed, or
 - (iii) that any notice issued under section 186, section 191 or section 193 has not been duly compiled with, or
 - (iv) that any conditions imposed under section 143, sub-section (2), or section 168, and affecting sanitation or hygiene, have not been duly observed, or
 - (v) that the cantonment authority should be moved to issue a notice under section 76, 79, 80, 82, 83, 84, 99, 101, 102, 154, 155, 157, 160, 162, 164, 187 or 194, or to take any action under section 81, sub-section (1) ; or
- (f) enter into and inspect any private slaughter-house, or any structure therein, for the purpose of assisting the Cantonment Magistrate in determining whether a licence should be issued under section 124 ; or
- (g) enter on and inspect any land which it is proposed to use as a burial or burning ground, for the purpose of ascertaining whether any such permission as is referred to in section 143, sub-section (1), should be given ; or
- (h) enter into or on, and inspect, any building or land for the purpose of advising the cantonment authority as to the conditions which should be imposed under section 168 in any license which it is proposed to grant under section 167 ; or
- (i) enter into or on, and inspect, any building or land in or on which the Sanitary Officer has reason to believe that there is any animal or flesh which has been brought into the cantonment in contravention of section 132, and search for such animal or flesh ; or
- (j) enter into or on, and inspect, any building or land, for the purpose of—
 - (i) ascertaining whether the General Officer of the Command should be moved to take any action under section 178, sub-section (1), or
 - (ii) advising the cantonment authority whether any, and, if so, what, directions should be issued under section 89, sub-section (1), clause (b), clause (c) or clause (d) ; or

- (k) enter into or on, and inspect, any building or land with respect to which the Sanitary Officer has reason to believe that the Cantonment Authority should be moved to issue a notice under section 77, section 83, section 84 or section 95.

231. The Cantonment Magistrate, by himself or by any person generally Entry, inspection and search or specially authorized by him in this behalf, by, or by the authority of, the may--
Cantonment Magistrate.

- (a) enter into or on, and inspect, any building or land for the purpose of—
- (i) inquiring into occupation, ownership, agency, rights or any other matter required to be entered in any of the registers maintained under sections 266, 267 and 268, or
 - (ii) performing the duties imposed on the Cantonment Magistrate by section 17, sub-section (2), section 68, section 71, or section 76, clause (c), sub-clause (i), or
 - (iii) determining whether a license should be issued under section 114 or section 124, or
 - (iv) ascertaining whether a notice should be issued under section 182 or section 186, or
 - (v) cleansing or disinfecting a building or any articles therein, or renewing flooring in pursuance of the proviso to section 186 ; or
- (b) enter into or on, and inspect, any building or land in or on which the Cantonment Magistrate has reason to believe that there is the corpse of any person who has died from an infectious or contagious disorder, and search for such corpse ; or
- (c) enter into and inspect any building which is being used, or is intended to be used, as a theatre or place of public entertainment or resort or any structure therein, for the purpose of enquiring into and testing the safety of such building or structure ; or
- (d) enter into or on, and inspect, any building or land in or on which the Cantonment Magistrate has reason to believe that there is any animal or flesh which has been brought into the cantonment in contravention of section 132, and search for such animal or flesh ; or
- (e) enter any building in order to enforce its surrender in pursuance of the conditions of a lease executed under section 259.

232. The Cantonment Magistrate or the Sanitary Officer may enter into any market, or any structure therein, and inspect the same or any article therein, in the performance of the duty imposed upon him by section 112.
Entry into, and inspection of, markets by Sanitary Officer or Cantonment Magistrate.

233. Where the cantonment authority has, under section 78, sub-section (1), provided for the performance by its agents of the duties usually performed by sweepers in respect of any building or land, or of any privy, drain, cesspool or other receptacle for offensive matter pertaining to any building or land, the persons employed by it to perform such duties may enter into or on the building or land for the purpose of performing their duties.
Entry by public conservancy establishments.

234. (1) Every entry made under any of the foregoing sections 228 to 232 shall be made between sunrise and sunset :
Time of entry.

Provided that, if in any such case the authority empowered by any of the said sections to make or authorise an entry thinks it necessary, in the interests of the public health or safety, that entry should be made at any other time, he or it may, for reasons to be recorded in writing, make such entry, or authorize it to be made, at any reasonable time between sunset and sunrise.

(2) Any entry made under section 233 may be made at any reasonable time.

235. When any building used as a human dwelling is entered under this Chapter, due regard shall be paid to the social and religious sentiments of the occupiers ; and no apartment in the actual occupancy of a woman shall be entered under this Chapter until she has been informed that she is at liberty.
Precautions to be observed in entering dwelling.

to withdraw and every reasonable facility has been afforded to her for withdrawing.

236. Every entry and inspection made under section 229, clause (b), shall be made under such arrangements as shall ensure due precaution to be observed in entering and inspecting burial or burning ground. regard for the religious feelings of the community concerned.

Arrest without Warrant.

237. Any member of the police-force employed in the cantonment may, without a warrant, arrest any person committing in his view a breach of any of the provisions of this Code specified in the first column of Schedule III :

Provided, first, that in the case of the breach of any such provision as is specified in Part B of the said schedule, no person shall be so arrested whose name and address are known to either the complainant or the arresting officer :

Provided, secondly, that no person shall be so arrested who consents to give his name and address, unless there is reasonable ground for doubting the accuracy of the name or address so given, the burden of proof of which shall lie on the arresting officer :

Provided, thirdly, that no person so arrested shall be detained after his name and address have been ascertained :

Provided, fourthly, that no person so arrested shall, except under the order of a Magistrate, be detained longer than may be necessary for bringing him before a Magistrate : and

Provided, fifthly, that no person shall be so arrested for a breach of the provisions of section 209, except--

- (a) at the request of the person importuned or of an officer, as defined in the Cantonments Act, 1889, in whose presence the breach was committed ; or
- (b) by, or at the request of, a member of the British military police-force employed in the cantonment and specially authorized in this behalf by the Commanding Officer of the cantonment, in whose presence the breach was committed.

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1889.

CHAPTER XVIII.

SERVICE OF SUMMONSES, NOTICES, ETC.

238. (1) Unless it is in this Code in any case otherwise expressly provided, any summons, notice, requisition or other document issued thereunder may be served by being delivered to the person to whom it is addressed, or by being left at his usual place of abode or business with some adult male member or servant of his family, or, if it cannot be so served, may be affixed on some conspicuous part of his usual place of abode or business.

(2) Where the usual place of abode or business of the person to whom the summons, notice, requisition or document is addressed, is not in the cantonment, it may be served by posting it in a registered cover addressed to his usual place of abode or business.

(3) Where the usual place of abode or business of the owner of any property is not known, any such summons, notice, requisition or document addressed to him as such owner may be served on the occupier.

(4) Where the usual place of abode or business of the occupier of any property is not known, any such summons, notice, requisition or document addressed to him as such occupier may be served by affixing it on some conspicuous part of the property.

239. The service of a summons, notice, requisition or other document as aforesaid on any agent appointed by an absentee owner shall be deemed to be service on the owner.

CHAPTER XIX.

APPEAL AND REVISION.

240. (1) Any person aggrieved by any of the executive orders described in the second column of Schedule IV may appeal to the authority specified in that behalf in the third column of the said schedule.

(2) No such appeal shall be admitted unless made within the period specified in that behalf in the fourth column of the said schedule.

(3) The period specified as aforesaid as the time allowed for making an appeal shall be computed in accordance with the provisions of the Indian Limitation Act, 1877, with respect to the computation of the period of limitation thereunder. XV of 1877.

241. (1) Every appeal under this Code shall be made by petition in writing, accompanied by a copy of the order appealed against.

(2) Any such petition as aforesaid may be presented to the authority which made the order appealed against; and that authority shall be bound to forward it to the appellate authority, and may attach thereto any report which it may desire to make by way of explanation.

(3) Where any such petition as aforesaid is presented direct to the appellate authority and an immediate order thereon is not necessary, the appellate authority may refer the petition for report to the authority which made the order appealed against.

242. On the admission of an appeal from any order, other than an order contained in a notice issued under—
Suspension of action pending appeal.

- (a) section 76, clause (d), clause (e) or clause (g),
- (b) section 77,
- (c) section 83,
- (d) section 93,
- (e) section 155,
- (f) section 157, clause (a),
- (g) section 204, sub-section (1),
- (h) section 210, sub-section (3), or
- (i) section 211,

all proceedings to enforce the order and all prosecutions for any breach thereof shall be held in abeyance pending the decision of the appeal, and, if the order is set aside on appeal, disobedience thereto shall not be deemed to be an offence.

243. (1) Where an appeal from an order made by the Cantonment Magistrate dismissing, under section 21, a servant of the cantonment authority whose salary is not less than one hundred rupees a month, has been disposed of by the General Officer of the Command, the servant so dismissed, if he is dissatisfied with the decision of the General Officer of the Command, may, within thirty days from the date thereof, apply to the Governor General in Council for a review of that decision.

(2) Where an appeal from an order made by the cantonment authority has been disposed of by the District Magistrate, the cantonment authority, if it is dissatisfied with the decision of the District Magistrate, may, within thirty days from the date thereof, apply, through the General Officer of the Command, to the Local Government, or to such authority as the Local Government may appoint in this behalf, for a review of that decision.

(3) The provisions of this Chapter with respect to appeals shall apply, so far as may be, to applications for review made under this section.

244. Save as otherwise provided in section 243, the order of the appellate authority confirming, setting aside or modifying an order appealed against shall be final :
Finality of appellate orders.

Provided that no order shall be confirmed, set aside or modified on appeal unless and until the appellant has had a reasonable opportunity of being heard.

CHAPTER XX.

COMMITTEES OF ARBITRATION.

245. On a requisition being made to him under Condition XVIII or Condition XIX set forth in a lease executed under section 259 in Form B in Schedule V, within the period mentioned in such Condition, the Commanding Officer of the cantonment shall forthwith proceed to convene a committee of arbitration--

- Obligation of Commanding Officer of cantonment to convene a committee of arbitration to decide question as to rent or repairs.
- (a) to determine the amount of monthly rent to be paid ; or
 - (b) to determine whether any, and, if so, what, repairs are necessary, and the extent to which they are necessary.

246. (1) On an application being made to him under Condition XX or Condition XXI set forth in a lease executed under section 259 in Form B in Schedule V, the Commanding Officer of the cantonment may, after such inquiry as he may think fit to make, proceed to convene a committee of arbitration--

- Discretion of Commanding Officer of cantonment to convene a committee of arbitration to decide question as to condition of house or as to rent or repairs.
- (a) to determine whether the house has become unfit for occupation ; or
 - (b) to determine the amount of monthly rent to be paid ; or
 - (c) to determine whether any, and, if so, what, repairs are necessary, and the extent to which they are necessary ; or
 - (d) otherwise to determine the question in dispute.
- (2) In the exercise of the discretion vested in him by this section, the Commanding Officer of the cantonment may refuse to convene a committee of arbitration on the ground that the application therefor is groundless or frivolous, or for any other sufficient reason.

247. Where the cantonment authority and the person or persons concerned are unable to agree as to the amount of any compensation payable under the first proviso to section 81, sub-section (3), or under proviso (c) to section 101, sub-section (1), the Commanding Officer of the cantonment shall proceed to convene a committee of arbitration to determine the amount payable.

248. (1) Where a committee of arbitration is to be convened, the Commanding Officer of the cantonment shall cause an order to be published in Station Orders, stating the matter to be determined by the committee of arbitration.

(2) The Cantonment Magistrate shall send a copy of the order published under sub-section (1) to the District Magistrate and to the parties concerned, and shall, by notice in writing, require the parties to nominate members of the committee of arbitration as hereinafter provided.

249. Every committee of arbitration convened under section 245 or 246 shall consist of--

- Composition of committee of arbitration convened under section 245 or 246.
- (a) the District Magistrate or, if it is inconvenient for him to act, some Magistrate, being a Justice of the Peace, appointed by him to act in his stead ;
 - (b) a member to be nominated by the officer concerned ; and
 - (c) a member to be nominated by the lessee :

Provided that if such officer or lessee as aforesaid fails to nominate a member within seven clear days from the date on which he is called upon to do so, or if any member who has been nominated, neglects or refuses to act and such officer or lessee, as the case may be, fails to nominate, within seven clear days from the date on which he is called upon to do so, another member who is willing to act, the Commanding Officer of the cantonment shall forthwith appoint a member in the place of such nominee.

Composition of committee of arbitration convened under section 247.

250. Every committee of arbitration convened under section 247 shall consist of—
- (a) the District Magistrate or, if it is inconvenient for him to act, some Magistrate, being a Justice of the Peace, appointed by him to act in his stead ;
 - (b) a member to be nominated by the person or persons concerned ; and
 - (c) a member to be nominated by the cantonment authority :

Provided that, if such person or persons concerned as aforesaid fails or fail to nominate a member within seven clear days from the date on which he or they is or are called upon to do so, or if any member who has been nominated by such person or persons, neglects or refuses to act and such person or persons fails or fail to nominate, within seven clear days from the date on which he or they is or are called upon to do so, another member who is willing to act, the Commanding Officer of the cantonment shall forthwith appoint a member in the place of such nominee.

251. No person shall be nominated or appointed a member of a committee of arbitration unless he is personally disinterested in the matter under reference and his services are immediately available for the purposes of the arbitration ; and the nomination of any person who is, in the opinion of the Commanding Officer of the cantonment, personally interested in the matter under reference, or whose services are not immediately available as aforesaid, shall be deemed to constitute a failure to make a nomination within the meaning of the foregoing provisions.

252. When a committee of arbitration has been duly constituted, the Cantonment Magistrate shall, by notice in writing, inform each of the members of the fact, and the committee of arbitration shall assemble within seven clear days from the service of the notice.

253. The District Magistrate or the Magistrate appointed by him to act in his stead shall be the chairman of every committee of arbitration.

254. For the purpose of determining the amount of monthly rent to be paid for a house, every committee of arbitration shall estimate, as nearly as may be, the market-value of all buildings and authorized additions ; and the amount of rent determined upon shall be such percentage on such market-value as the committee of arbitration may think reasonable with reference to the circumstances of the neighbourhood and the period of time and season for which the house is likely to be occupied during the year, and shall include the taxes (if any) levied upon the land, or such proportion thereof as the committee of arbitration may find to be customarily paid for the time being in the neighbourhood by tenants.

255. (1) The decision of every committee of arbitration shall be determined by the majority of the votes taken at a meeting at which all the members are present.

- (2) The decision of every committee of arbitration shall be final.

CHAPTER XXI.

APPLICATIONS FOR BUILDING-SITES ON GOVERNMENT LAND IN CANTONMENTS.

256. Every application for permission to occupy, for the purposes of a building-site, land belonging to the Government in a cantonment shall be submitted to the Cantonment Magistrate in writing, and shall contain the following particulars, namely :—

- (a) the situation, area and boundaries of the land ;
- (b) the materials to be used in the intended buildings ;

- (c) the period after the date of occupation within which the intended buildings are to be completed ; and
- (d) the purposes for which the land and the intended buildings are to be used.

Documents to accompany applications. 257. Every application made under section 256 shall be accompanied by—

- (a) a plan, on a scale of fifty feet to the inch, showing—
 - (i) the boundaries of the land,
 - (ii) the roads or lands adjoining, and
 - (iii) all buildings intended to be erected on the land ;
- (b) a ground plan and elevation of the principal building intended to be erected, showing the dimensions of the same ;
- (c) a statement of the buildings intended to be erected ;
- (d) an approximate statement of the intended outlay on the buildings and of the rent which it is proposed to charge for the same, if let to a tenant : and
- (e) a declaration that the applicant has read the appropriate form of lease referred to in section 259 and undertakes, in the event of his application being sanctioned, to execute a lease in that form.

258. (1) Every application made under section 256 shall, if the procedure prescribed by that section and section 257 has been duly observed, be referred by the Cantonment Magistrate to the Executive Engineer—

- (a) for verification of the plan referred to in section 257, clause (a) ; and
- (b) for report as to whether the land is in the vicinity of a fortified place, whether the land is, in the opinion of the Executive Engineer, likely to be required for any public purpose, and whether there is any departmental objection to the application being sanctioned.

(2) On receipt of such verification and report as aforesaid, the application shall be submitted to the Commanding Officer of the cantonment.

(3) Where the land is not situate in a bazar, if the Commanding Officer of the cantonment considers that its occupation in the manner proposed would not be objectionable, either as regards the health or comfort of the troops or in any other respect, he shall attach to the application a certificate to that effect, and shall forward the application to the General Officer of the Command :

Provided that, where the Commanding Officer of the cantonment is not the Officer Commanding the District, the application shall be forwarded to the Officer Commanding the District, who shall, unless he considers that the occupation of the land in the manner proposed would be objectionable as aforesaid, forward the application to the General Officer of the Command.

(4) Where the land is situate in a bazar and there is a cantonment committee, if the Commanding Officer of the cantonment considers that the occupation of the land in the manner proposed would not be objectionable as aforesaid, he shall attach to the application a certificate to that effect, and shall forward the application to the cantonment committee.

(5) The General Officer of the Command, the Commanding Officer of the cantonment or the cantonment committee, as the case may be, may sanction or reject the application, according as he or it may think fit :

Provided, first, that, if the land is in the vicinity of a fortified place or is applied for by a railway company, the application shall not be sanctioned without the express orders of the Governor General in Council, obtained through such channel as the Governor General in Council may direct : and

Provided, secondly, that if the land is applied for for the purpose of erecting a hospital, school or other public building, or if it is intended to set apart for occupation by civil officers the house to be erected on the land, the application shall not be sanctioned without the concurrence of the Local Government.

259. (1) When an application under this Chapter is sanctioned, the applicant, before using or occupying the land or erecting any building thereon, shall duly execute a lease in one of the forms indicated in Schedule V and subject to the conditions set forth in the annexure to such form, or in such other form as the

Execution of lease, with site-plan annexed.

Governor General in Council may, by notification, prescribe, and shall register the lease under the law for the time being in force relating to the registration of documents.

Explanation.—Form A in Schedule V shall be applicable to leases of land applied for by a railway company, or for the purpose of erecting a hospital, school or other public building, and to leases of land situate in a bazar. Form B shall be applicable to all other leases of land under this Chapter.

(2) There shall be appended to the lease a site-plan of the land, on a scale of fifty feet to the inch, showing—

- (a) the boundaries of the land ;
- (b) the roads or lands adjoining ; and
- (c) all buildings authorized to be erected on the land.

(3) The site-plan shall be verified by the Executive Engineer, and shall be signed,—

- (a) if the land is situate in a bazar, by the Cantonment Magistrate ;
- (b) if the land is not situate in a bazar, by the Officer Commanding the District or his principal staff officer,

and shall be indorsed with the date of its preparation, the name of the lessee, and a note specifying the period within which the buildings to be erected on the land are to be completed.

(4) Two copies of the site-plan, prepared at the cost of the lessee and verified by the Executive Engineer, shall be delivered by the lessee to the Cantonment Magistrate.

260. (1) The Cantonment Magistrate shall cause to be prepared, and shall authenticate with his signature, two copies of every lease executed under this Chapter.

(2) The Cantonment Magistrate shall—

- (a) record in his office one of the said copies of every such lease as aforesaid and one of the copies of every site-plan delivered to him by the lessee under the terms thereof ; and
- (b) forward the other copies of every such lease and site-plan as aforesaid to the head-quarters of the Command for record.

CHAPTER XXII.

REGISTRATION OF IMMOVEABLE PROPERTY IN CANTONMENTS.

261. The cantonment authority shall prepare and maintain a general plan of the cantonment, on a scale of twenty-four inches to the mile, showing all necessary details and distinguishing in particular—

- (a) all houses (if any) which have been set apart, in accordance with the conditions of leases executed under section 259, for occupation by civil officers ; and
- (b) all land (if any) which does not belong to the Government, and all houses (if any) situate thereon.

262. The cantonment authority shall also prepare and maintain a bazar plan, on a scale of fifty feet to the inch, of every bazar in the cantonment.

263. (1) Every site shall be shown under a distinguishing number on the plans prepared under this Chapter, and the numbers for each bazar shall form a separate series.

(2) Every street shall be shown on such plans as aforesaid by its name or under an alphabetical letter or number.

264. (1) Every plan prepared under this Chapter shall, on completion, be dated and authenticated by the signature of the Executive Engineer.

(2) Whenever a general plan prepared under section 261 is altered, the alteration shall be explained on the plan in a memorandum dated and signed by the Executive Engineer.

265. No plan which relates to land in a cantonment and is in the custody of the cantonment authority or of any public officer, other than a plan submitted with an application under Chapter XXI, shall be destroyed without the previous sanction of the Governor General in Council.

266. The Cantonment Magistrate shall maintain a register showing, in regard to all Government land held by lessees and not situate in a bazar (whether the sites were occupied by the lessees before or after the commencement of this Code) and the buildings situate thereon, the following particulars, so far as they can be ascertained, namely :—

Plans not to be destroyed without sanction.

Register of Government land held by lessees outside bazars.

- (a) the name of the cantonment, and the number and date of any orders declaring it to be a cantonment or defining its limits ;
- (b) a reference to any similar register kept before the commencement of this Code ;
- (c) the date of registry of the site ;
- (d) the number of the site, as shown on the general plan maintained under section 261 ;
- (e) the dimensions of the site ;
- (f) the boundaries of the site ;
- (g) in the case of a site occupied before the commencement of this Code, the date of the permission to occupy the site, and, in the case of a site occupied after the commencement of this Code, the date of the lease executed by the lessee under section 259 ;
- (h) the name and description of the lessee at the date of registry ;
- (i) the name and description of the lessee's agent (if any) at the date of registry ;
- (j) the nature of the lessee's right under this Code, or under any other provision of law, including the particulars of any special right of occupancy ;
- (k) the estimated value of buildings on the site at the date of registry ;
- (l) the dates of authorities to add to buildings ; and
- (m) all changes occurring from time to time, whether by transfer, by alterations or additions, by decisions of committees of arbitration, in dimensions, in value, or in agency.

Explanation.—In this section, the expression “date of registry” means the date of entry in the register maintained hereunder.

267. The Cantonment Magistrate shall maintain a register showing, in regard to all Government land held by lessees and situate in a bazar (whether the sites were occupied by the lessees before or after the commencement of this Code) and the buildings situate thereon, the following particulars, so far as they can be ascertained, namely :—

Register of Government land held by lessees in bazars.

