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SUPPLEMENT TO
The Gazette of India.

No. 3. DELHI, SATURDAY, JANUARY 20, 1923.

OFFICIAL PAPERS.

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No. F-820.

GOVERNMENT OF INDIA.
HOME DEPARTMENT

POLICE

Delhi, the 20th January, 1923.

RESOLUTION.

1. In the Government of India (Home Department) Resolution no. F-57[1], dated 1st June 1922, as subsequently amended, the Governor General in Council was pleased to appoint a Committee to examine the Indian Arms Rules, 1920, and to make specific recommendations in regard to them. The Committee have made various suggestions for the amendment of the Rules and the Report submitted by them is published below for general information.

2. The Governor General in Council has under separate consideration the various recommendations made by the Committee and effect will be duly given to such of them as are accepted.

ORDERED that the Resolution be published in the Gazette of India; and that a copy be forwarded to all local Governments and Administrations and the several Departments of the Government of India.

J. CRERAE,

Secretary to the Government of India.

Indian Arms Rules Committee, 1922

REPORT.

Introductory.

A resolution was moved in the Assembly on the 8th of February 1922 by Baba Ujagar Singh Bedi, to the effect that a Committee with a non-official majority should be appointed by the Governor General in Council to examine the new Arms Rules, 1920, and to submit a report before the next session making specific recommendations with a view further to amend them. The Resolution was carried and was accepted by the Governor General in Council subject to adherence to the principles: (1), that there should be no racial discriminations in the rules, and (2), that the Government must retain the power to impose restrictions to prevent arms and particularly firearms from falling into the possession of lawless or dangerous persons. In accordance with the instructions contained in Resolution No. F-57-1-Police, dated the 1st June 1922, we have examined the Arms Rules, 1920 and submit our recommendations to the Government of India for such action as they think desirable.

2. Our conclusions have been reached after an exhaustive examination of the views of local Governments, the recommendations of the Committee appointed in 1919 to advise as to the principles on which the rules should be framed, and a large number of memoranda submitted to us by various members of the public many of which were sent in response to a general invitation issued by the Government of India to those interested in the subject under discussion to communicate their views to Government for the information of the Committee. We have examined orally 13 official and 16 non-official witnesses including representatives of the army and the trade, whose evidence was taken in public of which much has already appeared in the columns of the press. We commenced our sessions in the month of July and spent ten days in recording evidence. We were unable to conclude our work then and for unavoidable reasons were compelled to postpone our deliberations until the September Session of the Legislature. For this reason there has been some delay in the submission of our report.

Exemptions.

3. We propose to deal first with the question of the retention, extension, or contraction of the list of exemptions. Their total abolition has been advocated generally as a counsel of perfection, and the majority of the Committee would prefer this course if it were practicable. Local Governments, however, are of opinion that at this stage the entire abolition of exemptions would create grave dissatisfaction amongst the classes hitherto exempted and would be unwise and inexpedient. With this conclusion the majority of the Committee are in agreement. A large number of non-official Indians both in their oral evidence and in their written memoranda maintain that the Schedule of Exemptions should be enlarged. After careful consideration of the views put before us and after examining in detail the entries in Schedule I we are of opinion that the existing list of exemptions contained in that Schedule is imperfect in some respects and we make the following recommendations regarding it:—

Under entry 1 (a) we would include Ministers and Members of the Imperial Legislature during their terms of office and Privy Councillors. The Committee by a majority do not recommend a similar concession to Members of the Provincial Legislatures.

In regard to entry 6 (d), 6 (f), (i) and 6 (g) we doubt whether the terms Great Sardars or Zamindars are sufficiently precise and we do not know what interpretation is placed upon them by the local Governments concerned, namely the Punjab, the United Provinces and the Central Provinces. We therefore recommend that enquiries should be made from these local Governments whether they maintain lists of these categories, whom they include, and whether they are sufficiently elastic. It has been represented to us that in some cases gentlemen who are in fact big Zamindars are excluded because they are not on the provincial Durbar List. If this is so, we think that it is an undesirable restriction. We are further of opinion that due regard should also be paid to lineage and family position and the lists revised accordingly. If such lists of exemptions under this entry are not maintained we recommend that they

should be prepared, after the terms in question have been more precisely defined. We append a note by our colleague, Baba Ujagar Singh Bedi, making certain suggestions in this connection which we think may suitably be placed before the local Governments concerned for consideration.

Entry No. 7.—We were impressed with the evidence of Khan Bahadur Muhammad Saifullah Khan, Khan of Isa Khel, who explained that the proviso in Column 3 rendered this privilege to a large extent ineffective and we accordingly recommend the removal of the proviso. We are also of opinion that the same privilege should be extended to the districts of Campbellpur, Rawalpindi and any other district adjoining the North-West Frontier Province which are exposed to raids and dacoities unless the local Government take exception to this course.

Entry 11, 11 (a) and 11 (b).—We consider that it is unnecessary to retain these exemptions in the actual Schedule of Exemptions. These items were included with a view to protecting what may be termed the vested rights of the classes named, on the 1st of January 1920 and we are of opinion that these rights should continue to be protected. We therefore recommend that all the present exemptees in the entries 11, 11 (a) and 11 (b) should be granted a life license conferring on them the same privileges in respect of arms exempted from license and fee which they now possess. The majority of the Committee do not recommend that this privilege should be extended to title holders, who received titles after the 1st of January 1920.