- (a) the name of the bazar ;
- (b) a reference to any similar register kept before the commencement of this Code ;
- (c) the date of registry of the site ;
- (d) the number of the site, as shown on the bazar plan maintained under section 262 ;
- (e) the dimensions of the site ;
- (f) the boundaries of the site ;
- (g) in the case of a site occupied before the commencement of this Code, the date of the permission to occupy the site, and, in the case of a site occupied after the commencement of this Code, the date of the lease executed by the lessee under section 259 ;
- (h) the name and description of the lessee at the date of registry ;
- (i) the name and description of the lessee's agent (if any) at the date of registry ;
- (j) the estimated value of buildings on the site at the date of registry ; and
- (k) all changes occurring from time to time, whether by transfer, by alterations or additions, in dimensions, in value, or in agency.

Explanation.—In this section, the expression “date of registry” means the date of entry in the register maintained hereunder.

268. The Cantonment Magistrate shall maintain a register showing, in regard to all land (if any) which is private property, and the buildings situate thereon, the following particulars, so far as they can be ascertained, namely:—

- Register of private land.
- (a) the name of the cantonment, and the number and date of any orders declaring it to be a cantonment or defining its limits ;
 - (b) a reference to any similar register kept before the commencement of this Code ;
 - (c) the date of registry of the site ;
 - (d) the number of the site as shown on the general plan ;
 - (e) the dimensions of the site ;
 - (f) the boundaries of the site ;
 - (g) the name and description of the owner at the date of registry ;
 - (h) the name and description of the owner’s agent (if any) at the date of registry ;
 - (i) the particulars of the owner’s right by reference to any acknowledgment by the Government, or any other proof ;
 - (j) the estimated value of buildings on the site at the date of registry ; and
 - (k) all changes occurring from time to time, whether by transfer, by alterations or additions, in dimensions, in value or in agency.

Explanation.—In this section the expression “date of registry” means the date of entry in the register maintained hereunder.

269. (1) The Cantonment Magistrate shall maintain a register of transfers, in which he shall from time to time enter references to all transfers of immoveable property—

- Register of transfers.
- (a) registered in his own office, where he is himself Registrar or Sub-Registrar of the cantonment under the Indian Registration Act, 1877, or appearing in the copies forwarded to him by the Registrar of the district under section 32, sub-section (2), of the Cantonments Act, 1889, as the case may be. III of 1877.
XIII of 1889.

(2) The register of transfers shall contain the following particulars, namely:—

- (a) a serial number for each transfer ;
- (b) the date of registry ;
- (c) the distinguishing number of the site, as recorded in the register maintained under section 266, 267 or 268, as the case may be ;
- (d) the name of the transferor ;
- (e) the name of the transferee ;
- (f) the nature of the transfer, that is to say, whether by sale, mortgage, gift, exchange or bequest ;
- (g) the date of the transfer ; and,
- (h) where the cantonment has been constituted a district or sub-district for the purposes of the Indian Registration Act, 1877, references to the Indexes Nos. I, II and III kept in the cantonment under sections 54 and 55 of that Act. III of 1877.

Explanation.—In this section the expression “date of registry” means the date of entry in the register maintained hereunder.

270. Reference, when possible, to the serial number in the register of transfers shall be sufficient record, in the registers maintained under sections 266, 267 and 268, respectively, of changes occurring by transfer.

271. (1) The cantonment authority shall, in the month of July in each year, make an inspection of the registers maintained under sections 266, 267 and 268 respectively, and shall ascertain—

- Annual inspection of registers.
- (a) whether all the changes referred to in section 266, clause (m), or in section 268, clause (k), which have taken place during the last preceding twelve months, have been duly noted in the appropriate register, and

(b) where any of the said registers are in such a condition as to require renewal.

(2) The cantonment authority may give such directions as it thinks fit after making an inspection under sub-section (1); and shall send a brief report to the Officer Commanding the District of any action taken by it under this section.

CHAPTER XXIII.

SUPPLEMENTAL.

Bye-laws.

272. The cantonment committee (if any) of a cantonment wholly or in part situated in a hilly tract may, at a meeting of which at least six clear days' notice shall have been given, make bye-laws for regulating or prohibiting the cutting or destroying of trees or shrubs, or the making of excavations or removal of soil or quarrying, where such regulation or prohibition appears to the cantonment committee to be necessary for the maintenance of a water-supply, the preservation of the soil, the prevention of landslips or of the formation of ravines or torrents, or the protection of land against erosion or the deposit thereon of sand, gravel or stones.

Additional power of cantonment committee to make bye-laws in hill cantonments.

273. (1) In making a bye-law under section 169 or section 272, the cantonment committee may direct that a breach of it shall be punishable with fine which may extend to fifty rupees, and, in the case of a continuing breach, with a further fine not exceeding five rupees for every day after the first in regard to which the offender is convicted of having persisted in the breach.

Penalty for infringement of bye-laws.

(2) In lieu of or in addition to such fine as aforesaid, the Magistrate may require the offender to remedy the mischief so far as it lies within his power to do so.

274. (1) No bye-law made under section 169 or section 272 shall come into force until it has been confirmed by the Local Government and published for such time and in such manner as the Local Government may prescribe in this behalf.

Confirmation of bye-laws.

(2) The Local Government may cancel its confirmation of any such bye-law, and thereupon the same shall cease to have effect.

275 (1) The cantonment committee shall, before making any bye-laws under section 169 or section 272, publish, in such manner, as may, in its opinion, be sufficient for giving information to persons interested, a draft of the proposed bye-laws, with a notice specifying a date on or after which the draft will be taken into consideration, and shall, before making such bye-laws, consider any objection or any suggestion which may be received from any person with respect to the draft before the date so specified.

Procedure in making bye-laws.

(2) If, on such consideration of the draft, any modification is made, the Local Government shall determine whether or not the draft shall be republished for further criticism under this section.

(3) Every bye-law made by the cantonment committee shall be notified in English and in such other language or languages as the Local Government may direct; and such notification shall be conclusive proof that such bye-law has been duly made in accordance with the requirements of this section.

Delegation of Functions.

276. (1) With the previous sanction of the Governor General in Council, the Local Government may, by order published in the local official Gazette, authorize any person mentioned in such order to discharge any of the functions imposed by this Code on the Cantonment Magistrate, except those imposed by Chapter XXI:

Delegation of functions of Cantonment Magistrate.

Provided, first, that a person so authorized shall discharge such of the said functions only as the Cantonment Magistrate may, by order in writing, assign to him ; and

Provided, secondly, that the Cantonment Magistrate may, by a like order, resume any functions which he may have so assigned.

(2) In the discharge of any functions so assigned to him, such persons as aforesaid shall, under the control of the Cantonment Magistrate, have the same powers and responsibilities as the Cantonment Magistrate.

277. With the previous sanction of the Governor-General in Council, the General Officer of the Command may, by notification in Command Orders, delegate any of his functions under this Code to any officer named in such notification ; and may, in like manner, vary or rescind any notification so made.

Delegation of functions of General Officer of the Command.

278. (1) The cantonment committee may, by order in writing, delegate any of its functions to a sub-committee consisting of any two or more of the members of the cantonment committee.

Delegation of cantonment committee's functions to sub-committees.

(2) Every order passed by a sub-committee appointed under sub-section (1) shall have the same effect as an order of the cantonment committee :

Provided that the cantonment committee may, in any particular case, require that an order so passed be submitted to it for confirmation before issue.

Notices.

279. Where any notice issued under any section of this Code requires an act to be done for which no time is fixed by such section, the notice shall specify a reasonable time for doing the same ; and it shall rest with the Court to determine whether the time so specified was a reasonable time within the meaning of this section.

Notice to fix reasonable time for doing act required.

280. Where it is provided by this Code that a notice may be given to the owner, lessee or occupier of any land or building, and the owner or lessee and the occupier are different persons, the notice shall be given to the one of them primarily liable to comply with such notice, and, in case of doubt, to both of them.

Notices to whom to be given.

Provided that, where there is no owner or lessee resident in the cantonment, the delivery of the notice to the occupier shall be sufficient.

281. Every notice issued by the cantonment authority under this Code shall be signed—

Authentication and validity of notices issued by cantonment authority.

- (a) by the President or Secretary of the cantonment committee (if any) ; or
- (b) by the members of any sub-committee specially authorised by the cantonment committee (if any) in this behalf ; or
- (c) if a cantonment committee has not been constituted or has ceased to exist or cannot be convened, by the Commanding Officer of the cantonment.

282. (1) Unless it is in this Code in any case otherwise expressly provided, every public notice issued thereunder shall be published by proclamation or in such other manner as the Local Government may direct.

Publication of public notices.

(2) Such proclamation as aforesaid shall be made by such method as the authority issuing the notice, or the Cantonment Magistrate, may deem to be the customary method.

Penalties and Prosecutions.

283. (1) Whoever, in any case in which a penalty is not expressly provided elsewhere in this Code, fails to comply with any notice thereunder or otherwise commits a breach of any of the

Penalties.

provisions thereof, shall be punishable with imprisonment for a term which may extend to eight days, or with fine which may extend to fifty rupees, and, in the case of a continuing breach, with an additional fine not exceeding five rupees for every day after the first in regard to which he is convicted of having persisted in the breach.

(2) In lieu of, or in addition to, any fine imposed under this Code, the Court may require the offender to remedy, so far as it lies within his power to do so, any mischief in respect of which the fine is imposed.

284. No person shall be liable to punishment for a breach of any of the provisions of this Code, unless complaint of the breach is made within three months after the commission thereof before a Magistrate having jurisdiction to entertain the complaint.

Limitation of prosecutions.

Miscellaneous.

285. (1) Where any person fails to perform any act which he has, by a notice issued under this Code, been required to perform, the cantonment authority may cause the act to be performed and may recover the cost from him.

Execution in case of failure and recovery of cost thereof.

(2) Any moneys recoverable by the cantonment authority under sub-section (1) may be recovered either by suit or, on application to a Magistrate having jurisdiction in the cantonment, by distress or sale of the moveable property of the person from whom the money is recoverable, and, if recoverable from the owner of property, shall, until it is paid, be a charge on the property.

286. (1) The cantonment authority shall maintain such standards as it thinks fit for the purpose of verifying weights and measures, and shall provide proper means—

Verification of weights and measures.

(a) for verifying weights and measures in use in the cantonment by comparison with such standards as aforesaid, and

(b) for stamping weights and measures so verified.

(2) The cantonment authority may, by public notice, fix the times and places at which a servant of the cantonment authority shall attend for the purpose of such verification as aforesaid.

287. (1) The cantonment authority may, in any case not otherwise provided for, make compensation out of the cantonment fund to any person sustaining any damage by reason of the exercise of any of the powers vested in the cantonment authority, its officers and servants, by this Code, and shall make such compensation where the person sustaining the damage was not himself in default in the matter in respect of which the power was exercised.

Compensation for damage resulting from exercise of powers under this Code.

(2) Where any dispute arises touching the amount of any compensation which the cantonment authority is required as aforesaid to pay for injury to any building or land, the matter shall be referred to, and decided by, a committee of arbitration constituted under Chapter XX.

288. Every power conferred by this Code on the General Officer of the Command, the Officer Commanding the District, the cantonment authority, the Sanitary Officer or the Cantonment Magistrate may be exercised from time to time as occasion requires.

Powers to be exercisable from time to time.

289. Where a notification under the Cantonments Act, 1889, or under this Code has been published at length in the official Gazette or in Station or Command Orders, it shall be sufficient, in any subsequent notification to the same effect in such Gazette or Orders as aforesaid, to refer to the number, date and subject of the previous notification.

Method of framing notifications.

290. No notice, order, requisition, licence, permission in writing or other such document issued under this Code shall be invalid merely by reason of any defect of form.

Validity of notices and other documents.

291. No act done, or proceeding taken, under this Code shall be questioned merely by reason of the existence of any vacancy in the cantonment committee or in any sub-committee, or on account of any defect or irregularity not affecting the merits of the case.

292. (1) A copy of this Code and of any bye-laws made under section 169 or section 272 shall be kept at the office of the cantonment authority, and shall be open during office hours to the inspection, free of charge, of any inhabitant of the cantonment.

(2) Copies of this Code, including any such bye-laws as aforesaid, shall be kept at the office of the cantonment authority for sale to the public.

FORM 2.

RECEIPT.

3168

[To be retained in Cantonment Authority's Office.]

[To be sent to Accountant-General with the monthly extracts from the accounts.]

[To be given to the person from whom the money is received.]

No. _____

No. _____, dated _____

No. _____, dated _____

Dated _____

Received on account of _____

Received from _____

Received from _____

(to be classified under the head _____)

on account of _____

on account of _____

Rs. _____

Rs. _____

Rs. _____

Signed _____

Signed _____

12

FORM 3.

PASS BOOK.

The _____ Treasury in account current with the _____ Cantonment Fund.

CHEQUE BOOK No. _____

ADVISED _____

Date.	No. of Chalan.	Amount			Initials of the Officer in charge of the Treasury.	Date.	No. of Cheque.	Amount			Initials of the Officer in charge of the Treasury.

FORM 4.

CANTONMENT FUND CHEQUE.

ONE-ANNA STAMP,
if the cheque is
for an amount
exceeding twenty
rupees.

Cheque Book No. _____

Cheque No. _____

Dated _____ 189 .

To the Officer in charge of the Treasury at _____

Pay to _____

Rs. _____ and charge to the _____

Cantonment Fund.

Under
R

Signed _____

Secretary, Cantonment Committee,

OR

President, Cantonment Committee,

OR

Commanding Officer of the Cantonment.

This cheque is current for three months only.

Cheque Book No. _____

Cheque No. _____

Dated _____

To _____



FORM 6.

Imprest Register of the _____ *Cantonment Fund.*

AMOUNT OF IMPREST, Rs. _____

Date.	No. of Sub-voucher.	To whom paid.	CLASSIFICATION.		Amount	
			Major head.	Minor head and sub-head.		
		Total drawn from Treasury by Cheque No. _____ on Voucher No. _____				

FORM 8.

Budget Estimate of Expenditure from the Cantonment Fund for the year
dated 189.

Heads of Expenditure.	Average (past three years).	Actuals (previous year).	ESTIMATE (CURRENT YEAR).		Estimate (ensuing year).	Explanatory Remarks.
			Original as sanctioned by the Local Government.	Revised.		
	Rs.	Rs.	Rs.	Rs.	Rs.	
1. REFUNDS—						
Refunds of Taxes						
Miscellaneous Refunds						
TOTAL						
2. CHARGES FOR COLLECTION OF LAND REVENUE						
Collecting Establishment						
Contingencies						
TOTAL						
3. GENERAL ADMINISTRATION—						
Establishment... ..						
Contingencies						
Contributions towards establishments in Government Offices (a).						
TOTAL						
4. LAW AND JUSTICE—COURTS OF LAW						
5. LAW AND JUSTICE—JAILS						
6. POLICE—						
Establishments						
Contingencies						
Miscellaneous (including Cattle-pounds and establishments therefor).						
TOTAL						
7. EDUCATION—						
Grants-in-aid to Schools						
8. MEDICAL—						
<i>Hospitals and Dispensaries.</i>						
Establishment						
Contingencies						
<i>Vaccination.</i>						
Establishment						
Contingencies						
TOTAL						
9. MINOR DEPARTMENTS—						
<i>Public Gardens, Tree-tending and Forests.</i>						
Establishment						
Contingencies						
<i>Cemeteries.</i>						
Establishment						
Contingencies						
<i>Consercrancy.</i>						
Establishment						
Contingencies						
<i>Public Fairs and Exhibitions.</i>						
Establishment						
Contingencies						
<i>Water-supply.</i>						
Establishment						
Contingencies						
TOTAL						
10. SUPERANNUATION—						
Pensions (b)						
11. MISCELLANEOUS—						
Rents, Rates and Taxes						
Petty Establishments						
Contingencies						
TOTAL						
12. PUBLIC WORKS—						
<i>Original Works.</i>						
Buildings						
Roads						
Other works						
<i>Maintenances and Repairs.</i>						
Buildings						
Roads						
Other works... ..						
Petty construction and repairs						
TOTAL						
13. DEPOSITS AND ADVANCES						
TOTAL EXPENDITURE						
CLOSING BALANCE						
GRAND TOTAL						

(a) In the North-Western Provinces and Oudh, contributions towards cost of office establishment of District Superintendents of Police; and in the Lower Provinces, the Treasury rate.

(b) Sanctioned prior to the commencement of the Cantonment Code, 1899, which does not now allow the grant of pensions or gratuities.

CANTONMENT AUTHORITY'S OFFICE;

Dated the

189

} Secretary, Cantonment Committee.

President, Cantonment Committee,

or

Commanding Officer of the Cantonment.

FORM 8.—APPENDIX A.

*Detailed List of Establishments provided for in the _____ Cantonment Fund Budget
Estimate for the year _____.*

ESTABLISHMENTS ENGAGED IN COLLECTION OF REVENUE.		ESTABLISHMENTS ENGAGED IN GENERAL ADMINISTRATION.		POLICE ESTABLISHMENTS.		CATTLE-POUND ESTABLISHMENTS.	
Details.	Monthly cost.	Details.	Monthly cost.	Details.	Monthly cost.	Details.	Monthly cost.
HOSPITAL AND DISPENSARY ESTABLISHMENTS.		VACCINATION ESTABLISHMENTS.		ESTABLISHMENTS FOR PUBLIC GARDENS, TREE-TENDING AND FORESTS.		CEMETERY ESTABLISHMENTS.	
Details.	Monthly cost.	Details.	Monthly cost.	Details.	Monthly cost.	Details.	Monthly cost.
ESTABLISHMENTS FOR PUBLIC FAIRS AND EXHIBITIONS.		WATER-SUPPLY ESTABLISHMENTS.		MISCELLANEOUS PETTY ESTABLISHMENTS.			
Details.	Monthly cost.	Details.	Monthly cost.	Details.	Monthly cost.		

FORM 8.—APPENDIX B.

Detailed List of Expenditure provided for in the _____ Cantonment Fund Budget Estimate for the year _____ other than that included in Appendices A, C and D.

1	2	3			4			
Major Head.	Minor heads and sub-heads.	Details.			Total assignment in Cantonment Fund Budget Estimate.			
			Rs.	A.	P.	Rs.	A.	P.
	Refunds of Taxes.							
Refunds	Miscellaneous Refunds.							
Charges for Collection of Revenue.	Contingencies.							
General Administration.	Contributions towards Establishments in Government Offices.							
Law and Justice — Courts of Law.	...							
Law and Justice — Jails.	...							

FORM 8.—APPENDIX B—continued.

1	3			4				
Major Head.	Minor heads and sub-heads.	Details.			Total assignment in Cantonment Fund Budget Estimate.			
			Rs.	A.	P.	Rs.	A.	P.
Police ...	Contingencies.							
	Miscellaneous (including Cattle-pounds, but not Establishments therefor).							
Education ...	Grants-in-aid to schools.							
Medical ...	Hospitals and Dispensaries : Contingencies.	Fixed assignment to Cantonment Dispensary Fund.						

FORM 8.- -APPENDIX B—continued.

1	2	3			4			
Major head.	Minor heads and sub-heads	Details.			Total assignment in Cantonment Fund Budget Estimate.			
			Rs.	A.	P.	Rs.	A.	P.
Medical	... Vaccination : Contingencies.							
	Public Gardens, Tree-tending, and Forests : Contingencies.							
Minor Departments.	Cemeteries : Contingencies.							

FORM 8.—APPENDIX B—continued.

1	2	3			4			
Major head.	Minor heads and sub-heads.	Details.			Total assignment in Cantonment Fund Budget Estimate.			
			Rs.	A.	P.	Rs.	A.	P.
Minor Departments.	Conservancy : Contingencies.							
	Public Fairs and Exhibitions : Contingencies.							
	Water-supply : Contingencies.							

FORM 8.—APPENDIX B—concluded.

1	2	3			4			
Major head.	Minor heads and sub-heads.	Details.			Total assignment in Cantonment Fund Budget Estimate.			
			Rs.	A.	P.	Rs.	A.	P.
Superannuation	Pensions.*							
	Rents, Rates and Taxes.							
Miscellaneous	Contingencies.							
Deposits and Advances.	...							

Signed _____
Secretary, Cantonment Committee.

Signed _____
President, Cantonment Committee, or
Commanding Officer of the Cantonment.

Note.—All expenditure should be fully detailed in column 3, thus—

	Rs.	A.	P.
Purchase of three Crowley carts	450	0	0
" of bullocks	100	0	0
Feed of ditto	168	0	0
Repairs and renewals to pans and receptacles	100	0	0
Purchase of gear	50	0	0
†Miscellaneous not included in above, but excluding any reserve	100	0	0
	968	0	0

* Sanctioned prior to the commencement of the Cantonment Code, 1899, which does not allow the grant of pensions or gratuities.

† This should include all petty expenditure which cannot be detailed, but should not include anything of the nature of a reserve.

MAJOR HEAD "Public Works."

FORM 8.—APPENDIX C.

Details of Budget Estimate for Original Works (construction of Buildings, Roads, Latrines, etc.) in the _____ Cantonment for the year _____.

1	2	3	4	5	6	7
(Sub-heads	Nature of each work.	Estimated . cost of work.	*Estimate for current year.	Previously expended.	Estimate for (ensuing year).	REMARKS.
Buildings						
Roads						
Other works						

Note.—Column 3 will show the entire cost of the work ; column 4, the sum sanctioned for expenditure during the current year ; column 5, the amount previously expended since commencement of the work ; and column 6, the amount proposed for expenditure during the ensuing year. Thus, if the work is to be completed during the ensuing year, the total of columns. 4, 5 and 6 will equal that in column 3 ; otherwise the difference will show the amount which will still be required to complete the work.

* The totals in column 4 will agree with the allotments made in the body of the revised estimate for the current year.

Signed _____
Secretary, Cantonment Committee.

Signed _____
President, Cantonment Committee, or Commanding Officer of the Cantonment.

MAJOR HEAD "Public Works."

FORM 8.—APPENDIX D.

9948

Details of Budget Estimate for Maintenance and Repairs in the _____ Cantonment for the year _____.

Sub-heads.	Nature of each work.	Estimate (ensuing year).	REMARKS.
Buildings			
Roads			
Other works			
Petty Construction and Repairs			

83

L 2

Signed _____

Secretary, Cantonment Committee.

Signed _____

President, Cantonment Committee, or Commanding Officer of the Cantonment.

SCHEDULE II.

(See Section 203.)

FORM OF NOTICE TO ATTEND AT HOSPITAL, ETC.

To _____

Take notice that, under section 203 of the Cantonment Code, 1899, you are hereby called upon to attend at the _____ on _____ day, the _____, 18____, at _____ o'clock _____ M., and not to quit the said _____ without the permission of the Medical Officer in charge, unless and until that Officer is satisfied that you are not in fact suffering, or are no longer suffering, from an infectious or contagious disorder, that is to say, from _____

Medical Officer in charge of the

Dated _____ the _____ 18____.

SCHEDULE III.

(See section 237.)

CASES IN WHICH POLICE MAY ARREST WITHOUT WARRANT.

1	2
Section.	Subject.

PART A.

66 (a) (i)	Drunkenness, etc.
192	Making or selling of food, etc., or washing of clothes, by infected person.
272	In contravention of bye-law, cutting or destroying trees or shrubs or making excavations, etc., in hill cantonment.

PART B.

66 (a) (ii)	Using threatening or abusive words, etc.
66 (a) (iii)	Indecent exposure of person, etc.
66 (a) (iv)	Begging.
66 (a) (v)	Exposing deformity, etc.
66 (a) (vii)	Gaming.
66 (a) (xii)	Destroying public notice, etc.
66 (a) (xiii)	Breaking direction-post, etc.
66 (g)	Keeping common gaming-house, etc.
66 (h)	Intruding on bathing-places, etc.
66 (i)	Playing music.
66 (j)	Singing, etc., so as to disturb public peace or order.
66 (k)	Firing gun, or doing other act, so as to frighten animals or cause annoyance or danger.
66 (n)	Baiting.

1	2
Section.	Subject.
PART B.—cont.	
87 (2)	Destroying, etc., name of street or number affixed to building.
135	Rash riding or driving.
136	Riding or driving at time or in manner prohibited.
137	Driving, etc., between nightfall and dawn without a suitable lamp.
139	Leaving vehicle or animal without proper control.
141	Obstructing street.
156	Polluting source of public drinking-water-supply.
157	Impairing quality, or diminishing quantity, of water in source of public drinking-water-supply or injuring or impairing usefulness of waterworks.
158	Trespass on water-works.
161	Throwing corpse into a source of public water-supply.
165	Bathing or washing at public well or spring so as to pollute the water.
170	Feeding animal on filth, etc.
204 (2)	Remaining in, or re-entering, cantonment after notice of expulsion for failure to attend hospital or dispensary.
205	Introducing liquor or drug into hospital or dispensary.
208	Mendicancy.
209	Loitering or importuning for sexual immorality.
210 (3)	} Remaining in, or returning to, a cantonment after notice of expulsion.
211	
213	Cruelty to animals
219	Letting off fire-works, etc., without permission.

SCHEDULE IV.

(See Chapter XIX.)

APPEALS FROM EXECUTIVE ORDERS.

1	2	3	4
Section.	Executive order.	Appellate authority.	Time allowed for appeal.
21	Cantonment Magistrate's order dismissing servant of cantonment authority whose salary is less than twenty-five rupees a month.	Cantonment authority.	Thirty days from date of order.
21	Cantonment Magistrate's order, passed with previous sanction of cantonment authority, dismissing servant of cantonment authority whose salary is not less than one hundred rupees a month.	General Officer of the Command.	Thirty days from date of order.
76 (g)	Cantonment authority's notice to provide sufficient drainage.	Officer Commanding the district.	Fifteen days from service of notice.
80	Cantonment authority's notice to fill up a tank or marshy ground, or to drain off or remove waste or stagnant water.	Officer Commanding the district.	Thirty days from service of notice.
88	Cantonment authority's notice requiring a building to be repaired or altered so as to remove sanitary defects.	General Officer of the Command.	Thirty days from service of notice.
89 (1)	Cantonment authority's refusal to sanction the erection or re-erection of a building.	Officer Commanding the district.	Thirty days from date of refusal.
89 (3)	Cantonment authority's notice to alter or demolish a building.	Officer Commanding the district.	Thirty days from service of notice.
92	Cantonment authority's notice to pull down or otherwise deal with a building newly erected or rebuilt without permission over a sewer, drain, culvert, water-course or water-pipe.	Officer Commanding the district.	Thirty days from service of notice.
93	Cantonment authority's notice to repair, protect or enclose a building, well, tank, reservoir, pool, depression or excavation.	Officer Commanding the district.	Thirty days from service of notice.
94	Cantonment authority's notice to remove a building, wall or structure or anything affixed thereto, or a bank or tree, or to repair a building, wall, structure, or bank.	Officer Commanding the district.	Thirty days from service of notice.
107 (1)	Cantonment authority's notice to close a sarai.	District Magistrate	Thirty days from service of notice.
116 (3)	Cantonment authority's notice to close a market.	General Officer of the Command.	Thirty days from service of notice.

1	2	3	4
Section.	Executive order.	Appellate authority.	Time allowed for appeal.
123	Cantonment authority's notice prohibiting or restricting the use of a slaughter-house.	District Magistrate	Twenty-one days from service of notice.
204	Order of Commanding Officer of cantonment, on report of Medical Officer, directing a person to remove from the cantonment and prohibiting him from re-entering it without permission.	Officer Commanding the district.	Thirty days from service of notice.
210 (3)	Cantonment Magistrate's notice, directing a person to remove from the cantonment and prohibiting him from re-entering it without permission.	District Magistrate	Thirty days from service of notice.
211	Cantonment Magistrate's notice, issued on order of the Commanding Officer of cantonment, directing a person to remove from the cantonment and prohibiting him from re-entering it without permission.	Officer Commanding the district.	Thirty days from service of notice.
246 (2)	Order of Commanding Officer of cantonment refusing to convene a Committee of Arbitration.	General Officer of the Command.	Thirty days from date of order.
259 and Schedule V. (Conditions of Lease).	Cantonment authority's notice, in pursuance of conditions of lease, requiring a lessee to let a house, not already occupied by a military officer, to a military officer.	General Officer of the Command.	Twenty-one days from service of notice.
	Cantonment authority's notice, in pursuance of conditions of lease, requiring a lessee to let a house to a civil officer.	General Officer of the Command.	Twenty-one days from service of notice.
	Cantonment authority's notice, in pursuance of conditions of lease, requiring a tenant to vacate a house.	General Officer of the Command.	Twenty-one days from service of notice.

SCHEDULE V.

(See section 259.)

FORM A.

FORM OF LEASE TO BE EXECUTED IN CASES OF LAND APPLIED FOR BY A RAILWAY COMPANY OR FOR THE PURPOSE OF ERECTING A HOSPITAL, SCHOOL OR OTHER PUBLIC BUILDING, OR OF LAND SITUATE IN A BAZAR.

This Indenture, made the _____ day of _____, between the SECRETARY OF STATE FOR INDIA in Council (hereinafter called the Secretary of State) of the one part and _____, son of _____, (hereinafter called the Lessee) of the other part.

Whereas the Lessee has applied for permission to occupy, for the purposes of a building-site, the land belong to the Government in the _____ Cantonment which is delineated in the site-plan hereto appended, and has submitted with his application the particulars and documents required by sections 256 and 257 of the Cantonment Code, 1899 ;

And whereas the said application has received the sanction of the _____

Now this Indenture witnesseth as follows :

* Insert, as the case may be, "the General Officer of the Command," or, if the land is situate in a bazar, "the cantonment authority of _____"

1. The Secretary of State doth hereby grant unto the Lessee, his heirs, executors, administrators, representatives and assigns, liberty and license to enter into and upon the piece or parcel of land delineated in the site-plan hereto appended, and henceforth to occupy and enjoy the same as a site for the erection of buildings, and henceforth to hold and enjoy the same and any buildings erected by him thereon _____, subject to the conditions set forth in the annexure hereto.

+ Insert, as the case may be, "free of rent, but," or "subject to the payment of the yearly rent of rupees _____, and"

2. The Lessee doth hereby, for himself, his heirs, executors, administrators, representatives and assigns, covenant with the Secretary of State, his successors and assigns, that the Lessee, his heirs, executors, administrators, representatives and assigns, shall and will [†duly pay the said rents in the manner provided in the annexure hereto and] observe all and every the conditions hereinbefore referred to and on his and their part to be observed.

In witness whereof the said parties hereto have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered by _____, Principal Staff Officer of the _____ Command, on behalf of _____, § acting in the premises for and on behalf of the Secretary of State for India in Council, in the presence of _____



† The words in brackets to be omitted if the land is rent-free.

Signed, sealed and delivered by the above-named _____, in the presence of _____



§ Insert, as the case may be, "the General Officer of the Command," or if the land is situate in a bazar, "the cantonment authority of _____"

ANNEXURE TO FORM A.

CONDITIONS.

CONDITION I.—The buildings to be erected on the land in accordance with the site-plan appended to the lease shall be commenced within six months from the execution of the lease, and shall be completed within the period specified in the note indorsed on such plan, or within such further period (if any) as the authority which sanctioned the application under Chapter XXI of the Cantonment Code, 1899, may, by order in writing, allow.

CONDITION II.—(1) Buildings may be erected on the land only in accordance with the site-plan appended to the lease or, where a proposed building, alteration or addition is not in accordance with such plan, with the written permission of the authority which sanctioned the application under Chapter XXI of the Cantonment Code, 1899.

(2) Any such permission may be made subject to any conditions which may be agreed upon between such authority and the Lessee.

CONDITION III.—The land shall not be used for any purposes other than those specified in the Lessee's application under section 256, clause (d), of the Cantonment Code, 1899 ; nor shall the buildings erected on the land be permitted to fall into such a state of ruin as absolutely to prevent their being used for the purposes so specified :

Provided always, that it shall so be obligatory on the Lessee to commence rebuilding the

NOTE.—Copies of this form, with the Annexure, will be obtainable gratis on application to the Cantonment Magistrate.

same, if destroyed or injured by earthquake, fire, cyclone or other act of God, within six months of such destruction or injury, and to reinstate the same fit for use for the purposes so specified as aforesaid within such period, not exceeding two years after the same shall have been so destroyed or injured, as aforesaid, as to shall seem fit, provided nevertheless that in no such case shall the Lessee be required to reinstate the same fit for use as aforesaid within a shorter period than 12 calendar months from the date of such destruction or injury.

CONDITION IIIA.†—The Lessee shall pay the said yearly rent of rupees _____ by equal monthly instalments of rupees _____, and the said instalments shall be paid on the fifteenth day of every month during the continuance of this demise for the month immediately preceding.

CONDITION IV.—(1) Whenever the Lessee intends to transfer, by sale, gift, mortgage or exchange, his interest in the land, or in the buildings erected on the land, or in any part of the land or buildings, he or the intended transferee shall give the Cantonment Magistrate one month's notice in writing before the transfer is completed.

(2) The General Officer of the Command shall have power, within the said period of one month and with the concurrence of the Local Government, to impose, by order in writing, his veto on any such transfer; and, if in any case the cantonment authority considers it desirable that the said power of veto should be exercised, it shall report the case to such General Officer without delay.

(3) If notice of any such transfer is not given as aforesaid, or if any such transfer is made after the same has been vetoed, the transfer shall be void.

CONDITION V.—Every person on whom the Lessee's interest in the land, or in the buildings erected on the land, may devolve by transfer, by succession or by operation of law, shall send to the cantonment authority, within one month from the date of such devolution, a report in writing of the fact, together with such particulars as may be required by the cantonment authority for entry in the register maintained under section 266 or 267, as the case may be, of the Cantonment Code, 1899.

CONDITION VI.—(1) If the Lessee does not commence or complete, as required by Condition I, the buildings to be erected on the land, the cantonment authority may, by notice in writing, require him to remove all or any buildings or materials which he may have erected or collected thereon; and, if he fails to comply with such notice, the cantonment authority may, after giving him six hours' further notice in writing, cause such removal to be effected and recover the cost from him, and may also cancel the lease.

(2) If the Lessee erects any building or makes any alteration or addition otherwise than as allowed by or under Condition II, the cantonment authority may, by notice in writing, require him to remove the building, or to alter the same to its satisfaction; and, if he fails to comply with such notice, the cantonment authority may, after giving him six hours' further notice in writing, cause such removal or alteration to be effected and recover the cost from him.

CONDITION VII.—(1) So long as the Lessee, his heirs, executors, administrators, representatives or assigns, shall duly, [*pay the said rent of rupees _____ and] observe the conditions hereinbefore specified, and on his part to be observed, he or they may, subject to Condition IX, hold the land for ever without interruption by the Secretary of State, his successors in office and assigns.

(2) If the Lessee, his heirs, executors, administrators, representatives or assigns, shall [fail to pay the said rent of rupees _____ for twenty-one days after the same shall have become due or shall], in the event of the said buildings being destroyed or injured by earthquake, fire, cyclone or other act of God, fail to commence rebuilding the same as provided in Condition III hereof within six months of such destruction or injury and to reinstate the same fit for use as provided in the said Condition III hereof and within such period as therein provided, or shall break any of the remaining conditions hereinbefore specified, other than Condition I or Condition II, and on his or their part to be observed, the Local Government may, after giving one month's notice in writing, resume the land or any portion thereof, and may, on such resumption, declare all or any part of the right and interest of the Lessee, his heirs, executors, administrators, representatives or assigns, in the buildings erected on the land to be forfeited.

CONDITION VIII.—The Lessee, his heirs, executors, administrators, representatives or assigns, shall not be entitled to compensation for any loss incurred by reason of anything done in pursuance of Condition VI or Condition VII, clause (2).

CONDITION IX.—The Local Government may resume the Land or any portion thereof at any time, after giving one month's notice in writing, and on payment of compensation for such buildings standing on the land or portion thereof as shall have been erected under proper authority. If there shall be any dispute as to the amount of such compensation, the same shall be referred to a committee of arbitration, which shall

* Insert, as the case may be "the General Officer of the Command," or, if the land is situate in a bazar, "the cantonment authority of _____"

† This condition to be omitted if the land is rent-free.

* The words in brackets to be omitted, if the land is rent-free.

† The words in brackets to be omitted, if the land is rent-free.

be constituted as provided in Chapter XX of the Cantonment Code, 1899, and the Lessee, his heirs, executors, administrators, representatives and assigns, shall be bound by the decision of the committee of arbitration.

FORM B.

FORM OF LEASE TO BE EXECUTED IN ALL CASES OTHER THAN THOSE FOR WHICH FORM A ABOVE IS PRESCRIBED.

This Indenture, made the _____ day of _____, between the SECRETARY OF STATE FOR INDIA IN COUNCIL (hereinafter called the Secretary of State) of the one part, and _____, son of _____ of _____ (hereinafter called the Lessee) of the other part.

Whereas the Lessee has applied for permission to occupy, for the purposes of a building-site, the land belonging to the Government in the _____ Cantonment which is delineated in the site-plan hereto appended, and has submitted with his application the particulars and documents required by sections 256 and 257 of the Cantonment Code, 1899 :

And whereas the said application has received the sanction of the General Officer of the Command ;

Now this Indenture witnesseth as follows :

1. The Secretary of State doth hereby grant unto the Lessee, his heirs, executors, administrators, representatives and assigns, liberty and license to enter into and upon the piece or parcel of land delineated in the site-plan hereto appended, and to occupy the same as a site for the erection of buildings and henceforth to hold and enjoy the same and any buildings erected by him thereon,* subject to the conditions set forth in the annexure hereto.

*Insert, as the case may be, "free of rent but," or "subject to the payment of the yearly rent of rupees and."

2. The Lessee doth hereby, for himself, his heirs, executors, administrators, representatives and assigns, covenant with the Secretary of State, his successors and assigns, that the Lessee, his heirs, executors, administrators, representatives and assigns, shall and will duly [† pay the said rent in the manner provided in the annexure hereto and] observe all and every the conditions hereinbefore referred to and on his and their part to be observed.

† The words in brackets to be omitted if the land is rent-free.

In Witness whereof the said parties hereto have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered by _____, Principal Staff Officer of the _____ Command, on behalf of the General Officer of the said Command, acting in the premises for and on behalf of the Secretary of State for India in Council, in the presence of _____

Seal

Signed, sealed and delivered by the above-named _____ in the presence of _____

Seal

ANNEXURE TO FORM B.

CONDITIONS.

In the Conditions—

- (a) "house" means the house erected on the land occupied by the Lessee, and includes the land and buildings appurtenant to the house; and, if any question arises whether any land or building is appurtenant to the house, it shall be decided by the Cantonment Magistrate, whose decision thereon shall, subject to revision by the District Magistrate, be final :
- (b) the expression "repairs" to a house shall be deemed to include such repairs as are usually made in the neighbourhood to buildings of the same class as that to which the house belongs, but does not include additions, improvements or alterations except in so far as they are necessary to carry out such repairs as aforesaid or have been made with the Lessee's consent :
- (c) "military officer" means a commissioned or warrant officer of the army on military duty in the cantonment, and includes a chaplain, a Cantonment Magistrate and any person in Army departmental employment whom the General Officer of the Command may, for the purposes of these Conditions, place on the same footing as a military officer : and
- (d) "civil officer" means a gazetted civil officer of the Government, and includes any other person in the service of the Government, not being a military officer, whom the Local Government may for the purposes of these Conditions place on the same footing as a civil officer.

CONDITION I.—The buildings to be erected on the land in accordance with the site-plan appended to the lease shall be commenced within six months from the execution of the lease, and shall be completed within the period specified in the note endorsed on such plan, or within such further period (if any) as the authority which sanctioned the application under Chapter XXI of the Cantonment Code, 1899, may, by order in writing, allow.

NOTE.—Copies of this form, with the Annexure, will be obtainable gratis on application to the Cantonment Magistrate.

CONDITION II.—(1) Buildings may be erected on the land only in accordance with the site-plan appended to the lease or, where a proposed building alteration or addition is not in accordance with such plan, with the written permission of the authority which sanctioned the application under XXI of the Cantonment Code, 1899.

(2) Any such permission may be given subject to any conditions which may be agreed upon between such Authority and the Lessee.

CONDITION III.—The land shall not be used for any purpose other than those specified in the Lessee's application under section 256, clause (d) of the Cantonment Code, 1899; nor shall the buildings erected on the land be permitted to fall into a state of ruin as absolutely to prevent their being used for the purpose so specified;

Provided, always that it shall be obligatory on the Lessee to commence rebuilding the same, if destroyed or injured by earthquake, fire, cyclone, or other act of God, within six months of such destruction or injury, and to reinstate the same fit for use for the purposes so specified as aforesaid within such period, not exceeding two years, after the same shall have been so destroyed or injured as aforesaid, as to the General Officer of the Command shall seem fit, provided, nevertheless, that in no case shall the Lessee be required to reinstate the same fit for use as aforesaid within a shorter period than twelve months from date of such destruction or injury.

CONDITION III A.*—The Lessee shall pay the said yearly rent of rupees by equal monthly instalments of rupees , and the said instalments shall be paid on the fifteenth day of every month during the continuance of this demise for the month immediately preceding.

* This condition to be omitted, if the land is rent-free.

CONDITION IV.—(1) Whenever the Lessee intends to transfer, by sale, gift, mortgage or exchange, his interest in the land, or in the buildings erected on the land, or in any part of the land or buildings, he or the intended transferee shall give the Cantonment Magistrate one month's notice in writing before the transfer is completed.

(2) The General Officer of the Command shall have power, within the said period of one month, and with the concurrence of the Local Government, to impose, by order in writing, his veto on any such transfer; and, if in any case, the cantonment authority considers it desirable that the said power of veto should be exercised, it shall report the case to such General Officer without delay.

(3.) If notice of any such transfer is not given as aforesaid, or if any such transfer is made after the same has been vetoed, the transfer shall be void.

CONDITION V.—Every person on whom the Lessee's interest in the land, or in the buildings erected on the land, may devolve, by transfer, by succession or by operation of law, shall send to the cantonment authority, within one month from the date of such devolution, a report in writing of the fact, together with such particulars as may be required by the cantonment authority for entry in the register maintained under section 266 or section 267, as the case may be, of the Cantonment Code, 1899.

CONDITION VI.—The Government reserves a right, subject to the Conditions hereinafter contained, to appropriate the house at any time for occupation by any military officer or civil officer.

CONDITION VII.—If the Lessee lets the house to any person other than a military officer or (if the house has been set apart in accordance with Condition X for occupation by civil officers) a civil officer, possession of the house shall not be given until—

(a) such person has executed a stamped agreement undertaking to vacate the house whenever required so to do in pursuance of a notice issued under Condition VIII or Condition X without claiming any compensation, and has registered such agreement under the law for the time being in force relating to the registration of documents, and

(b) the Lessee has forwarded an attested copy of such agreement to the cantonment authority.

CONDITION VIII.—Whenever the Cantonment authority considers that the right reserved by Condition VI should be exercised in behalf of any military officer, it may, if the house is not already occupied by a military officer, and if it has not been set apart in accordance with Condition X for occupation by civil officers, by notice in writing—

(a) require the Lessee to let the house to the military officer named in the notice, and

(b) require the existing tenant (if any) to vacate the same.

CONDITION IX.—If the house is occupied by a departmental military officer and the cantonment authority considers that the right reserved by Condition VI should be exercised in behalf of a regimental officer, or *vice versa*, it may, by notice in writing, require the officer in occupation to vacate the house;

and may, if necessary, by further notice in writing, require the Lessee to accept the change of tenancy.

CONDITION X.—(1) The cantonment authority may, at any time, with the previous sanction of the General Officer of the Command given with the concurrence of the Local Government, set apart the house for occupation by civil officers.

(2) If the house has been so set apart, the arrangement shall not be revoked without the concurrence of the Local Government.

(3) If, while the house is so set apart, the cantonment authority at any time considers that the right reserved by Condition VI should be exercised in behalf of any civil officer, it may, if the house is not already occupied by a civil officer, by notice in writing,—

- (a) require the Lessee to let the house to the civil officer named in the notice, and
- (b) require the existing tenant (if any) to vacate the same.

CONDITION XI.—(1) Whenever a military officer or a civil officer considers that a notice should be issued in his behalf under Condition VIII, Condition IX or Condition X, he may request (in the case of a regimental officer) the Commanding officer of his regiment, or (in the case of a departmental military officer) the local head of his Department, or (in the case of a civil officer) the District Magistrate, to make an application to that effect to the cantonment authority.

(2) On receipt of any such application the cantonment authority shall inquire into the case, and it shall not issue the notice unless it is satisfied—

- (a) that the officer ought to reside in the cantonment, and
- (b) that the circumstances are such as to require its intervention, and
- (c) that the rent offered by the officer for the house is reasonable, and,
- (d) if the house is vacant, that it is suitable for the residence of the officer, and
- (e) if the house is occupied, that it is suitable for the residence of the officer, and that there is no vacant house in the cantonment which is suitable for his residence.

Explanation.—In considering whether a house is suitable for the residence of an officer, regard shall be had to (i) the locality in which his duties chiefly lie and (ii) his rank.

CONDITION XII.—(1) The house shall not be occupied for the purposes of a bank, hotel, shop or school, or by a railway company, without the previous sanction in writing of the General Officer of the Command, given with the concurrence of the Local Government.

(2) Before the application is made for such sanction, the Commanding officer of the cantonment shall certify whether or not in his opinion the number of houses in the cantonment, as compared with the strength of the existing or probable garrison, renders it likely that such occupation as aforesaid would—

- (a) cause any difficulty in obtaining accommodation in the cantonment, or in the part of the cantonment in which the house is situate, for military officers or civil officers, or
- (b) necessitate the acquisition of land at some future time for the extension of the cantonment.

House not to be appropriated for military or civil officer if it is occupied, with sanction, as a bank, hotel, shop or school, or by a railway company, or is otherwise appropriated by the Government.

CONDITION XIII.—No notice shall be issued under Condition VIII or Condition X if the house—

- (a) is occupied, with the sanction required by Condition XII, as a bank, hotel, shop or school, and has been so occupied continuously during the three years immediately preceding the time when the occasion for issuing the notice arises, or
- (b) is occupied, with the sanction aforesaid, by a railway company, or
- (c) is appropriated by the Local Government, with the concurrence of the General Officer of the Command, or by the Governor General in Council, for use as a public office or for any other purpose.

CONDITION XIV.—Every notice to the Lessee issued under Condition VIII, Condition IX or Condition X, shall state the amount of monthly rent which the proposed tenant offers to pay for the house.

CONDITION XV.—(1) If the house is unoccupied, any notice issued under Condition VIII or Condition X may require the Lessee to give possession of the same to the proposed tenant within four days from the service of the notice.

(2) If the house is occupied, no such notice as aforesaid shall require its vacation in less than thirty days from the service of the notice.

CONDITION XVI.—(1) Subject to the terms of any agreement in writing between the Lessee and a military officer or a civil officer, and to the terms of this condition, every lease of the house to such an officer shall be deemed to be a lease from month to month, terminable—

(a) without notice, in the case of the departure of the officer from the cantonment on duty or under medical certificate, or in the case of a committee of arbitration deciding that the house has become unfit for occupation, or

(b) by one month's notice in writing to the Lessee in any other case.

(2) A notice under clause (1) of this condition must be signed by or on behalf of the officer concerned; and the Cantonment Magistrate shall, if the officer so desires, cause it to be served on the Lessee free of charge.

(3) When a military officer or a civil officer has, in pursuance of clause (1) of this condition, given up his occupation of the house without notice, and has occupied the house during a portion only of the calendar month in which his occupation ceased, he shall be liable to pay as rent for that portion a sum bearing the same proportion to the monthly rent as the said portion bears to the whole month.

Provided that the sum shall not, in any case, be less than one-fourth of the monthly rent.

CONDITION XVII.—If any tenant of the house, being a military officer or a civil officer, sub-lets the same without the consent of the Lessee, the sub-lease shall be voidable at the option of the Lessee.

CONDITION XVIII.—(1) If the Lessee considers that any rent offered by a proposed tenant and stated in a notice in accordance with Condition XIV is insufficient, he may, within a period of fifteen days from the service of such notice, require that the matter be referred by the Commanding Officer of the cantonment to a committee of arbitration.

(2) If the Lessee does not make such a requisition within the said period, he shall be deemed to have accepted the rent so offered.

(3) After such acceptance or the decision of a committee of arbitration, the amount of such rent shall not be called in question by either party except in the circumstances mentioned in clause (a) of Condition XXI.

CONDITION XIX.—(1) If the Lessee fails to execute any repairs to the house which any tenant, being a military or civil officer, may consider necessary, the cantonment authority may, at the request of the tenant, and if it is satisfied that such repairs or any of them are necessary, by notice in writing, require the Lessee to execute such repairs or such of them as it may consider necessary, within a period, not less than fifteen days, to be specified in the notice.

(2) If the Lessee objects to comply with any notice issued under clause (1) of this condition, he may, within fifteen days from the service of the notice, require that the matter be referred by the Commanding Officer of the cantonment to a committee of arbitration.

CONDITION XX.—If any tenant of the house being a military or civil officer, considers that his lease should be terminable without notice in consequence of the house having become unfit for occupation, he may apply to the Commanding officer of the cantonment to refer the matter to a committee of arbitration.

CONDITION XXI.—If the Lessee and any tenant of the house, being a military or civil officer, disagree—

(a) as to any change in the rent of the house which it is proposed in consequence of dilapidations or additions to buildings or for any other similar reason, or

(b) on any matter relating to rent or repairs, other than a matter referred to in clause (a) of this condition or in Condition XVIII, Condition XIX or Condition XX, either the Lessee or the tenant may apply to the Commanding Officer of the cantonment to refer the matter to a committee of arbitration.

CONDITION XXII.—Whenever any matter is referred to a committee of arbitration in pursuance of Condition XVIII, Condition XIX, Condition XX or Condition XXI, the Committee shall be constituted as provided in Chapter XX of the Cantonment Code, 1899, and the Lessee and his tenant shall be bound by the decision of the committee.

CONDITION XXIII.—If the Lessee fails to comply with any notice issued under clause (1) of Condition XIX, and has not, within fifteen days from the service of such notice, required that the matter be referred to a committee of arbitration, or if any committee of arbitration constituted under Chapter XX of the Cantonment Code, 1899, decides that repairs are necessary and the extent to which they are necessary, and the Lessee fails to execute such repairs within a period to be specified in a notice issued by the cantonment authority in that behalf, the tenant of the house may himself cause the repairs specified in the notice to be executed at rates not exceeding those paid in the cantonment by the Military Works Department or the Public Works Department, and may deduct the cost thereof from the rent, or otherwise recover it from the Lessee.

CONDITION XXIV.—(1) If the Lessee does not commence or complete, as required by Condition I, the buildings to be erected on the land, the cantonment authority may, by notice in writing, require him to remove all or any buildings or materials which he may have erected or collected thereon; and, if he fails to comply with such notice, the cantonment authority may, after giving him six hours' further notice in writing, cause such removal to be effected and recover the cost from him, and may also cancel the lease.

(2) If the Lessee erects any building or makes any alteration or addition otherwise than as allowed by or under Condition II, the cantonment authority may, by notice in writing, require him to remove the building or to alter the same to its satisfaction; and, if he fails to comply with such notice, the cantonment authority may, after giving him six hours' further notice in writing, cause such removal or alteration to be effected and recover the cost from him.

CONDITION XXV.—(1) So long as the Lessee, his heirs, executors, administrators, representatives, or assigns, shall [duly pay the said rent of rupees and]* observe the conditions hereinbefore specified and on his or their part to be observed, he or they may, subject to Condition XXVII, hold the land for ever without interruption by the Secretary of State, his successors and assigns.

(2) If the Lessee, his heirs, executors, administrators, representatives or assigns, shall [fail to pay the said rent of rupees , for twenty-one days after the same shall have become due or shall],† in the event of the said buildings being destroyed or injured, by earthquake, fire, cyclone or other act of God, fail to commence rebuilding the same as provided in Condition III hereof within six months of such destruction or injury and to reinstate the same fit for use as provided in the said Condition III hereof, and within such period as therein provided, or shall break any of the remaining conditions hereinbefore specified, other than Condition I or Condition II, and on his or their part to be observed, the Local Government may, after giving one month's notice in writing, resume the land or any portion thereof, and may, on such resumption, declare all or any part of the right and interest of the Lessee, his heirs, executors, administrators, representatives or assigns, in the buildings erected on the land to be forfeited.

CONDITION XXVI.—The Lessee, his heirs, executors, administrators, representatives and assigns, shall not be entitled to compensation for any loss incurred by reason of anything done in pursuance of Condition XXIV or Condition XXV, clause (2).

CONDITION XXVII.—The Local Government may resume the land or any portion thereof at any time after giving one month's notice in writing, and on payment of compensation for such buildings standing on the land or portion thereof as shall have been erected under proper authority. If there shall be any dispute as to the amount of such compensation, the same shall be referred to a committee of arbitration, which shall be constituted as provided in Chapter XX of the Cantonment Code, 1899, and the Lessee, his heirs, executors, administrators, representatives and assigns, shall be bound by the decision of the committee of arbitration.

* The words in brackets to be omitted if the land is rent-free.

† The words in brackets to be omitted, if the land is rent-free.

3

EAST INDIA (ARMY CHANGES).

RETURN to an Address of the Honourable the House of Commons,
dated 13 February 1902 ;—for,

“COPY of a MEMORANDUM regarding the CHANGES in the NATIVE ARMY OF
INDIA, prepared by the India Office in March 1900.”

India Office,
17 February 1902. }

ARTHUR GODLEY.

(Mr. Schwann.)

*Ordered, by The House of Commons, to be Printed,
21 February 1902.*

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1902.

MV41.2.N00

D2

MEMORANDUM SHOWING RECENT CHANGES IN THE MODE OF RECRUITING AND ORGANISING THE NATIVE ARMY IN INDIA, prepared in March, 1900.

BENGAL.

In the Bengal Army the principal changes of late years have been the gradual elimination of men of inferior castes, the removal of all Punjabis from Hindustani regiments and of Hindustanis from Punjabi regiments, an increase in the proportion of Trans-Frontier Pathans, and the conversion of a number of Class Company regiments, in which two or more classes are kept in separate companies, into Class regiments in which the whole regiment consists of one class only. In 1890 four* Hindustani regiments were reduced and re-formed into Class regiments composed of Punjabi Mahomedans, Dogras, Garhwalis, and Pathans, and eight companies of Afridis were added to Punjab regiments. In 1893 sixteen† Hindustani regiments were formed into Class regiments, composed as follows:—

	Regiments.
Rajputs - - - - -	7
Hindustani Mahomedans - - - - -	4
Brahmins - - - - -	2
Jats - - - - -	2
Hillmen - - - - -	1

*33rd Bengal Inftry.
38th " "
39th " "
40th " "
†1st, 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 16th, 17th, 18th Bengal Infantry.
‡2nd, 4th, 7th, 8th, 11th, 13th, 16th B. I.
5th, 12th, 17th, 18 h.
1st, 3rd.
6th, 10th.
9th.

The result of these changes was that whereas in 1887 there were 42 Class Company regiments and 22 Class regiments, there are now 22‡ Class Company regiments, and 42 Class regiments composed as follows:—

	Regiments.
Hindustani Mahomedans - - - - -	4
Punjabi Mahomedans - - - - -	1
Pathans - - - - -	1
Sikhs - - - - -	8
Dogras - - - - -	2
Rajputs - - - - -	7
Jats - - - - -	2
Brahmins - - - - -	2
Gurkhas and Hillmen - - - - -	15

‡19th, 20th, 21st, 22nd, 24th, 25th, 26th, 27th, 28th, 29th, 30th, 31st B. I.
Punjab Frontier Force. { 1st, 2nd, 3rd, 4th Sikhs, 1st, 2nd, 4th, 5th, 6th Punjab Infantry, Guides Infantry

The composition of the remaining 22 Class Company‡ regiments in 1887 and 1899 was as follows:—

	Companies.	
	1887.	1899.
Punjabi Mahomedans - - - - -	30	33½
Pathans - - - - -	25	24½
Afridis - - - - -	9	17
Sikhs - - - - -	69	70
Dogras - - - - -	31	29
Brahmins - - - - -	1	—
Gurkhas - - - - -	1	1
Mixed Company (Guides Infantry) - - - - -	1	1
	176	176

In the Cavalry there have been no changes of any importance. There are two Class regiments, the 1st, composed of Hindustani Mahomedans, and the

14th, composed of Jats. The rest are Class squadron regiments, composed as follows :—

	Squadrons.
Hindustani Mahomedans - - - - -	13½
Punjabi Mahomedans - - - - -	15¼
Pathans - - - - -	11
Afridis - - - - -	½
Sikhs - - - - -	24½
Dogras - - - - -	9
Rajputs - - - - -	4½
Jats - - - - -	7½
Other Hindus - - - - -	1½
	87*

The detailed composition of all regiments, cavalry and infantry, is shown in the Indian Army List.

MADRAS.

Within the last 12 years there have been two changes of organisation in the Madras Army.

†10th, 12th, 29th,
30th, 31st, 32nd,
33rd.

The first consisted in localising a portion of that army in Burmah. Seven† regiments of the Madras army were at various times from 1890 to 1893 broken up and replaced by local corps raised from the Military Police levies in Burmah then in course of reduction. Of these regiments one is a Class regiment, Gurkhas; the other six are Class Company regiments, comprising :—

Sikhs - - - - -	22	Companies.
Dogras - - - - -	2	"
Punjabi Mahomedans - - - - -	16	"
Hindustani " - - - - -	1	"
Pathans - - - - -	3	"
Rajputs - - - - -	2	"
Brahmins - - - - -	2	"
	48	

The second change was the organisation in 1895 of the remainder of the Madras Army, then composed of general mixture regiments, into Class Squadron and Class Company regiments. The general principles to be followed in carrying out this measure were :—

- (1) No class in any regiment should consist of less than two troops (half squadron) or two companies.
- (2) There should not be, as a rule, more than three classes in a regiment, and not more than four in any circumstances.
- (3) Promotions of both Native Commissioned and Non-Commissioned Officers should be strictly confined to squadrons or companies of their own class.

But these rules were relaxed as a temporary measure as found to be necessary in certain regiments.

At present, therefore, the change is limited to the formation of Class Squadrons and Companies from the material of which the regiments were composed in 1895, but the Telingas will be allowed to die out.

* 21 regiments of four squadrons, 1 (Guides Cavalry) three squadrons.

The total number of squadrons and companies, is as follows (excluding the Burmah battalions):—

	Squadrons.	Companies.
Mahomedans - - - - -	9½	71
Mahrattas - - - - -	1	—
Tamils - - - - -	—	45
Telingas - - - - -	—	26
Mixed - - - - -	1½	58
	<u>12</u>	<u>200</u>

BOMBAY.

The changes in the Bombay Army have been on the same lines as in Madras, that is, with a view to the gradual elimination of the less efficient classes, and the formation of Class Squadron and Class Company regiments in place of the "general mixture" system. In addition, two battalions of infantry, the 24th and 26th, were in 1891-92 localised in Baluchistan and their composition was changed by the substitution of men recruited from the border tribes inhabiting the country above the passes. They are enlisted for general service, but ordinarily serve only above the passes in Baluchistan or on the frontier.

There are no Class regiments in Bombay.

BOMBAY ARMY.

COMPOSITION.

	Squadrons.	Companies.
Mahrattas of the Konkan - - - - -	—	26
" " Deccan - - - - -	2	32
Rajputs, Western Rajputana - - - - -	3	6
" Eastern Rajputana and Central India - - - - -	—	6
Jats, Western Rajputana - - - - -	2	14
" Eastern Rajputana and Central India - - - - -	—	12
Gujars - - - - -	—	12
Mers - - - - -	—	6
Mahomedans :—		
Rajputana - - - - -	2	10
Central India - - - - -	—	2
Bombay - - - - -	—	14
Pathans - - - - -	4	13
Punjab - - - - -	1	27
Hindustan - - - - -	—	6
Derajat - - - - -	6	—
Hazaras - - - - -	—	4
Waziris - - - - -	—	2
Khattaks - - - - -	—	2
Baluchis and Brahnis - - - - -	—	8
Kaimkhanis - - - - -	2	—
Jat Sikhs - - - - -	5	—
Sikhs other than Jat Sikhs - - - - -	1	6
	<u>28</u>	<u>208</u>

EAST INDIA (ARMY CHANGES).

COPY of a MEMORANDUM regarding the CHANGES
in the NATIVE ARMY OF INDIA, prepared by
the India Office in March 1900.

(Mr. Schwann.)

*Ordered, by The House of Commons, to be Printed,
21 February 1902.*

[Price 1d.]

EAST INDIA (LIABILITY FOR INCREASE IN BRITISH
SOLDIERS' PAY).

RETURN to an Address of the Honourable The House of Commons,
dated 15 May 1903;—for,

“RETURN of the CORRESPONDENCE between the SECRETARY OF STATE FOR INDIA, the GOVERNMENT OF INDIA, and the WAR OFFICE with reference to the INCREASE of PAY of the BRITISH SOLDIER; and the ARBITRATION of the LORD CHIEF JUSTICE as to the PROPORTION of the COST of it that should fall upon INDIA.”

India Office,
2 July 1903.

ARTHUR GODLEY,
Under Secretary of State for India.

(*Sir Charles Dilke.*)

MV41(Y756):98:52

D3

Ordered, by The House of Commons, to be Printed,
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1903.

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Return of the Correspondence between the Secretary of State for India, the Government of India, and the War Office, with reference to the Increase of Pay of the British Soldier; and the Arbitration of the Lord Chief Justice as to the Proportion of the Cost of it that should fall upon India.

No. 1.

EXTRACT of a LETTER from the WAR OFFICE to the INDIA OFFICE, dated 26th February 1902.

I am directed by the Secretary of State for War to acquaint you, for the information of the Secretary of State for India in Council, that after very full consideration His Majesty's Government have been reluctantly compelled to decide that the present rates of pay and terms of service are inadequate to obtain a supply of recruits sufficient to keep up the military establishments of the Empire.

Mr. Brodrick calculates that the changes now resolved upon will entail a net addition of 786,000*l.* to the annual cost of the pay of the British troops maintained in India, this addition being required to assimilate the rates of pay and allowances of men serving in India to those to be given to men on the Home Establishment.

Mr. Brodrick directs me to enclose a memorandum showing the reasons for, and the nature of, the changes proposed.

I am, &c.
(Signed) E. W. D. WARD.

Enclosure in No. 1.

Memorandum.

(Extract.)

The difficulty which the changes in pay, &c., are designed to meet is that of finding sufficient recruits, who are physically efficient, for the military establishments at home and abroad.

In 1895 these establishments mounted up to a total of 205,000 men (excluding Colonial Corps, Garrison Regiments, and Auxiliary Staff). The total is now 250,000 men, distributed as follows:—

India	-	-	-	-	70,000
Colonies (in normal times)	-	-	-	-	39,000
Home	-	-	-	-	141,000
					<u>250,000</u>

The normal yield of recruits has been about 35,000, which number suffices to keep up an establishment of 210,000 only. Even the brisker recruiting during the war has not enabled us to make up more than half the additional numbers voted within the last five years, and of these recruits 33 per cent. have been "specials."

The normal recruiting of the future should probably be nearly 50,000 men a year, a figure which cannot be maintained on the present terms, and which even if realised would not bring up the reserve to its proper strength for many years.

The changes which are proposed so as to meet this difficulty are:—

1. Adopt a universal system of enlistment for three years with the colours and nine years in the reserve, on the plan which has succeeded in the case of the Guards and some other branches of the service.
2. Give 2*d.* a day extra to each man on completing recruit drill and becoming 19 years of age, thus making good to him the average daily stoppage for washing, &c.

3. After two years' service each man to choose whether he will extend his service with the colours so as to complete seven (or eight) years, the remaining five (or four) years to be served in the reserve. If he declines he will complete his three years at his original rate of pay, and then go to the reserve. Otherwise he will receive 6*d.* a day extra at once, subject to—
- (a) His Commanding Officer may refuse his extending if he is a bad character or an inefficient soldier.
- (b) If he cannot pass a certain standard in shooting, somewhat higher than the present second class, he will, until he passes, receive 4*d.* extra instead of 6*d.*
4. Give the extra lance pay to all the lance ranks within the establishment thereof.

As a set-off against the expense of the foregoing—

5. Abolish the present grants of good conduct pay, but give 1*d.* a day good conduct pay after five years' service.
6. Give Commanding Officers power to fine by deductions from the 6*d.* of 1*d.* a time.
7. Abolish prizes for musketry.

The cost to India is estimated as follows :—

	£
Addition of 2 <i>d.</i> a day on joining	215,000
Addition of 6 <i>d.</i> a day after two years	645,000*
Additional pay of lance ranks	11,000
Good conduct pay at 1 <i>d.</i> after five years' service	36,000
	<u>£907,000</u>

Deduct—

Present charge for good conduct pay	98,000
Prizes for musketry	7,000
Third-class shots (6 per cent. of strength)	16,000
	<u>121,000</u>
	121,000
	<u>£786,000</u>

E. W. D. W.

No. 2.

TELEGRAM from SECRETARY OF STATE FOR INDIA to VICEROY, dated 26th February 1902.

Army Pay. Have received communication from War Office as follows :—

Begins. After very full consideration, His Majesty's Government have reluctantly decided that present rates of pay are inadequate to keep up military establishments of Empire, which now amount to 250,000 men. Normal yield of recruits on present terms 35,000 per annum, number required 50,000. It is therefore intended (1) to enlist all recruits for three years with the colours, nine years in reserve; (2) give twopence additional to each man over 19 on completing recruit drill; (3) sixpence extra to all who, after two years, elect to complete seven or eight years with colours, subject to certain tests of character, efficiency, and shooting; (4) give lance pay to all lance ranks within establishment. *Per contra* (1) Abolish present good conduct pay, but give one penny per day good conduct pay after five years' service; (2) Commanding Officers to have power to fine by deductions from additional

* This will not come into course of payment until 1st April 1904.

pay; (3) abolish musketry prizes. Details of annual charge on Indian revenues estimated by War Office as follows:—

From April 1st next for extra twopence, 215,000*l.*, lance pay 11,000*l.*, total 226,000*l.* Further increase from April 1st, 1904 (for extra sixpence) 645,000*l.* Deduct saving on good conduct pay and musketry prizes, 85,000*l.* Total ultimate net increase, 786,000*l.* per annum. *Ends.* Against this increase of charge, War Office contends that India gains by better quality of soldier to be supplied and by accumulation of reserves here available as reinforcements, should India require them.

No. 3.

TELEGRAM from VICEROY to SECRETARY OF STATE FOR INDIA, dated 8th March 1902.

In acknowledging your Lordship's telegram of the 26th February, announcing decision of His Majesty's Government to raise pay of British Army, thereby entailing upon Indian revenues initial annual charge of 220,000*l.* and ultimate annual charge of 786,000*l.*, we desire respectfully to express our regret that Government of India were not given an opportunity of stating their views before decision was arrived at, and that we received no official intimation until it was on the eve of being announced to Parliament. Your Lordship will not suspect us of questioning the policy of His Majesty's Government in its Imperial aspects, and we are prepared to contribute to the military needs of the Empire in future not less loyally than during the past three years. But the change now introduced appears to have been dictated by considerations so little connected with the Indian Army, and its effects both upon the military situation in India and upon Indian finances will be so serious, that we are constrained to represent to your Lordship our views on these points, and to ask you to submit them for the consideration of His Majesty's Government.

(1.) The existing system of pay and recruitment has proved adequate to the needs of India, and is well suited to our requirements. British soldiers are already sufficiently well paid in this country. From the Indian standpoint we know of no grounds for increasing their remuneration. Case for increase of pay has arisen because of increase in strength of Home Army, not of Indian.

(2.) Under the new system we can feel no certainty that men will re-engage for Indian service. Should they prefer to enter the reserve at home to receiving extra consideration for service abroad, the scheme must apparently break down, and flow of men to India will be dried up. Any alternative scheme will then have been rendered vastly more expensive by failure of this.

(3.) Should these expectations be falsified, result will still be that entire British Army in India will be on higher scale of pay while bulk of Home Army will be on lower scale. We shall be paying eightpence extra for each man. Home Government will only be paying less than twopence. There will thus practically be two armies serving under distinct conditions, and causing no small difficulty in interchange.

(4.) A large reserve in England will enable the Home Government to reduce number of men with the colours, and thus to recoup themselves for maintenance of Colonial Army on higher scale of pay. No such compensation will be open to us, and we shall practically be paying for creation of a large reserve at home.

(5.) The plea that such a reserve will be beneficial to India to the extent claimed because of increased number of men who will be available in time of war, seems to us fallacious. The dispatch of reinforcements from England depends not upon numbers available so much as upon command of the sea, which is not affected by new scheme.

(6.) The heavy additional expenditure now imposed must seriously curtail our present policy of expenditure upon increasing efficiency of existing

Army. We shall be compelled to subordinate efficiency, which is essential, to pay, which is not. It must also re-act upon the general financial position and affect our desire to alleviate the burdens of Indian people.

(7.) This concession may give rise to other demands for which otherwise there would be no sufficient case.

(8.) Lastly, we deprecate the effect that will be produced in this country by increase of military charges for British Army in India, which Government of India has not asked for and does not approve of.

For all these reasons, and chiefly because proposed change is introduced to meet Imperial and not Indian needs, we think that India should not bear whole of increased charge upon Indian revenues, but that at least one half of it should be defrayed by Imperial Exchequer. The case for such division will become stronger if Home Government continue, as in recent years, to press for Indian troops for Imperial wars outside of India. It will be unfair that we should train and pay men at special rates for non-Indian as well as Indian service. We venture most strongly to press these views upon the sympathetic consideration of your Lordship, and to urge that if they are not accepted by His Majesty's Government the distribution of burden may be referred to independent inquiry.

No. 4.

TELEGRAM from SECRETARY OF STATE FOR INDIA to VICEROY, dated 22nd April 1902.

Your telegram of 8th March. Pay of British troops. Will be submitted to His Majesty's Government.

No. 5.

LETTER from the INDIA OFFICE to the WAR OFFICE, No. M. 3887, dated 22nd April 1902.

With reference to your letter of the 26th of February last, I am directed to forward herewith, for the information of Mr. Secretary Brodrick, a copy of a telegram* from the Viceroy of India regarding the increase of the pay of the British soldier.

2. It will be observed that the Government of India express their regret that they were not given an opportunity of stating their views before a decision was arrived at, and that they received no official intimation until it was on the eve of being announced to Parliament, and they wish that their views, which they now represent, may be submitted for the consideration of His Majesty's Government. Lord George Hamilton, whilst fully recognising the advisability of keeping measures of this nature strictly confidential until they receive the sanction of His Majesty's Government, shares the regret of the Government of India that it was not found possible to adopt a procedure under which both the Council of India and the Government of India might have been afforded time and facilities for investigating and discussing, from the Indian point of view, the effects of the new system of recruiting proposed for the British Army.

3. The Government of India argue that the change has been introduced to meet Imperial and not Indian needs; but it appears to his Lordship in Council that, inasmuch as India is a part of the British Empire, for the defence of which Empire as a whole an adequate number of troops has to be provided by means of recruitment in this country, it is impracticable to draw such a distinction between a part and the remainder of an army raised for a common purpose. The pay of the British soldier must, in his Lordship's opinion, be settled by the Home Government upon a consideration of circumstances which do not come within the cognizance of the Government of India; and if, as at present, a larger force of British soldiers is required for the service of the Empire, while the conditions of the labour market make it

increasingly difficult to obtain them, it is obvious that the rate of pay, whether in England, in India, or elsewhere, must be raised. This, no doubt, may involve inconvenience: but it is in accordance with the arrangement agreed to on behalf of India by his Lordship's predecessors in office, an arrangement for which it is now practically impossible to propose an alternative.

4. So long as the British soldiers stationed in India, and forming part of the Indian Establishment, are recruited for, and form part of, an Imperial force serving in all parts of the Empire, it is not possible for the Indian Government to refuse to them the pay and emoluments to which they are entitled elsewhere.

5. It is therefore from this standpoint—that of a sharer in the financial consequences of a military change which he must necessarily accept—that the Secretary of State in Council wishes to address the Secretary of State for War. If the scheme now under discussion must be generally accepted by the Indian Government, it ought nevertheless to be examined from an Indian point of view, with the object of ascertaining how far special arrangements are needed to prevent the additional charge upon India from being greater than would correspond to the additional benefit that she receives.

6. Under the scheme of the War Office the pay of all men in the British Army, on the 1st of April 1902, has been increased by 2*d.* a day, provided they comply with certain conditions.

7. As regards this portion of the scheme, the Secretary of State in Council is willing to accept, as a charge upon the revenues of India, the additional expenditure of 226,000*l.** per annum which it involves. But the extra 6*d.* a day which it is proposed to give to the men who re-engage will come into operation in April 1904, and, as matters now stand, will impose upon Indian revenues a further heavy charge of 560,000*l.* per annum.

* <i>Immediate.</i>	£	
2 <i>d.</i> a day	-	215,000
Lance pay	-	11,000
		<hr/>
		£226,000
		<hr/>

8. The Government of India point out that the existence of a large and increasing reserve in England, to augment which, as Mr. Brodrick is aware, the new scheme has been specially formed, will enable the Home Government to reduce the number of men with the colours, and thus to recoup themselves for the maintenance of the Colonial Army on the higher rate of pay. The Government of India will, they say, be practically paying for the creation of a large reserve at home. This reserve will no doubt be beneficial to India in time of emergency. It is true, as pointed out by the Government of India, that the despatch of reliefs from England depends upon the command of the sea; but this is a consideration which must govern the despatch of all reinforcements, and, in the absence of an adequate reserve, reinforcements would not be forthcoming.

9. India, therefore, benefits by the new scheme in so far as it tends to create such a reserve; but, as it appears to Lord George Hamilton, not nearly to the same extent as the Home Government.

10. It is indisputable, as stated by the Government of India, that the heavy additional expenditure now imposed upon the finances of that country by the action of His Majesty's Government must seriously impede their present policy of spending money to increase the efficiency of the existing army. The Government of India further point out that, by re-acting on the general financial position, it must to some extent affect their ability to alleviate the burdens of the Indian people.

11. For the reasons given, the Government of India think that the revenues of that country should not be called upon to bear the whole charge for the additional pay of the British soldier in India, but that at least one-half of it should be defrayed by the Imperial Exchequer. As has been shown above, Lord George Hamilton does not entirely concur in all the arguments which have been urged by the Government of India in support of their proposal, nor does he think that the form of relief which they propose would be a convenient one. But he is nevertheless of opinion that, in consideration

of the additional charge which will be thrown upon Indian revenues, and of the advantages, not equally shared in by India, which will be the result of the new system, some compensating relief should be conceded by the Imperial Government; and he directs me to draw attention to the following considerations, which, in his opinion, prove, and will, he trusts, convince the Secretary of State for War, that the claim which he is about to make on behalf of India is fair and equitable.

12. The object of the measures recently adopted appears to the Secretary of State in Council to be to provide, by means of attractive terms of pay, facilities for obtaining the three classes of men of whom the regular military forces of the Empire will, in the future, be composed, viz. :—

1. Men serving with the colours for three years (mainly for Home Defence);
2. Men serving with the colours for eight years;
3. Reservists.

If, in order merely to obtain men of the class whom India requires, viz., men serving for eight years with the colours, it were necessary to offer additional pay, India would, in accordance with established principles, bear the whole increase. But if an additional burden is thrown on India through a measure designed, not merely to improve the position, or to facilitate the recruitment of the soldiers whom she employs, but also to improve or cheapen the supply of men of the other two classes, in the maintenance of which she has no interest at all comparable to that of the United Kingdom, then she has to that extent a fair claim to relief. It is clear that this is the case which arises now. For, so far as the long-service soldier is concerned, it would have been as advantageous to him, and presumably as attractive, to receive 1s. 6½d. a day for the eight years of his service with the colours as to receive from 1s. to 1s. 2d. a day in his first two years, and 1s. 8d. a day during the remainder of his service with the colours; and the former scale of pay would have been far more favourable for Indian revenues. The adoption of the differential rate of 1s. 8d. for the later years of colour service, in preference to a uniform rate of about 1s. 6½d. for the whole period of colour service, evidently has the effect of avoiding unnecessary expense on the pay of the short-service soldier, and of lessening to that extent the cost of providing an adequate reserve; and it would clearly be inequitable that India should be burdened with the special additional payment that arises from this peculiarity of the new scheme.

13. Should Mr. Brodrick accept the view that India has a claim to relief for the reasons stated above, it appears to Lord George Hamilton that the appropriate amount might be determined on the following principles.

14. Taking the Army Estimates for 1898–99 as showing the condition before the outbreak of the war in South Africa, it appears that at that time India was employing 65,575 British soldiers of the rank and file, whose pay was approximately 1,258,000*l.* a year, while the Imperial Government employed (exclusive of colonial and departmental corps) 141,057 rank and file, whose pay was approximately 2,736,000*l.** a

* See calculation attached. year. The proportion borne by the payment of the Indian Government to that of the Imperial Government was thus 1 to 2·175. It is estimated that the additional charge placed on India in 1904–05 will be 786,000*l.*, raising her total expenditure on the rank and file (on the basis of the figures just quoted) to 2,044,000*l.*; and that the additional payment by the Imperial Government will be 1,048,000*l.*, raising the total payment by that Government to 3,784,000*l.*, or 1·85 times the payment by India. In order that the revenues of India may not be burdened in 1904–05 with a larger proportion of the pay of European soldiers than they bore before the war, it would be necessary that the total cost should be divided into 1,835,000*l.* for the one country and 3,993,000*l.* for the other; or, in other words, that the British Government should undertake to bear 209,000*l.* of the cost of the British soldiers' pay in India.

15. A method of making this adjustment, which appears to his Lordship to have much to recommend it, would be by means of a reduction of the annual payment made by this Office to the War Office on account of effective

services. The present rate of 7*l.* 10*s.* for each officer and man on the Indian establishment was arrived at in 1889-90 by distributing over the average Indian establishment of 72,374 officers and men the sum of 540,658*l.* payable by India to the War Office for recruiting and training soldiers for India. Deducting the sum of 209,000*l.* mentioned above, and dividing the balance by the same number as in 1889-90, the net payment that would have to be made by India, from the 1st of April 1904, would be 4*l.* 11*s.* 6*d.* for each officer and man on the Indian establishment, in lieu of the present payment of 7*l.* 10*s.*

16. I am to express Lord George Hamilton's confident hope that Mr. Brodrick will be disposed to recognise the equity of this suggestion, and to make the necessary communication to the Treasury, so that the heavy extra cost which must in any case fall on Indian revenues may not be clearly out of proportion to the benefit which India will derive from the measure recently decided upon by His Majesty's Government.

I am, &c.
(Signed) HARDWICKE.

Enclosure to No. 5.
1898-99.

BRITISH TROOPS (exclusive of Colonial and Departmental Corps) employed in
GREAT BRITAIN and COLONIAL STATIONS.

	<i>s.</i>	<i>d.</i>	£	<i>s.</i>	<i>d.</i>		£
Cavalry - - -	1	2	a day = 21	5	10	per ann. × 12,083 =	257,267
Royal Horse Artillery -	1	3	„ = 22	16	3	„ × 1,792 =	40,880
Royal Field Artillery, Mountain, and Royal Garrison Artillery -	1	2½	„ = 22	1	0½	„ × 24,969 =	550,618
Infantry - - -	1	0	„ = 18	5	0	„ × 93,572 =	1,707,689
Army Service Corps -	1	2	„ = 21	5	10	„ × 2,807 =	59,765
Royal Engineers -	1	1½	„ = 20	10	7½	„ × 5,834 =	119,779
						<u>141,057 =</u>	<u>2,735,998</u>

INDIA.

	<i>s.</i>	<i>d.</i>	£	<i>s.</i>	<i>d.</i>		£
Cavalry - - -	1	2	a day = 21	5	10	per ann. × 4,770 =	101,561
Royal Horse Artillery	1	3	„ = 22	16	3	„ × 1,609 =	36,705
Royal Artillery (other than Royal Horse Artillery) -	1	2½	„ = 22	1	0½	„ × 10,316 =	227,489
Infantry - - -	1	0	„ = 18	5	0	„ × 48,880 =	892,060
						<u>65,575 =</u>	<u>1,257,815</u>

No. 6.

LETTER from the WAR OFFICE to the INDIA OFFICE,
No. 7023/3161*a* (F 9), dated 18th June 1902.

I am directed by the Secretary of State for War to acknowledge the receipt of your letter of the 22nd April, M. 3887, transmitting a copy of a telegram from the Viceroy of India regarding the increase of the pay of the British soldier.

2. While regretting that it was impossible to lay the proposed measures before the Indian Government at an earlier period, Mr. Brodrick desires me to point out that the whole question was considered by his Majesty's Government from the standpoint of the interests of the Empire as a whole, with due regard both to the British and Indian Exchequers, and that circumstances rendered any premature disclosure of the intentions of the Government undesirable.

3. Mr. Brodrick observes, with satisfaction, that Lord George Hamilton does not agree in the view of the Indian Government that the change has been introduced to meet British and not Indian needs, and he cordially concurs in the views expressed in paras. 3 and 4 of the letter under reply.

4. Mr. Brodrick notes that Lord George Hamilton is willing to accept as a charge upon the revenues of India the increase of pay of 2*d.* a day from the 1st of April last, which forms a part of the new scheme sanctioned by His Majesty's Government.

5. As regards the additional 6*d.* a day which will come into operation on 1st April 1904, Lord George Hamilton, while not fully concurring in the arguments used by the Indian Government, nor supporting their recommendation that one half of the cost should be defrayed by the Imperial Exchequer, proposes that Indian revenues should be relieved to an extent of about 209,000*l.* per annum, and that charge transferred to the British Exchequer.

6. The main reason urged by the Secretary of State for India in Council for affording this relief to Indian revenues is that India does not share equally in the advantages that are expected to result from the new scheme.

7. With reference to this, I am directed by the Secretary of State for War to point out that the recent increase in the rates of pay is entirely necessitated by the fact that so large a portion of the British Army has to be raised for service in India and, to a much smaller extent, at Colonial Stations.

8. But for this, the requirements of Home defence would be fully met by a general enlistment for three years, and it will thus be seen that, so far from the present additions to the soldiers' pay being attributable to British interests, they are mainly required to meet the necessities of India.

9. For several years past, under the existing system, the Army has with difficulty been recruited up to establishment, and then only by enlisting a very large proportion of men below the proper standard.

10. The result has been that, in order to supply the British force in India with men who fulfil the necessary conditions as to age and physique, it has been necessary to practically deplete the home battalions of the mature soldiers, while the greater part of the cost of their training has been borne by the British Exchequer.

11. Hitherto the Indian Government has obtained the fully trained and seasoned soldier at the same rate of pay as the raw recruit.

12. In Mr. Brodrick's view this procedure cannot be allowed to continue. The Indian Army must bear *pro rata* with the British Army, the shortage in the Establishment. The only way of avoiding this is by the increase of pay adopted coupled with the shorter service, and Mr. Brodrick could not accept the argument that Indian revenues should not bear a larger proportion of the pay of British troops than hitherto.

13. Mr. Brodrick observes that Lord George Hamilton admits that the Army Reserve, which it is hoped will be increased under the new scheme, is beneficial to India in times of emergency, and he only desires to point out that the whole charge for the pay of this force is borne by the British Exchequer.

14. As regards the proposed method of relief to Indian revenues, apart from other considerations, it is open to objection on the ground that, while it is intended to transfer to the British Exchequer a part of the cost of the British Army in India, it reduces the capitation rate payable for charges incurred in this country. This capitation rate was recently under consideration by the Royal Commission on Indian Expenditure, whose recommendation that it should remain in force for a further five or six years, and then be subject to review, was accepted by His Majesty's Government.

15. After giving very careful consideration to the views expressed both by the Government of India and the Secretary of State for India in Council, Mr. Brodrick regrets that he sees no sufficient grounds for making any representation to the Treasury to relieve the Indian at the expense of the British Exchequer.

I have, &c.
(Signed) G. FLEETWOOD WILSON.

No. 7.

LETTER from the INDIA OFFICE to the WAR OFFICE, No. M. 8493, dated 29th July 1902.

I am directed by the Secretary of State for India in Council to acknowledge the receipt of Sir G. Fleetwood Wilson's letter of the 18th of June, No. 7023/3161a, and to express the regret with which his Lordship has learnt Mr. Secretary Brodrick's unwillingness to make any representation to the Treasury in order that a portion of the additional pay to be issued to European soldiers in India from the 1st of April 1904 may be borne by Imperial revenues.

It is doubtless within the knowledge of Mr. Brodrick that it has recently been agreed between the Lords Commissioners of the Treasury and the Secretary of State for India in Council that questions as to the incidence of charge, as to which a difference of opinion exists between the India Office and any Department of the Imperial Government, are to be submitted to arbitration; and that the Lord Chief Justice of England has consented to act as arbitrator for this purpose.

In accordance with this arrangement, Lord George Hamilton now proposes to ask the Lord Chief Justice to adjudicate on the question raised in this correspondence, and to appoint a time within which he will be willing to receive the statements and arguments relating to it; and I am directed to suggest that Mr. Brodrick should, if he thinks fit, give instructions accordingly for the preparation and submission of a case on behalf of the War Office.

I have, &c.
(Signed) HARDWICKE.

No. 8.

DESPATCH from the SECRETARY OF STATE to the GOVERNMENT OF INDIA, No. 107, Military, dated 1st August 1902.

With reference to your telegram of the 8th of March last, I forward, for the information of your Excellency in Council, copy of correspondence* which has passed between this Office and the War Office regarding the increase of the pay of the British soldier.

2. Your Excellency will observe that I decided, after careful consideration in Council of your telegram of the 8th of March, not to submit to the War Office your proposal that at least one half of the additional pay that is to be issued in India under the new recruiting scheme should be defrayed from Imperial revenues, and that I substituted a proposal based on the principle that the additional burden thrown on India by the new scheme should not bear a greater proportion to that falling on Imperial revenues than the pay of the Indian Establishment ordinarily bore to the pay of the Imperial Establishment before the introduction of the scheme. It appears to me that this is the contention which can most advantageously be argued, and, if necessary, urged before an arbitrator.

* Nos. 1, 5, 6 and 7.

3. I shall be glad to be favoured with any arguments or opinions in support of the case which your Government might wish to add to those already sent to me in your telegram of the 8th of March last.

I have, &c.
(Signed) GEORGE HAMILTON.

No. 9.

LETTER from the WAR OFFICE to the INDIA OFFICE, No. 7023/3170, dated 20th August 1902.

With reference to Lord Hardwicke's letter of the 29th ultimo, No. M. 8493, proposing to refer to the arbitration of the Lord Chief Justice the question of the transfer from the Indian to the Imperial Exchequer of a portion of the increased charge entailed on India by the recently approved increase to the pay of the British Army, I am directed by the Secretary of State for War to transmit, for the information of Lord George Hamilton, the copy of a letter which has been addressed to the Treasury on this subject.

I am, &c.
(Signed) E. WARD.

Enclosure in No. 9

LETTER from the WAR OFFICE to the TREASURY, No. 7023/3170 (F.9.) dated 20th August 1902.

I am directed by the Secretary of State for War to transmit, to be laid before the Lords Commissioners of His Majesty's Treasury, the enclosed copy of correspondence which has taken place between this Department and the India Office on the subject of the proposed transfer from the Indian to the Imperial Exchequer of a portion of the charge which will fall upon the former owing to the increase in the pay of the Army which has recently been decided upon by the Government.

It will be seen from this correspondence that Mr. Brodrick did not feel able to make any representation to their Lordships in favour of such a transfer; and that in consequence Lord George Hamilton now proposes to ask the Lord Chief Justice to adjudicate on the question, under the recent arrangement by which questions as to incidence of charge, as to which a difference of opinion exists between the India Office and any Department of the Imperial Government, are to be submitted to arbitration.

In the present instance, however, the matter in dispute appears to Mr. Brodrick to be rather a large question of policy than a case of difference of opinion falling within the province of the arbitrator under the arrangement referred to, and he directs me to state that he would be glad to be favoured with Their Lordships' ruling on the subject.

I am &c.
(Signed) A. HIGGINS.

No. 10.

LETTER from the GOVERNMENT OF INDIA to the SECRETARY OF STATE FOR INDIA, No. 212, Military Department, dated Simla, 30th October 1902.

We have the honour to acknowledge the receipt of your Lordship's military despatch No. 107, dated the 1st of August 1902, forwarding a copy of the correspondence which has passed between the India Office and the War Office regarding the increase of the pay of the British soldier.

2. In substitution of the proposal made by our Government in the Viceroy's telegram of the 8th March last, viz., that at least one-half of the full additional pay that is to be issued in India under the new recruiting

scheme should be defrayed from Imperial revenues, your Lordship has decided that Indian revenues should bear the increase of 2*d.* a day; and so far as the increase of 6*d.* a day is concerned, your Lordship has suggested to the War Office that the incidence of the expenditure involved should be regulated by the principle that the additional burden thrown on Indian revenues should not bear a greater proportion to that falling on Imperial revenues than the pay of the Indian establishment ordinarily bore to the pay of the Imperial establishment before the introduction of the scheme. The War Office having demurred to this arrangement, it is now contemplated to refer the question to arbitration, and your Lordship accordingly asks us to furnish you with any arguments or opinions in support of the case which we may wish to add to those already given in the Viceroy's telegram of the 8th March last.

3. In our view the case for relief to the Indian Exchequer from a moiety of the increased charge was adequately and fully stated in the Viceroy's telegram, and the arguments therein put forward do not require either reinforcement or repetition. It does not seem necessary that we should re-state those propositions which in paragraphs 3, 4, and 8 of the India Office letter to the War Office your Lordship has not been able to endorse. With regard to the remainder we have only to add the following suggestions:—

- (a.) As the new measures have been introduced with the object of attracting recruits, we consider that Indian revenues should not be required to bear a larger share of the cost of those measures than the proportion which the number of recruits required for the maintenance of the British Army in India bears to the number needed for the Home Army.
- (b.) If Indian revenues have to bear the full additional pay that will be issued in this country, not merely shall we be paying for the men who extend their service with the colours, when otherwise they would be in the reserve at the cost of the Imperial Government, but we shall also be providing men, who, after a tour of Indian service, will eventually go to the reserve as trained and seasoned soldiers and will form the back-bone of that body, the benefit of which (as pointed out in paragraph 9 of the India Office letter to the War Office, No. 3887 M, dated the 22nd April 1902), belongs to England to a much greater extent than to India.

We have, &c.

(Signed) CURZON.
 „ A. P. PALMER.
 „ T. RALEIGH.
 „ E. FG. LAW.
 „ E. R. ELLES.
 „ A. T. ARUNDEL.
 „ DENZIL IBBETSON.

No. 11.

LETTER from the TREASURY to the INDIA OFFICE, No. 18,031,
 dated 24th November 1902.

I am directed by the Lords Commissioners of His Majesty's Treasury to transmit to you, for the information of the Secretary of State for India in Council, copy of a letter* (with enclosures), dated 20th August last, which they received from the Secretary of State for War respecting the question at issue between the India Office and the War Office as to the incidence of the charge resulting from the recent increase in the pay of the Army.

I am also to transmit a copy of their Lordships' reply thereto, dated 2nd September.

I am, &c.
 (Signed) FRANCIS MOWATT.

* No. 9.

Enclosure in No. 11.

LETTER from the TREASURY to the WAR OFFICE, No. 13,536, dated
2nd September 1902.

The Lords Commissioners of His Majesty's Treasury have had before them Mr. Higgins' letter of the 20th August (7023/3170, F. 9), enclosing a copy of a correspondence between the War Office and the India Office with respect to the incidence of the charge resulting from the recent increase in the pay of the Army.

In reply, I am directed to acquaint you, for the information of the Secretary of State for War, that, having regard to all the circumstances of the case, my Lords are of opinion that no objections should be offered to the proposal of the Secretary of State for India in Council that the Lord Chief Justice should be asked to adjudicate on the question at issue under the recent arrangement for referring to arbitration matters in which differences of opinion may arise between the Imperial and Indian Governments.

I am, &c.

(Signed) E. W. HAMILTON.

No. 12.

LETTER from the WAR OFFICE to the INDIA OFFICE,
No. 7023/3170 (F. 1a.), dated 9th December 1902.

Adverting to previous correspondence on the question of the incidence of charge as between the British and Indian Exchequers of the new scheme of increased pay for the Army, and with reference in particular to Lord Hardwicke's letter, No. M. 8493, of 29th July last, I am directed by the Secretary of State for War to convey to you, for the information of Secretary Lord George Hamilton, his observations on the India Office proposal that the matter should be submitted to the adjudication of the Lord Chief Justice under the recent arrangement by which differences of opinion between the Imperial and Indian Governments were to be settled.

2. It will be seen from the enclosed correspondence that the Lords Commissioners of His Majesty's Treasury, to whom the matter was referred, have intimated their concurrence in the suggested reference to arbitration, but Mr. Brodrick is unable to regard as falling within the category of "departmental questions," for the settlement of which the reference to arbitration was designed, a question of high Imperial policy determined upon by the Cabinet itself.

3. Pending the receipt of the decision of His Majesty's Ministers, before whom the point now at issue has recently been brought, Mr. Brodrick is not prepared to agree to the course proposed.

I am, &c.

(Signed) E. W. D. WARD.

No. 13.

LETTER from the INDIA OFFICE to the WAR OFFICE,
No. F. 8332/02, dated 20th February 1903.

With reference to your letter of the 9th of December, No. 7023/3170, and to previous correspondence relating to the incidence of the additional pay to be issued to British soldiers in India from the 1st of April 1904, I am directed to inform you that, in accordance with the decision of His Majesty's Government, Lord George Hamilton has addressed to the Lord Chief Justice of England a letter (of which a copy is enclosed*) requesting him to arbitrate in the matter.

Lord George Hamilton observes that, in his speech on the Army Estimates for the present year, Mr. Brodrick stated that the cost to Great Britain of the alterations recently made in the terms of enlistment would be 1,048,000l. a year. This Office has not been informed of the manner in which this

figure has been calculated, and his Lordship would be much obliged if he could be furnished with detailed figures similar to those explaining the additional charge of 786,000*l.* a year to be incurred in India, which were given in the memorandum forwarded with your letter of the 26th of February last.

I am, &c.
(Signed) A. GODLEY.

No. 14.

LETTER from the INDIA OFFICE to the LORD CHIEF JUSTICE,
dated 20th February 1903.

In your letter of the 29th of May last you expressed your willingness to act as arbitrator in cases in which differences of opinion might arise between the Imperial and Indian Governments as to the division of administrative charges.

Lord George Hamilton has recently been in correspondence with Departments of the Imperial Government on the subject of the proportion in which the charge arising from the changes which His Majesty's Government has recently decided to make in the conditions of enlistment and service in the Army should be divided between the United Kingdom and India. It has not been found possible to come to an agreement in the matter, and his Lordship has therefore suggested that the question in dispute should be referred to your arbitration. The Lords Commissioners of the Treasury have intimated to his Lordship their concurrence in this proposal.

I am therefore directed to express the hope of the Secretary of State for India in Council that you may be willing to adjudicate on the question, and I am to add that, on the receipt of an affirmative reply, a statement of the case which this office desires to submit for consideration will be prepared and forwarded to you as soon as possible. It will be necessary, however, to await certain figures for which application has been made to the Secretary of State for War.

I am, &c.
(Signed) A. GODLEY.

No. 15.

LETTER from the WAR OFFICE to the LORD CHIEF JUSTICE,
dated 5th March 1903.

In your letter of the 29th May last you expressed your willingness to act as arbitrator in cases in which differences of opinion might arise between the Imperial and Indian Governments as to the division of administrative charges. Lord George Hamilton has recently been in correspondence with this department and the Lords Commissioners of the Treasury on the subject of the proportion in which the charge arising from the changes which His Majesty's Government has recently decided to make in the conditions of enlistment and service in the Army should be divided between the United Kingdom and India.

It has not been found possible to come to an agreement in the matter, and Lord George Hamilton has therefore suggested that the question should be referred to your arbitration.

The Lords Commissioners of the Treasury have intimated their concurrence in the proposal.

I am therefore directed to express the hope that you may be willing to adjudicate on the question, and I am to add that on the receipt of the affirmative reply, a statement of the case which this office desires to submit for consideration will be prepared and forwarded to you as soon as possible.

I am, &c.
(Signed) E. W. D. WARD.

No. 16.

LETTER from the WAR OFFICE to the INDIA OFFICE, No. 7024/4196
(F. 1), dated 6th March 1903.

In reply to your letter of the 20th ultimo, F. 8332/02, I am directed by the Secretary of State for War to forward, as requested, a statement showing how the estimate of the additional cost to Great Britain of the increase of pay is arrived at, amounting to 1,048,000/. As His Majesty's Government have decided to refer the question of the incidence of cost as between the British and Indian Exchequers to arbitration, Mr. Brodrick understands that the procedure to be adopted will be as follows:—

- (1) Each Department will prepare its own "case" and refer it to the other for remarks.
- (2) The respective "cases," with the remarks of the other Department, will then be submitted to the Lord Chief Justice, and representatives of the two Departments will attend, if required, for the purposes of explanation or argument.

Mr. Brodrick is proceeding to prepare a case accordingly, but would be glad to be informed that Lord George Hamilton concurs in the course to be adopted.

I have, &c.
(Signed) E. W. D. WARD.

Enclosure in No. 16.

ESTIMATE of ADDITIONAL COST to GREAT BRITAIN of the INCREASE of PAY, &c.

	£
Additional 2d. granted from 1st April 1902	- 480,000
Additional 6d. after two years' service, with effect from 1st April 1904	- 800,000
Additional pay for lance ranks	- 12,000
Good conduct pay at 1d. after 5 years' service	- 36,000
Total	- £1,328,000
Deduct—	
	£
Present charge for good conduct pay	- 194,000
Prizes for musketry	- 14,000
For 3rd-class shots	- 72,000
	280,000
Net additional cost	- <u>£1,048,000</u>

No. 17.

LETTER from the INDIA OFFICE to the WAR OFFICE,
dated 14th March 1903.

I am directed by the Secretary of State for India in Council to acknowledge the receipt of your letter of the 6th instant, No. 7023/3196 F.A., and to thank you for the statement therewith forwarded showing how the estimate of the cost to Great Britain of the recent increase in soldiers' pay has been arrived at.

I am also to inform you that a letter has been received from the Lord Chief Justice stating that it would be convenient to him if a representative of each of the three officers concerned in the arbitration (the Treasury, the War Office, and the India Office) would call upon him at his room in the Royal Courts of Justice at 4 p.m. either on Monday, the 16th, or Tuesday, the 17th instant, in order to arrange the procedure to be followed.

The Financial Secretary at this office has been instructed to communicate with you and with the Treasury in order to ascertain which day is the more convenient, and to inform the Lord Chief Justice accordingly. He has also been instructed to attend on behalf of this office.

In your letter under reply, it is suggested that each Department should refer its case to the other for remarks before submitting it to the Lord Chief Justice. It had occurred to Lord George Hamilton that it would be in some respects advantageous if, in the first instance, the War Office and the India Office were to transmit their respective cases simultaneously to the arbitrator and to the other office. No doubt the Lord Chief Justice will decide at the interview on Monday or Tuesday next which is the preferable course of procedure.

I am, &c.
(Signed) HORACE WALPOLE.

No. 18.

INDIA OFFICE CASE.

Submitted to the Lord Chief Justice.

1. The Secretary of State for India in Council asks that the following question may be determined by the Arbitrator, viz., What portion should be borne by Indian revenues of the additional pay that will be issued to the British Army from the 1st April 1904 in consequence of the alterations in the terms of enlistment which His Majesty's Government (without consulting the Secretary of State for India in Council) have decided to make, and which were announced in the House of Commons on the 4th of March 1902, in a speech by the Secretary of State for War on the Army Estimates.

2. The facts which his Lordship desires to lay before the Arbitrator are as follows:—

3. The British forces in India consist of certain units of infantry, cavalry, and artillery belonging to the British Army, which are sent to India by the War Office under arrangements made with the India Office. No other source of supply is open to India, since, by 23 & 24 Vict. cap. 100, the Secretary of State for India in Council was deprived of such powers as he previously possessed of procuring European forces, other than those enlisted by the War Office, for service in India.

4. The arrangements that existed before the 1st of April 1902 for the enlistment of British soldiers for the British Army generally, and for the supply of the Indian establishment, may be summarised (so far as they are relevant to the present question) as follows:—

- (1.) The period of enlistment of men sent to India was seven years with the colours and five in the reserve, but a soldier who was in India at the end of his seventh year of service with the colours was called upon to serve for an eighth year.
- (2.) No soldier was sent to India unless he was, or appeared to be, 20 years old, and had been trained for 12 months.
- (3.) India made an annual payment to the War Office to defray the expenditure incurred by that office in training the men who were sent to India, and in maintaining them during their period of training.
- (4.) Soldiers in India received the same rate of pay as in the United Kingdom and other parts of the Empire, although certain allowances were issued at a different rate.

5. The changes in the terms of enlistment that were announced by the Secretary of State for War in his speech of the 4th March 1902 were as follows:—

- (1.) Under the new scheme, each man will enlist at first for three years with the colours and nine with the reserve, but will be required at the end of his second year of service to choose whether to pass into the reserve at the end of his third year or to extend his colour service to eight years, and reduce his service with the reserve to four.
- (2.) With effect from 1st April 1902 all proficient European soldiers have received an addition of 2d. to their daily pay.

(3.) With effect from 1st April 1904 the following further alterations in the scale of pay will be made—

- (a) To all soldiers who have originally enlisted for more than three years, or who, under the new system, have elected to extend their colour service beyond three years, there will be granted a further addition of 6d. a day to their present daily pay; provided they have passed certain tests of proficiency; until they pass such tests, they will receive an addition of 4d. instead of an addition of 6d.
- (b) Certain other arrangements will be made, chiefly in connection with good conduct pay, which will slightly reduce the cost of the increase of pay just mentioned.

6. It has been estimated by the Secretary of State for War that the total annual cost of all these new measures will be 1,834,000*l.*, of which 786,000*l.* will be issued in India, and 1,048,000*l.* elsewhere.

The calculation of the Secretary of State for War as to the cost of the new measures was made as follows:—

(a.) *Amount to be issued in India.*

	£
2d. a day from 1st April 1902 for 70,000 men	- 215,000
6d. a day from 1st April 1904 for 70,000 men	- 645,000
	<hr/>
	860,000
Less net reduction in connection with good conduct pay, &c., from 1st April 1904	- 74,000
	<hr/>
	£786,000
	<hr/>

(b.) *Amount to be issued elsewhere than in India.*

	£
2d. a day from 1st April 1902 for 160,000 men	- 480,000
6d. a day from 1st April 1904 for 87,500 men (approximately)	- 800,000
	<hr/>
	£1,280,000
Less net reduction in connection with good conduct pay, &c., from 1st April 1904	- 232,000
	<hr/>
	£1,048,000
	<hr/>

It will be observed that it is assumed in these calculations that the additional 6d. a day (to be issued from 1st April 1904) will be issued to the whole of the British establishment in India, and to about half of the British forces in other parts of the Empire. The Secretary of State for India considers that the first of these assumptions is well-founded; since it would not be practicable to send to India any considerable number of soldiers who might claim to be discharged into the reserve at the end of three years' service with the colours.

7. The Secretary of State for War desires that the whole amount of the additional pay to be issued in India under the new scheme should form a charge on Indian revenues.

8. The Secretary of State for India in Council has informed the Secretary of State for War of his willingness to accept as a charge on Indian revenues the annual payment of 215,000*l.* on account of the additional 2d. a day that has been issued since 1st April last to soldiers in India. He has done so because the additional 2d. is issued to all soldiers, under whatever conditions they may be serving; and he is willing that, whenever a uniform addition of pay is granted to the Army, Indian revenues should be charged with the whole of the additional pay issued in India, because in that case India's share of the whole financial burden is proportionate to the share of the Army which she employs.

9. Excluding from consideration the charge just referred to, the additional pay to be issued in consequence of the recent alterations will amount (according to the estimate of the Secretary of State for War) to 1,139,000*l.*, of which 571,000*l.* will be issued in India and 568,000*l.* in England and other parts of the Empire. India (according to the estimates of the Secretary of State for War) employs only 30 per cent. of the British Army, so that, if this total amount were distributed between Indian revenues and British revenues in proportion of their Establishments, the result would be as follows:—

	£	
Amount chargeable to India, 30 per cent.	=	341,700
Amount chargeable to England, 70 per cent.	=	797,300
		£1,139,000

Thus the amount chargeable to India (341,700*l.*) would be less by about 229,300*l.* annually than the amount (571,000*l.*) which is to be issued in India.

10. The Secretary of State for India in Council asks that it may be declared that the burden of the additional charges due to the changes enumerated in section (3) of paragraph 5 above should be so distributed between the Imperial and Indian Exchequers that the proportion of those charges borne by India to the total charge may not exceed the proportion of that part of the British Army which is on the Indian Establishment to the whole British Army. If this proposal is adopted, it will be necessary for the Imperial Government to make an annual payment to the Government of India, which, if the estimates of the Secretary of State for War are accurate, would amount to about 229,300*l.*, as shewn above.

In a letter* to the Secretary of State for War, dated 22nd April 1902, the Secretary of State for India (who was not then in possession of the whole of the calculations quoted in paragraph 6 above) proposed that the cost of the new scheme should be distributed between the Indian and Imperial Exchequers in the ratio that existed in 1898–99 between the aggregate pay of British soldiers of the rank and file on the Indian Establishment and the aggregate pay of such men on the Imperial Establishment.

Although there would be no important difference in effect between these two proposals, the method of adjustment now suggested appear to be simpler and more convenient.

11. In the opinion of the Secretary of State for India in Council the proposal made in the preceding paragraph, viz., that India's share of the cost of the measures under consideration should be proportionate to the share which she employs of the British Army, is *prima facie* equitable, since the two establishments are parts of one army, for which recruits are enlisted through the same agency, which they enter under the same conditions, and in which any man may be called upon to serve, whether in peace or war, in any part of the Empire. The fact that the two establishments are parts of one army existing for the defence of one Empire was recently illustrated by the despatch of about 8,000 men from India to take part in the South African War. Other instances of the kind may possibly occur in times of crisis in the future. It seems to the Secretary of State in Council to follow as a natural consequence of the relations between the two establishments that no departure should be made from the practice which has prevailed hitherto, under which India has borne her proportionate share of the cost of the whole rank and file of the army and has not been called upon to assume additional burdens arising out of a differential rate of pay.

In this connection the Secretary of State for India desires to draw attention to paragraph 338 of the Report presented in 1900 by the Royal Commission which was appointed to inquire into the administration of Indian expenditure and the apportionment of charge between the Governments of the United Kingdom and of India for purposes in which both are interested. The Royal Commission said: "The Home Government has

* No. 5.

“ derived, and does derive, great benefit from the existence of a large
 “ effective force in India. The Empire has great and varied interests in the
 “ Eastern seas, and although military authorities do not consider that the
 “ permanent garrison of India should be reduced below the present number,
 “ yet it is possible for India, in time of peace, to lend troops temporarily for
 “ Imperial purposes. India has done so repeatedly. She has detached a
 “ part of her garrison to aid the British arms in China, in New Zealand, in
 “ Abyssinia, in Egypt, and at the Cape. She has lent them for expeditions
 “ in which she had a direct and substantial interest, and for expeditions in
 “ which she had no such interest. She thus, in fact, provides in the East a
 “ reserve force, which, when India is quiet, can promptly and effectively,
 “ though only temporarily, aid British policy in the East, diminishing to
 “ that extent the number of men which, in the absence of such assistance,
 “ the Home Government must detach to distant parts from the garrison
 “ kept at Home or in the Colonies. It appears to us that India renders, in
 “ this respect, a real service to the United Kingdom, and that in respect of
 “ it she is entitled to liberal treatment. On the other hand, it may be argued
 “ that the army in the United Kingdom reciprocally maintains a reserve of
 “ strength available to India in case of extreme need. This is true, but, if
 “ we are to judge from what has happened in the past, the circumstances in
 “ which India calls upon the United Kingdom for special aid are not of the
 “ same kind nor likely to recur so frequently as the calls of the United
 “ Kingdom on India.”

12. It is important to notice that the financial effect of the arrangement now proposed by the Secretary of State for India is almost the same as would have resulted if the whole of the new recruiting scheme had been prepared so as to give to all soldiers a uniform addition of 6*d.* a day throughout their service, instead of an addition of 2*d.* in the early years and a further addition of 6*d.* in the later years, as shown in paragraph 5 above. Such a scheme would presumably have been as effective in attracting recruits as the scheme which has actually been adopted, and the financial result (neglecting any further adjustment that might have been made in respect of good conduct pay, &c.) would have been that India would have paid 564,000*l.* a year instead of the 786,000*l.* shown above, and that the Imperial Exchequer would have been paid 1,228,000*l.* instead of the 1,048,000*l.* shown above.

13. The principal arguments which the War Office have urged, in correspondence with the India Office, in support of the proposal that India should bear more than her proportionate share of the cost of the new measures are as follows:—

- (1) That the increase of pay is mainly required to meet the necessities of India ;
- (2) That, since the soldiers who are sent to India are all trained men, the average pay per man borne by the revenues of India should be higher than the average pay borne by Imperial revenues.

14. In reply to the first of these arguments, the Secretary of State for India in Council desires to draw attention to the information given in the annual Army Estimates as to the sanctioned establishment of the British Army (excluding Colonial and Native Indian troops) at home and abroad. The figures printed as Appendix I. to the present case, which are taken from the Army Estimates, show that in the sixteen years from 1888–89 to 1903–04 the sanctioned British establishment rose from 136,812 to 197,389, whereas the sanctioned Indian establishment rose only from 71,691 to 74,450. It would appear from these figures that the difficulty of recruiting, so far as it arises from an increase in the demand, is due to causes for which parts of the Empire other than India are responsible.

With further reference to this argument the Secretary of State in Council submits that there is no reason to believe that service in India is less popular among soldiers than service in other parts of the British Empire.

15. With regard to the second argument of the War Office, the Secretary of State for India in Council points out that, while it is true that India does actually receive trained soldiers and not raw recruits, she bears, in addition to the pay of the soldiers whom she employs, also the costs of the

training which they have received before coming on the Indian establishment, and by virtue of which they become more valuable than raw recruits. It appears inequitable that the fact that these men have been trained should be regarded as a reason for imposing on India a special burden, seeing that it is at the expense of India that they have received their training.

It appears reasonable that, if India is to bear a new charge on the ground that she employs trained men, she should be relieved of the special payment which she now makes to defray the cost of their training. No proposal to this effect has been made by the Secretary of State for War.

16. As a further argument in support of the view which he has expressed in para. 10 above, the Secretary of State in Council desires to draw attention to the effects which will probably follow from the introduction of the new system. The Government of India will gain no direct advantage from the change of system, since the number of men under its orders will be the same as before, and their conditions of service will be practically the same. The Imperial Government, on the other hand, will derive a considerable direct advantage from the change of system. Under the old system, the usual terms of recruitment were, as has been mentioned, for seven years with the colours (which might be specially extended to eight years) and for five years (or four in special cases) with the reserve; so that, leaving casualties out of consideration, the numbers in the reserve would normally amount to about five-sevenths of the effective strength. Under the new system, since it is anticipated by the War Office that a considerable portion of the men who enlist will serve for three years with the colours and for nine in the reserve, the number of men in the reserve will bear a much larger proportion to the effective strength than formerly, so that it will be possible hereafter for Great Britain to make a considerable reduction in the number of men with the colours and yet retain in the aggregate as many men available for mobilisation as under the old system. The financial saving thence arising would be entirely credited to Imperial revenues, and this was one of the inducements suggested by the War Office to the Treasury in support of the new scheme.

17. There is one further consideration which the Secretary of State in Council desires to submit. It is possible that the alterations that His Majesty's Government have recently made in the system of enlistment may fail to secure as many recruits as are required, and that the Government may then decide to offer yet further attractions in respect of pay. It will then be necessary for the Government to decide whether the further attractions shall consist of increased pay for men during the first term of their engagement or increased pay for extended service. Should the latter alternative be adopted, a yet further disproportionate burden might (without the assent of the Secretary of State for India in Council) be cast upon Indian Revenues to meet a situation which may be the result either of the condition of the labour market in Great Britain, or of the growth of the British Empire in Africa or elsewhere, or of both causes.

18. The Secretary of State in Council submits that such a situation would not be in accordance with the intention of the Act for the better Government of India (21 & 22 Vict. cap. 106 section 41), which placed the expenditure of the revenues of India under the control of himself and his Council. But his Lordship is of opinion that the fair claims of India would be met if, in accordance with the claim now submitted, any increase in the total pay of the British Army were shared by the Indian and Imperial Exchequers on the principle set forth in paragraph 10 above.

India Office,
3rd April 1903.

APPENDICES.

APPENDIX I.

Sanctioned Regimental Establishments (Officers, Warrant Officers, Non-commissioned Officers, and Men), excluding Colonial and Native Indian Corps.

	On the Imperial Establishment.	On the Indian Establishment.
1885-86	129,010	61,597
1886-87	138,572	68,196
1887-88	135,834	71,691
1888-89	136,812	71,691
1889-90	138,281	72,424
1890-91	138,303	72,429
1891-92	138,599	72,496
1892-93	138,884	72,648
1893-94	139,361	72,858
1894-95	140,971	73,125
1895-96	141,022	73,168
1896-97	141,664	73,168
1897-98	147,895	73,217
1898-99	164,829	73,162
1899-00	166,375	73,157
1900-01	191,662	73,484
1901-02	196,476	73,518
1902-03	197,213	74,328
1903-04	197,389	74,450

APPENDIX II.

Correspondence between India Office, War Office, and Treasury.

No. 19.

WAR OFFICE CASE.

Submitted to the Lord Chief Justice.

1. By Royal Warrant dated 27th March 1902 (Army Order 66 of that year), 2*d.* a day was added to the pay of the British soldier with effect from 1st April 1902; and the same Royal Warrant provided that from 1st April 1904 the following increases of pay, under the designation of "Service Pay," should be granted to efficient soldiers who have enlisted for more than 3 years with the Colours, or who have been permitted to extend their service (*i.e.*, having originally enlisted for only 3 years' Colour service, have agreed to extend their Colour service to 8 years).

Service Pay.

Efficient soldiers, Class I.*	-	6 <i>d.</i>
" " " after 5 years' total service	-	7 <i>d.</i>
" " Class II.†	-	4 <i>d.</i>
" " " after 5 years' total service	-	5 <i>d.</i>

2. The additional 2*d.* a day, which came into force on 1st April 1902, was accepted by the India Office without question as a charge against Indian

* Class I. shall consist of all warrant and non-commissioned officers, and of men who have completed 2 years' Colour service and who have, in the opinion of the Officer Commanding their unit, attained all necessary proficiency in the duties of their arm, including, in the case of Infantry, such a standard in musketry as may be prescribed by regulation.

† Class II. shall consist of other soldiers who are allowed to extend their Colour service, or who, having been enlisted for more than 3 years are not placed in Class I., provided in either case that they have completed 2 years' Colour service.

revenues, payable* to every British soldier on the Indian Establishment from that date. The India Office also admits that the British soldier in India, while recruited from and forming part of an Imperial force serving in all parts of the Empire, cannot be refused the pay to which he is entitled elsewhere, and that consequently "efficient" British soldiers in India who have enlisted for more than 3 years' service with the Colours, or who have "extended their service," must from 1st April, 1904, be paid the "Service Pay" granted by the above-mentioned Royal Warrant(†). But the India Office contends that, as India does not benefit to nearly the same extent as the Home Government under the system of universal 3 years' enlistment introduced on 1st April 1902, she ought not to bear the full charge for the Service Pay introduced as part of the new system.

3. Before proceeding to deal with the India Office contention in detail it may be well to state briefly the regulations bearing on the financial relations between the British and Indian Exchequers.

Under the Act for the better government of India, 21 and 22 Vict. cap. 106. it is laid down that the pay and expenses of and incident to Her Majesty's Indian Military and Naval Forces shall be defrayed out of the revenues of India (sec. 56). Since the Act 23 and 24 Vict. cap. 100. the preamble of which declares that a separate European force should no longer be continued for the local service of Her Majesty in India, the European troops serving in India have formed part of the British Army; all recruits are raised by the War Office for service in His Majesty's possessions at home and abroad, including India.

The rates of pay of the British Army are governed by Royal Warrants issued under the King's sign manual on the recommendation of the Secretary of State for War. These warrants do not, however, apply to the British troops serving in India, until sanctioned by the Secretary of State for India in Council, as provided by sec. 41 of 21 and 22 Vict. cap. 106.

In addition to bearing the actual cost, including pay at the British rates, of the British troops while serving in India, Indian revenues make payments to the War Office for the following services:—

- (1.) The proportion of pensions earned by Officers and men in respect of service in India.
- (2.) The proportion of deferred pay and gratuities in respect of service in India.
- (3.) Contribution towards the expenses incurred by the War Office in this country for raising and training recruits for service in India. (At the present time this contribution is fixed at the rate of 7l. 10s. for each Officer and soldier of the British Army on the Indian Establishment).

VARIOUS CHANGES IN CONDITIONS OF SERVICE AND RATES OF PAY SINCE 1860.

4. The War Office as being responsible for the recruitment and organization of the whole Army, has from time to time, in order to maintain the Army up to establishment, been obliged to vary the conditions of service and rates of pay of the British soldier. The tendency has been to reduce the term of service with the Colours and to increase the emoluments.

Terms of Service.

5. From 1847 to 1870 all enlistments in the Queen's Army were for 10 years with the Colours. As it was found impossible to obtain the number of recruits required to maintain the Army up to strength, and at the same time to form a reserve of men trained with the Colours, short service was introduced by the Army Enlistment Act of 1870, and by Army Circular of 10th August 1870. Enlistment for the Infantry was made optional either for long service, *i.e.*, 12 years with the Colours, or for short service, *i.e.*, 6 years' service with the Colours and 6 years with the Reserve.

* India Office letter of 22.4.03, paragraph 4, copy annexed.

† Paragraph 5 of letter above quoted.

Since then short service has been extended to the other arms of the service, and the general tendency has been to reduce the period of service with the Colours and lengthen the period in the Reserve. *E.g.*, under General Order 90 of 1883, short service in the Foot Guards consisted of 3 years with the Colours and 9 years with the Reserve; under General Order 66 of 1887, short service in the Royal Engineers consisted of either 7 years with the Colours and 5 years in the Reserve, or 3 years with the Colours and 9 years in the Reserve, and short service in the Army Service Corps and Medical Staff Corps consisted of 3 years with the Colours and 9 years with the Reserve.

[*Note.*—In all the above cases a soldier, if serving abroad, was liable to give an additional year's service with the Colours.]

Under Army Order 60 of 1898 short service recruits for the Infantry of the Line were permitted to be enlisted to a limited extent for 3 years with the Colours and 9 years in the Reserve. Under Army Order 73 of 1902, enlistment for 3 years with the Colours (with option under certain conditions of extension to 8 years), and 9 years in the Reserve, was made, from 1st April 1902, practically universal for the whole Army.

Rates of Pay.

6. In addition to shortening the period of Colour service, the War Office has from time to time found it necessary, in order to obtain the requisite number of men, to increase the rate of pay of the British soldier.

The principal increases granted since the introduction of Short Service are as follows:—

1873.—Net daily pay of Infantry soldier increased from 10½*d.* to 1*s.*
(Army Circular of 1st October, 1873.)

1876.—Deferred pay at 2*d.* a day introduced from 1st April, 1876
(Army Circular of 1st June, 1876).

1898.—Messing Allowance at 3*d.* a day granted from 1st April, 1898,
(Deferred pay was at the same time abolished, a gratuity on discharge being substituted of 1*l.* for each year's service). (Army Order 65 of May, 1898.)

These changes have all been made applicable to the British troops serving in India, and the additional charges in respect thereof have been defrayed out of Indian revenues.

APPORTIONMENT OF CHARGES BETWEEN THE UNITED KINGDOM AND INDIA.

7. As before stated Indian revenues have always been considered liable for the cost of the British Army in India, and it has been maintained repeatedly that it is obligatory on the Indian Government to share in the cost of schemes which are necessary for Imperial interests as a whole.

The Royal Commission on Indian expenditure, appointed in 1895, was requested to inquire, *inter alia*, into the apportionment of charges between the Governments of the United Kingdom and of India for purposes in which both are interested. The Commission, whose report was published in 1900 [Cd. 131], limited its consideration, so far as Army charges were concerned, to the following questions:—

- (1.) Home charges, more especially the contribution paid by India to the War Office for the supply of recruits to India.
- (2.) The payment for Indian troops while employed outside India.

No suggestion is made in the report that India should be exempted from defraying the full cost of the British Army in India. On the contrary, authorities are frequently quoted in the Report and Evidence to the effect that India must share in the cost of schemes that apply to the Army as a whole; *e.g.*—

EXTRACT from Report of Select Committee of House of Commons on East India Finance.

“India as a component part of the Empire must be prepared to share in the cost of a system the expense of which may be enhanced for Imperial purposes.” Vol. IV., page 141.

EXTRACT from Dispatch from India Office to Government of India,
25th September, 1884.

* * * "It follows as a necessary consequence that the British troops employed in India shall, in respect of the period of their service there, be entitled to equal privileges of a general character with those employed elsewhere, whether in regard to pay or pension." Vol. II., page 307.

EXTRACT from India Office Dispatch to Indian Government, 7th June, 1894.

* * * "At the same time I* admit that, speaking generally, and with a reservation in particular cases, the pay and organization of the Army must be made applicable to India as to the Colonies." Vol. II., page 282.

EXTRACT from Government of India Dispatch to India Office, 27th February, 1895.

* * * "We feel that it is useless for us to combat the alterations in the establishments, rates of pay, and privileges sanctioned by the War Office for the British Army." Vol. II., page 283.

The same principle is also admitted in the India Office letter of 22nd April, 1902 (attached), paragraphs 3 and 4.

INDIA OFFICE ARGUMENTS IN SUPPORT OF DEPARTURE FROM GENERAL RULE THAT INDIA SHOULD BEAR FULL CHARGE FOR PAY OF MEN IN INDIA, AND WAR OFFICE REJOINDER.

8. The main contention of the India Office is that the advantages of the new scheme are far more beneficial to the Home Government than to the Indian Government, and that if Indian revenues bear the full extra charge for the British troops in India the extra cost will be out of proportion to the benefits derived.

The War Office reply is, that the new scheme of pay and shorter service has been introduced in order to maintain the Army up to Establishment, to obtain a better class of recruit, and so to improve the efficiency of the whole Army, and at the same time to provide an increased reserve available for service in every part of the Empire when required. The benefits conferred upon the Indian and Home Governments respectively cannot be proportionately defined; the new scheme is *ex hypothesi* equally necessary for both parties as a measure adopted in order to provide for the Army generally men of good physique and of proper age and service to meet the various needs of the Empire.

9. India contends that she will derive no direct benefit from the service pay of 4*d.* or 6*d.* a day which she is called upon to pay for all British soldiers in India on and after 1st April 1904.

The War Office answer is—

- (1.) That in order to obtain sufficient men who are physically efficient for the increasing military establishments at home and abroad it has become necessary to hold out to the recruit the prospect of the substantial addition of 6*d.* a day to his pay at the end of 2 years' service as an inducement to agree to serve for 8 instead of 3 years' service with the Colours. In view of the fact that about 70,000 men of the British Army are on the Indian Establishment, it is evident that the Indian Government has a vital interest in the supply of recruits being not only adequate in numbers to meet the needs of the whole Empire, but also of good quality, and she cannot, it is submitted, refuse to pay her full share of whatever inducements must be held out in order to secure both numbers and quality.

* Sir Henry Fowler, Secretary of State for India.

- (2.) That under the system in force before 1st April, 1902, it was only possible to obtain the necessary number of recruits by reducing the standard of height and chest measurement, and so enlisting a number of men of inadequate physique, to the detriment of the Army as a whole.
- (3.) That it was only possible to supply the Indian drafts at the expense of the Home Army by taking away the bulk of the seasoned soldiers.

It should be explained that it is found necessary by the War Office to enlist recruits at 18 years of age, while India will not take men under 20 years of age and with less than 1 year's service. Thus while a 3 years' service with the Colours meets the requirements of the Army at home and in some of the Colonial stations, India requires men with a minimum of 7 years' Colour service. But this class of man is more difficult to obtain than the 3 years' man, and it has therefore become necessary to offer a substantial increase of pay at the end of 2 years' service in order to induce men to agree to extend their service with the Colours.

It is only fair that the additional cost should be shared by the two Governments in proportion to the number of 8 years' men that they respectively require.

10. In paragraph 12 of India Office letter of the 22nd April, 1902, the India Office admits, "if in order merely to obtain men of the class whom India requires, viz., men serving for 8 years with the Colours, it were necessary to offer additional pay, India would, in accordance with established principles, bear the whole increase," but the India Office goes on to argue that if an additional burden is thrown on India by a measure for improving or cheapening the supply of men of a class in which she has no interest at all comparable to that of the United Kingdom, then she has to that extent a fair claim to relief.

The War Office maintains, however, that as the new system was not introduced for the purpose of cheapening or improving a particular class, but is essential for providing all classes, i.e., the 3 years' men, the 8 years' men, and the Reserve, the India Office contention falls to the ground.

11. It is suggested by the India Office that if the Government, instead of giving 1s. to 1s. 2d. a day for the soldier's first 2 years and 1s. 8d. a day for the remainder of his service with the Colours, had offered 1s. 6½d. a day for the 8 years of Colour service, the financial result to the soldier would have been the same but the result to Indian revenues would have been far more favourable.

The War Office cannot admit this. The longer service is required mainly for India's benefit, and if the higher rate of pay necessary to secure it had to be given from the date of enlistment, a corresponding charge would have to be raised against Indian funds. Furthermore, the War Office contends that it is open to question whether such a scheme would have been sufficiently attractive to obtain recruits; if universally applied it would, even if successful, be unnecessarily expensive and, if applied to a limited extent, there would be serious difficulties in two classes of men serving side by side as recruits with different rates of pay. Again, under the proposed system it is intended that only the *efficient* soldier shall be allowed to extend his service beyond 3 years; under the India Office plan, probably the less satisfactory recruit would enlist for 8 years and it would be impossible to get rid of him.

12. Apart from the arguments already advanced the War Office is unable to accept the proposal in paragraph 14 of the India Office letter of 22nd April, 1902, that the charge for the pay of British soldiers in India to be borne by the Indian Government, should be governed by the proportion borne by the payments of the Indian Government to that of the Imperial Government for the year 1898-99. The War Office sees no reason for stereotyping the distribution either of numbers or expenditure between the two Governments in the year mentioned as a standard for regulating the incidence of the cost of new proposals with regard to the Army which may throw additional expense upon the Indian Exchequer. The India Office statement of relative

cost in 1898-99 merely shows that the Indian Government at that time paid no more per head for seasoned and efficient troops than the Home Government paid for a force largely composed of recruits.

13. As to the particular method of relief suggested by the India Office, viz., a reduction of the capitation rate from 7*l.* 10*s.* to 4*l.* 11*s.* 6*d.* for each officer and man on the Indian Establishment, the War Office regards such a proposal as inadmissible, because—

- (1.) The capitation rate is a payment towards the cost incurred at home for the supply of men to India, whereas India is in reality seeking relief from defraying the cost of the Army in India.
- (2.) The question of the adequacy or otherwise of the capitation rate was inquired into by Lord Welby's Commission, and it has been decided by His Majesty's Government, in accordance with their recommendations, that the rate should stand till 1905 or 1906, and then be reviewed.
- (3.) If the capitation rate is to be revised, the War Office would urge that it should be increased in view of the fact that while India at present only pays for six months' training of the soldiers supplied, she is for the most part supplied with fully-trained and seasoned soldiers who have served for two years and upwards.

Furthermore, it would be necessary to raise on the part of the War Office the question whether India should not make a contribution towards the cost of the Army Reserve; this charge is now entirely borne by the Imperial Exchequer (and will before long amount to 1,000,000*l.* a year), although the Reserve is admittedly available in case of necessity for Indian purposes.

14. In conclusion, the War Office maintains that the new scheme has been introduced in the interests of the whole Empire, including India, and not in the special interests of the Home Government; that it has been necessary to specially consider the reinforcement of India in case of war in the new Army Corps scheme, and that a large number of troops must be maintained and paid for out of the British Exchequer for the purpose, as recently stated by the Prime Minister, of meeting this liability, even if no other similar call were anticipated; that the British Exchequer is heavily burdened for Imperial purposes; and that there is therefore no reason for a departure in this particular instance from the invariable rule that Indian revenues should defray the whole cost of the pay of Officers and men employed in India.

War Office, 3rd April 1903.

No. 20.

LETTER from the INDIA OFFICE to the LORD CHIEF JUSTICE,
dated 6th April 1903.

The War Office has sent to this Office a copy of the case which it has submitted to your Lordship in support of its contention as to the proper incidence of the additional pay to be issued to British soldiers from 1st April 1904.

There is one statement in the War Office case to which I venture to draw attention.

In the third paragraph mention is made of section 56 of the Act for the better government of India. It is important to observe that this section, so far as it applied to military forces, related only to the European regiments which were in the service of the East India Company, and which, under 23 & 24 Vict. c. 100., have now ceased to exist.

(Signed) LIONEL ABRAHAMS.

No. 21.

LETTER from the LORD CHIEF JUSTICE to the INDIA OFFICE and WAR OFFICE, dated 6th April 1903.

I duly received the copy of your case. The questions involved seem to be questions of principle, but there are some minor questions of fact on which I may require some further information.

I think the better course will be for you to make any comments (in writing) that you think necessary, on the case of the War Office, and for the War Office to make any comments they desire to make on your case.

These comments should be exchanged on Saturday the 18th instant, and sent to me upon the same day. I will then arrange a meeting if necessary.

I am, &c.
(Signed) ALVERSTONE.

No. 22.

LETTER from the INDIA OFFICE to the LORD CHIEF JUSTICE, dated 17th April 1903.

I am directed to acknowledge the receipt of your letter of the 6th instant relating to the arbitration on the incidence of the additional pay to be granted to British soldiers from 1st April 1904.

In reply I am to state that the Secretary of State for India in Council does not think it necessary to make any comment on the case submitted by the War Office other than that which is contained in the letter* which was addressed to your Lordship from this office on the 6th instant. A copy of that letter was sent on the same day to the War Office.

I have, &c.
(Signed) F. W. NEWMARCH.

No. 23.

LETTER from the WAR OFFICE to the LORD CHIEF JUSTICE,
No. 7023/3214. (F. l. a.), dated 17th April 1903.

In accordance with the wish expressed in your Lordship's letter of the 6th instant, I am directed by the Secretary of State for War to enclose his comments on the statement submitted by the India Office.

A copy is being communicated to that department.

I am, &c.
(Signed) H. J. GIBSON.

Enclosure to No. 23.

WAR OFFICE COMMENTS ON INDIA OFFICE CASE.

Paragraphs 9, 10, and 11 of India Office case.

The India Office makes for the first time the proposal that Indian revenues should bear, not, as in accordance with invariable practice, the full cost of

the army in India, but in the case of the new "service" pay an amount based on the proportion that the British troops serving in India bear to the total British force throughout the Empire.

The War Office regard this claim as inadmissible because, as previously stated in the War Office case, the requirements of India necessitate a comparatively long-service army, and for that reason a more expensive army than the home army, inasmuch as the trained soldier is more valuable and therefore more highly paid than the recruit.

Moreover this proposal of the India Office, if accepted, could not logically be limited to a particular rate of pay, but would have to be applied also to good-conduct pay, pensions, &c., the proportionate charge for which is higher for the army in India than elsewhere.

Furthermore the War Office would contend that, if the principle were adopted, Indian revenues should bear a proportionate share of the many charges incurred at home in raising the army required for service throughout the Empire, and towards which India at present makes no payment.

In the case of the 8,000 men lent by India for service in South Africa it should be borne in mind that the whole cost of that force was defrayed by Great Britain on the principle now sought to be abrogated, viz., that each Government pays for those troops employed in its service. The same procedure has been adopted in the case of Indian troops lent for service in Egypt in 1896 (see "Hansard," 6th July, 1896), and also when Indian troops were despatched to China in 1901.

Paragraph 12.

For War Office reply to the India Office argument, see paragraph 11 of War Office case.

It may be pointed out that a possible alternative to Service pay was the grant of an additional 6*d.* a-day to men *when serving abroad*. This, while entailing the same charge on Indian revenues, as the grant of Service pay would have been much less expensive to the British Exchequer, as the numbers serving abroad (excluding India), are normally about 47,000, whereas War Office votes will bear the charge for Service pay in respect of about 67,000 men. This is mentioned merely to show that the War Office have not adopted a scheme that is, on the score of economy, the most favourable to them while most burdensome to Indian revenues.

Paragraph 15.

The War Office desires to point out that India bears not the full cost of training the soldiers that she receives, but only a contribution in aid which the War Office contends is inadequate. In support of this contention it may be stated that whereas India will not accept soldiers who are under 20 years of age, and who have had less than 1 year's service, the Indian Exchequer only pays their cost for a period of about 6 months.

Paragraph 16.

The War Office maintain that the effect of the India Office argument is that whereas the British Exchequer has had, under the old system, to pay for a Reserve of 80,000 men, under the new system it will shortly have to pay for a reserve of about 120,000 men mainly to enable reinforcements to be sent to India.

The Indian Government, who has neither contributed in the past nor will contribute in the future to the cost of the increased Reserve, which will throw an additional annual charge of nearly 400,000*l.* a year on the British Exchequer, wishes to share in any reduction of cost that the War Office can effect on the men with the Colours.

WAR OFFICE,
17th April, 1903.

No. 24.

LETTER from the LORD CHIEF JUSTICE to the INDIA OFFICE
and the WAR OFFICE, dated 23rd April 1903.

I have to acknowledge the receipt of your letter of the 17th April. I am prepared to deal with the question which has been submitted for my adjudication. Before doing so there are one or two minor points of detail as to which I wish to be informed.

Would it be convenient to the representatives of the India Office to have a meeting at my room at the Law Courts on Wednesday the 29th instant at 4 o'clock, I shall not detain them long.

I may mention that two of the points upon which I wish for information are (a) the annual amounts paid by the Government of India in respect of the training of soldiers (*see* paragraphs 15 of the Indian case and sub-section 3 of paragraph 3 of the War Office case) and the circumstances under which these payments are made; and (b) how the estimate of 400,000*l.* a year, cost of the increased reserve, is arrived at (*see* War Office reply to paragraph 16 of the Indian case).

I am, &c.
(Signed) ALVERSTONE.

No. 25.

LETTER from the INDIA OFFICE to the LORD CHIEF JUSTICE,
dated 24th April 1903.

With reference to your letter of the 23rd instant, I have to inform you that Mr. Abrahams has been instructed to attend at the Law Courts on Wednesday the 29th instant at 4 o'clock, and to supply the information that you desire regarding the payment made by this Office to the War Office in respect of the training of soldiers.

I am, &c.
(Signed) A. GODLEY.

No. 26.

LETTER from the WAR OFFICE to the LORD CHIEF JUSTICE,
dated 25th April 1903.

In reply to your Lordship's letter of the 23rd instant, I am directed by the Secretary of State for War to state that the representatives of the War Office (Mr. Marzials and Mr. Gibson) will attend at your room at the Law Courts on Wednesday the 29th instant at 4 p.m. to afford such information as your Lordship may require.

With reference to the first point mentioned in your letter, viz., the annual amounts paid by the Government of India in respect of the training of soldiers, I am directed to enclose the final Report of the Royal Commission on Indian expenditure in case your Lordship should care to peruse that portion dealing with the question, viz. paragraphs 252, 289, and 357.

As regards the second point, viz. the extra cost of the increased reserve, I am to state that the annual charge for an army reservist in respect of pay and training amounts approximately to 10*l.* per head. This for 40,000 additional reservists will amount to 400,000*l.* per annum.

I have, &c.
(Signed) E. W. D. WARD.

No. 27.

LETTER from the LORD CHIEF JUSTICE to the INDIA OFFICE
and the WAR OFFICE, dated 4th May 1903.

I have the honour to enclose my decision upon the question of the
additional pay referred to me by your Department and that of the War Office
on the 3rd April last.

I am, &c.
(Signed) ALVERSTONE.

Enclosure in No. 27.

Royal Courts of Justice,
4th May 1903.

I award and determine that the whole of the additional pay issued in
India from the first day of April one thousand nine hundred and four, under
the Royal Warrant of the twenty-seventh day of March one thousand nine
hundred and two, be borne by the revenues of India.

(Signed) ALVERSTONE, C.J.

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A879-1.2.2
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RETURN OF THE CORRESPONDENCE between the
SECRETARY OF STATE FOR INDIA, the GOVERNMENT
OF INDIA, and the WAR OFFICE, with reference to
the INCREASE of PAY of the BRITISH SOLDIER;
and the ARBITRATION of the LORD CHIEF JUSTICE
as to the PROPORTION of the COST of it that
should fall upon INDIA.

(*Sir Charles Dilke.*)

Ordered, by The House of Commons, to be Printed, []
6 July 1903.

[*Price 3d.*]

be much retarded by the change of system. Of the four officers who stand immediately above him in the regiment, your memorialist is aware that three had intended to retire from the service at an early period could they have secured from their juniors the sums usually paid, with the sanction of Government, to officers on retiring: of the intentions of the fourth officer your memorialist has no certain information, but he has heard that he also had some thoughts of retiring on the same terms at an early period. But these officers will probably not now be able to fulfil their intentions, as the new system will not admit of their being purchased out by their juniors, who could not look for any return for money now invested in that way. Thus your memorialist sees no immediate prospect of regimental promotion, and he also loses the money he himself has invested in the purchase of regimental steps, in all about 7,000 rupees; moreover, should he himself wish to retire at any time, he cannot hope to be purchased out in his turn. It must be admitted, that this is a serious injury to his prospects when it is considered that several captains of his regiment, who have retired since he joined, have received from their juniors sums varying from 15,000 to 20,000 rupees. No major has been purchased out, but in other regiments the sums hitherto paid to majors have usually ranged from 30,000 rupees to 40,000 rupees.

8. Under these circumstances, your memorialist respectfully submits this brief representation of his case to the favourable notice of the Right Honourable the Secretary of State for India, in the confident hope that, in accordance with the pledge given that the rights and claims of all officers will be scrupulously adhered to, measures will be adopted to place him in as good a position as that he has hitherto, by the kind consideration of a liberal Government, been enjoying.

And, as in duty bound, your memorialist will ever pray.

(signed) *H. E. Jacob*, Captain,
Her Majesty's 18th Regiment Bombay
Native Infantry.

Belgaum, 17 September 1861.

STATEMENT of Permanent and Acting Staff Appointments held by Captain *H. E. Jacob*,
18th Regiment Bombay Native Infantry.

Permanent Appointments.

Assistant baggage-master and commandant 3d Division Scinde Camel Baggage Corps,
from 13th June 1847 to 1st April 1848.

Aide-de-camp to General Sir S. B. Auchmuty, G.C.B., then major-general commanding
Poona Division of the Army, from 7th February 1851 to 3d April 1852.

Adjutant of his regiment, from 28th April 1852 to 30th March 1854.

Acting Appointments.

Adjutant of a wing of his regiment, from 26th September 1842 to 16th January 1843.

Brigade-major, Rajcote, from 17th September 1854 to 17th November 1854.

Assistant adjutant-general Southern Division of the Army, from 19th May 1860 to
31st July 1860.

Brigade major, Belgaum, from 17th September 1860 to 26th November 1860.

— No. 78. —

To the Right Honourable Her Majesty's Principal Secretary of State for India
in Council.

The Memorial of *James Casamajor Farquharson*, a Captain in Her Majesty's
2d Regiment Bombay Light Cavalry:

Most humbly sheweth,

THAT your memorialist acknowledges with gratitude, that on the amalgamation of Her Majesty's Royal Army with the Indian Army, a seniority service, that

that his rights and privileges had been guaranteed to him by Act of Parliament.

Your memorialist, however, respectfully submits that such Act has not been rigidly attended to in Her Majesty's Indian Army.

That on the amalgamation of the services, officers had the option of joining the Staff Corps, volunteering for General Service, or Her Majesty's Hussars, or remaining in the Local Army, in which your memorialist now is.

That the retention of those Staff Corps and Hussar officers' names who are senior to your memorialist in the cadre of the regiment, is a serious injury to him, by preventing his regimental rise, while his juniors in the Staff Corps must supersede him.

That consequent on the Staff Corps and Hussar officers' names being retained in the cadres of regiments, all your memorialist's contributions to enable his seniors to retire have been lost to him, as no officers will contribute under existing circumstances, and consequently promotion is stopped.

That your memorialist most respectfully and earnestly prays that his promotion may not be impeded, and that he may not be superseded by the retention in the cadres of the regiment of the names of those officers who have joined the Staff Corps and Hussars.

And your memorialist will, as in duty bound, ever pray.

(signed) *James C. Farquharson*, Captain,
Her Majesty's 3d Regiment Bombay Light Cavalry.
Camp Poona,
13 February 1863.

— No. 79. —

To the Right Honourable Her Majesty's Principal Secretary of State for India
in Council.

The Memorial of *Charles Alfred Moore*, a Lieutenant in Her Majesty's
2d Regiment Bombay Light Cavalry :

Humbly sheweth,

THAT your memorialist acknowledges with gratitude, on the amalgamation of Her Majesty's Royal Army with the Indian Army, a seniority service, that his rights and privileges had been guaranteed to him by Act of Parliament (Act 21 & 22 Vict. c. 106, s. 58), and are, therefore, now guaranteed by the statute law of the realm.

Your memorialist, however, respectfully submits, such Act has not been rigidly attended to in Her Majesty's Indian Army.

That on the amalgamation of the services, officers had the option of joining the Staff Corps, volunteering for General Service, or for Her Majesty's Hussars, or remaining in the Local Army, in which your memorialist now is.

That the retention of those Staff Corps and Hussar officers' names who are senior to your memorialist in the cadre of his regiment, is a serious injury to him, by preventing his regimental rise.

That in accordance with the sanction of the Honourable Court of Directors of the late East India Company, conveyed to the Bombay Army in their letter to the Supreme Government of India, under date 29th November 1837, your petitioner has from time to time invested sums in the purchase of steps by regimental subscription; and this privilege, secured to him by the rules and customs of the Honourable East India Company, had never been questioned or cancelled.

That consequent on the Staff Corps and Hussar officers' names being retained in the cadre of regiments, all your memorialist's contributions to enable his seniors to retire have been lost to him, as no officers will contribute under existing circumstances, and consequently promotion is stopped.

That your memorialist most respectfully and earnestly prays that his promotion may not be impeded, and that those officers' names who have selected the Staff Corps and General Service may be entirely removed from the list of Bombay Cavalry officers.

And your memorialist will, as in duty bound, ever pray.

Camp Neemuch,
20 October 1862.

(signed) *Charles Alfred Moore*,
Lieutenant and Adjutant,
Her Majesty's 2d Bombay Light Cavalry.

— No. 80. —

To the Right Honourable Sir *Charles Wood*, Bart., Her Majesty's Secretary of State for India.

The Humble Memorial of *George Forbes Hogg*, a Lieutenant in the Bombay Staff Corps, Quartermaster and Interpreter Her Majesty's 29th (or 2d Belooch Regiment) Native Infantry.

Showeth,

THAT your memorialist was much mortified at the issue of an order by the Government of Bombay, based on your Despatch of the 11th of August 1861, cancelling his promotion to captain in the Staff Corps.

That your memorialist joined the army on the 3d of March 1848, was promoted to lieutenant on the 25th December 1854, was appointed to the 2d Belooch Regiment on the 8th November 1856, elected to the Staff Corps on its formation, and was gazetted to a captaincy in the corps on the 2d August, with rank from the 18th February.

That your memorialist obtained leave of absence on sick certificate to Europe for 15 months in 1859-60. That in Her Majesty's Royal Warrant directing the formation of a Staff Corps, it is laid down that "Officers after 12 years' service, of which four must have been in the Staff Corps, to become captains;" and officers now in staff employment in India, joining the Staff Corps on its formation, shall count their previous staff service towards promotion to the following extent: one step of rank will be given to every officer whose period of service would qualify him for it according to the above rules.

That your memorialist having served 12 years, four of which were on the staff, was admitted to the Staff Corps, and promoted to captain.

That by the cancelling of his promotion your memorialist loses one year's rank, and is superseded by numerous officers in the Staff Corps, some of whom, having suffered from ill-health, have, like him, been obliged to leave India for a time, but who, by reason of their longer service on the staff, are not affected by the recent order.

That not only in the Staff Corps will your memorialist be superseded by officers junior to him, but also in the regiment (1st European Regiment Bombay Fusiliers) to which he formerly had the honour to belong, and likewise in the General List.

That your memorialist most respectfully solicits the same indulgence as was granted by you in Despatch No. 389, dated 8th October 1861, para. 5, to certain Artillery officers in the Bengal and Madras Presidencies who were erroneously promoted—viz., that instead of their promotion being cancelled, they should be borne as supernumeraries.

That your memorialist would respectfully submit that your Despatch, dated 11th August, states that "officers who may now join the Staff Corps," &c., whereas your memorialist had at that time been appointed to, and promoted in,
the

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the corps. Your memorialist ventures to hope that you will take a favourable view of his case, and restore to him the rank of a captain from the date of the formation of the Staff Corps.

(signed) *G. F. Hogg*, Lieutenant,
Bombay Staff Corps.

(Nos. 26 to 80 not yet replied to.)

NOTE.

THE memorials Nos. 29 to 80 were not, in the first instance, transmitted by the Governments in India, in consequence of their being of the same purport as others previously submitted. They have now been forwarded, in accordance with instructions to that effect given by the Secretary of State, on 13th November 1862.

	£.
† 1870-71 - - - -	426,725
1871-72 - - - -	281,148
1872-73 - - - -	318,500
1873-74 - - - -	348,330
1874-75 - - - -	428,811
1875-76 - - - -	543,085
TOTAL of Six Years - £.	2,349,029
Average - - - - £.	391,505
<hr/>	
1876-77 - - - -	765,977
1877-78 - - - -	730,756
1878-79 - - - -	855,949
1879-80 - - - -	886,142
TOTAL of Four Years - £.	3,238,824
Average - - - - £.	809,706

Mutiny should have completed their 21 years' service, but this alone was not sufficient to account for the very great rise from an average of 391,000 l. in the first six years to an average of 810,000 l. in the next four years, or more than double the former sum, and to an amount estimated at 920,000 l. for 1880-81. Part of the increase is due to measures carried into effect by the British Government for purposes unconnected with India, such as the abolition of the purchase system, and consequent grant of pensions to officers, the compulsory retirement of officers on attaining certain ages, the reorganisation of the Army Medical Department, and other steps which, by compelling India at once to become liable for the capital value of such pensions, so far as they are due for service in that country, hinders the non-effective charge from falling in the manner expected when the arrangement was originally made.

Had the claim which is now made for interest been preferred in 1878, when the India Office brought the subject to the notice of the British Government, the Secretary of State would have felt bound to impress on the Government of India the importance, at almost any cost, of remitting the necessary funds from India; or, if that had been impracticable, the money could have been obtained at probably less than 3½ per cent. interest in the open market.

For these reasons Lord Kimberley cannot admit any claim on the part of the Treasury to interest on the sums due up to the present date. As, however, he is fully alive to the importance of coming to some fixed arrangement for the settlement of these arrears, his Lordship is willing, as a compromise, to assent to the following terms, if they meet with the Lords Commissioners' approval:—

For the years from 1870-71 to 1875-76 all claims against India have been settled.

For 1876-77 the claim of the Treasury was not received until April 1879, when the financial arrangements for the year 1879-80 had been made, and it was too late to provide for the repayment, within that year, of the then ascertained arrears. From the 1st of April 1880, however, Lord Kimberley admits that, had the views of the Treasury been then made known, the sum of 365,977 l. might possibly have been paid off; and he will, therefore, not object to a charge of simple interest on that sum at 4 per cent. for the year 1880-81. At the close of that year 100,000 l. was repaid, and interest is therefore admissible on 265,977 l. in 1881-82; and another 100,000 l. having been repaid at the end of that year, interest is chargeable on 165,977 l. in 1882-83.

Similarly for 1877-78, the claim for which was preferred at the same time, interest will be admitted on 330,756 l. for the years 1880-81, 1881-82, and 1882-83. For 1878-79, the claim for which was made on the 15th of July 1880, interest on 305,949 l. will be admitted during 1881-82 and 1882-83, and for 1879-80, for which the claim was preferred on the 21st of October 1881, interest on 336,142 l. will be admitted during 1882-83.

For the three years 1880-81, 1881-82, and 1882-83 no reports have been rendered, and no claim for interest can be recognised.

From the 1st of April 1883 the amounts which may then be due, including estimates for the years on account of which reports have not been rendered, will be added together, and to these will be added on each subsequent 1st of April the amounts estimated for the year just closed. Against these will be set the payments made from time to time by this office, and the necessary correction of the Estimates will be made in respect of each year when the actuaries' reports shall be received. Interest at 4 per cent. will be added to the outstanding balance at the close of year.

The sum thus ascertained to be due, including the amounts in respect of future years, will be repaid by the Secretary of State in Council as rapidly as possible, consistently with keeping the payments to the Treasury at a fairly uniform rate.

On learning from the Treasury that this arrangement is accepted, Lord Kimberley will at once communicate with the Government of India on the subject of the reduction as speedily as possible of the outstanding arrears.

I have, &c.
J. K. Cross.

will also be possible which will go towards meeting the additional cost of the changes which are recommended at Army Headquarters, and which I now bring to your Excellency's attention.

24. The duties of the Commander-in-Chief have been constantly increasing of recent years. It has become necessary for the Commander-in-Chief to control questions of military intelligence and organisation, and to spend even a larger time than heretofore upon the personnel of the army. The greater amount of scientific attainment now required by officers necessitates a much more careful weighing of promotions, many of which have hitherto been given by seniority. Inspections by the Commander-in-Chief mean a great deal more than they did thirty or forty years ago. Arrangements for mobilization, which have been shown to involve the control of the personnel connected with the custody of ammunition and stores, as well as of the Supply and Transport Department, will form a further addition to his duties. Nor can it be forgotten that the reorganisation scheme of the Commander-in-Chief and the measures which will be rendered necessary on the completion of the strategic railways, for which authority will shortly be asked, will form a specially heavy burden on the Commander-in-Chief for the next five years. I am of opinion, therefore, that it is essential that, under the arrangement proposed, an additional officer of superior rank should be appointed as Chief of the Staff to the Commander-in-Chief.

25. This addition will make it possible in future to lay down that, as vacancies occur, when the Commander-in-Chief is an officer of the British Army, two out of the three chief officers under him—the Chief of the Staff, the Adjutant-General, and the Quartermaster-General—shall be selected from the Indian Army, while, when the Commander-in-Chief is an Indian Army officer, two out of the three staff officers may be drawn from the British Army. While it is desirable that the Commander-in-Chief should be the sole expert adviser of the Government on purely military questions, it appears to be of great importance that adequate experience and advice should be ready to his hand at the inception of all his proposals.

26. The desire to obtain increased efficiency and proper training for a voluntary army must involve an increase of strain upon officers and men, whether in Great Britain or India, and it often happens that the best military results cannot be obtained without a curtailment of holidays and recreation, or without calling for a certain amount of self-sacrifice on the part of all ranks. It is highly desirable, in an organisation like the Indian Army, that the measures, which may be necessary for this purpose, should not be undertaken, or even indicated, without careful expert consideration at headquarters, and it is clear that the necessary precautions in carrying out such measures should not depend on the foresight of one officer in the military hierarchy alone.

27. Assuming this to be recognised, it is most important that the Commander-in-Chief should not feel that all his measures are put forward tentatively to be checked by minute criticism in another department, after he has arrived at his opinion. He should be in a position to submit his schemes direct to the Governor-General in Council, which is not at present the case. It is, therefore, essential that there should be a Secretary to the Government of India in the Army Department to prepare cases and documents for direct submission to the Governor-General in Council, and to undertake correspondence with other Government Departments. Alike when the Commander-in-Chief is present, and in the event of his absence from Council, this officer will attend its meetings to submit papers and to give such information and explanations as may be asked for. He will draw the same salary as may hereafter be assigned to the Secretary to the Government of India in the Military Supply Department.

28. I have now laid down the measures which it appears to me, after consideration in Council, desirable to adopt in view of the decision of His Majesty's Government that the present conflict of authorities shall be put an end to, and that greater freedom of working shall be given to the

Commander-in-Chief. I request that Your Excellency will consider forthwith what procedure will be necessary to give effect to this decision, and that you will submit for my approval the arrangements and the rules of business which it will entail. I have already requested Your Excellency's Government to advise how the question of the Finance Department should be dealt with, while the Commander-in-Chief will no doubt furnish for approval the general distribution among his staff officers of the different duties hereby assigned to him.

29. It is highly desirable, in the interests of all concerned, that the changes which His Majesty's Government have decided upon should not be delayed, and that the officials, who may be appointed to undertake the discharge of the duties laid down above, should enter upon office as soon as may be convenient, but not later than the 1st October next.

30. I have felt it necessary to review at considerable length the various points which have arisen in the present controversy, in order that Your Excellency's Government may be assured that the changes now proposed have not been adopted without the fullest possible consideration of all the interests involved. The smooth and effective working of any department, civil or military, can only be secured by the goodwill of individuals, but the organisation which His Majesty's Government have decided to adopt may, I hope, be counted upon to remove the obvious causes of friction which have militated, in some instances, against good working in the past. The undoubted supremacy of the Governor-General in Council will be maintained. The Commander-in-Chief will wield powers and possess machinery adequate for the furtherance of his military schemes, but not such as to free him from proper financial and political criticism. The Military Supply Department will form a valuable link between the civil and military elements in the Government of India, and the officers employed in it and in the Army Department respectively will mutually assist each other in removing the obstacles which the present Commander-in-Chief, in common with some of his predecessors, finds to be existing to the impediment of business. I cannot doubt that all departments of the Indian Government, and all the individuals concerned, will co-operate with Your Excellency to bring the new system into successful working at the earliest possible moment.

I have, &c.,

(Signed) ST: JOHN BRODRICK.