Entry 13.—We recommend that an addition should be made to provide for the gift of swords or other arms by the Commander-in-Chief or on his behalf. A similar addition should also be made in Schedule II entry 3 (iii). Our colleague, Baba Ujagar Singh Bedi, has pointed out that some confusion exists in regard to entry 11 (d) and entry 13. He considers that it should be made clear that entry 13 relates only to those who were presented with swords and arms after 1920. This follows as a matter of course if our recommendations are accepted, as entries 11, 11 (a) and 11 (b) will be omitted, and entry 13 will be renumbered. We are content to leave this point of drafting to the special officer who, we propose, should be appointed for the purpose of redrafting the rules.

4. We considered the proposal that all stipendiary and honorary magistrates should be included in the list of exemptions; but we are of opinion that a firearm cannot be regarded as a necessary part of the equipment of a magistrate as such and are unable to recommend this. The case of the police is sufficiently met by the fact that a revolver is already a part of the equipment of police officers above the rank of head constable. While in our view it is reasonable that all Government servants who in the opinion of the local Government require arms for the adequate discharge of their duty should be exempt from the payment of fees, we cannot recommend that all Government servants should be included in Schedule I among the exempted classes.

5. In the case of all exemptees we consider it of the highest importance that they should register all the arms they have in their possession; and we recommend that registration should be compulsory. In regard to the limit imposed by certain local Governments on the number of arms which may be possessed we have no evidence that such restrictions are irksome and indeed from the rules we have seen we are convinced that the scale allowed is generous. We therefore recommend no interference with the restrictions at present imposed by local Governments on the number and kind of arms which can be possessed by exempted persons. It follows that we do not recommend a fixed scale which shall be uniform throughout India. Conditions vary in different provinces and under the rules framed by the various local Governments exemptees can carry as many weapons as they reasonably require for purpose of protection or other legitimate purposes.

6. A proposal has been put before us that the power of cancelling individual exemptions should be given to local Governments. We consider that the existing rules by which this power is vested in the Governor General in Council should remain.

7. Our colleagues Mr. Bajpai, Mr. Reddi and Mr. Faiyaz Khan favour the adoption of a system by which licenses should be issued without restriction to all applicants on payment of the prescribed fee save in the case of undesirable persons specified in a list kept for the purpose. This

proposal however, does not commend itself to the majority of the Committee, who regard it as entirely outside the scope of practical politics. It is not only exposed to the objections we have urged to the total abolition of exemptions, but is open to the serious criticism that a suitable or proper classification of undesirable persons would be impossible.

Entitled
Class.

8. We next come to the entitled class. The evidence on the question whether licenses are often withheld from those who belong to this class is divided, but we would recommend removal of restrictions in two directions. In our view eligibility to be included in the entitled class should be considerably extended, and the existing procedure in the matter of enquiry is susceptible of material relaxation. As to the eligibility we recommend that the payment of Rs. 500 land revenue, Rs. 100 in roads and public work cesses, any payment of income-tax and, in the case of a Government servant, receipt of a pay of Rs. 100 a month and over should be sufficient qualification. In the case of the Punjab, Madras and the Central Provinces, we suggest that enquiry should be made whether the limit of land revenue should not be Rs. 250 instead of Rs. 500. Further the heads of Joint Hindu families should be included in this class, and the adult brothers and sons of entitled persons living jointly with them should be similarly regarded as belonging to it. As to the relaxation of the procedure of enquiry we think that lists of entitled persons should be maintained and that any member of the entitled class applying for a license should be granted one immediately without enquiry unless the District Magistrate has some definite reason to think that the applicant is an unfit person, in which case he may for reasons to be recorded in writing, refuse the grant of a license or cause enquiry to be made. In cases of refusal we would recognize a right of revision by the Commissioner or some officer of equal status nominated in this behalf by the local Government. In the existing rules no mention is made of the entitled class, the principles regarding it being contained in a Resolution of the Government of India No. 2125-C-Police, dated the 21st March 1919. We are of opinion that it would be more satisfactory to the general public if the provisions regarding the entitled class with the modifications we suggest were embodied in the rules and we strongly recommend that this should be done.

Licenses.

9. We have given careful consideration to the various questions which arise in connection with the grant of licenses, especially licenses for the possession of arms. Complaints have been made to us regarding the administration, in practice, of the Rules, especially as regards the delays in dealing with applications, the irksome nature of the enquiries sometimes instituted, the difficulty of securing renewal of licenses already granted, and the difference in the restrictions imposed by the various local Governments. Indeed we are constrained to place it on record that in our opinion the vigorous criticism which has been directed against the Arms Rules in some quarters is due not so much to inherent defects in the rules themselves as to the method in which they have been put into practice. We have therefore given our particular attention to methods of improving the executive machinery.

Enquiry.

10. We have referred above to the unnecessary inconvenience caused in some respects to would-be license holders by reason of the delay in issuing licenses. We recognise that this delay is frequently caused by the necessity for making enquiries about the fitness of a person to possess a weapon, and while we do not recommend that enquiry can be dispensed with in every case, we believe that the present practice by which enquiries are almost entirely carried out by the police is open to objection by the public and should as far as possible be abandoned. We suggest that in any case in which a previous enquiry is necessary particularly in cases of entitled persons the District Magistrate should make it if possible by any agency official or non-official he may choose other than the police, and whenever possible through a Magistrate. In any case in which it is found necessary to have an enquiry made through the agency of a police officer we are strongly of opinion that a license should not be refused merely on the strength of the report of such an officer alone but that the District Magistrate should order a magisterial enquiry also before coming to a final decision.

Limitation of
Number of
Licenses.

11. In some provinces we have found that the custom obtains of limiting the number of licenses issued. We have even found that the practice of individual District Magistrates in the same province varies,

Any arbitrary limitation of the number of licenses issued in a district or province may clearly lead to the refusal of a license to a fit and proper person and we can see no justification for the adoption, save in exceptional circumstances, of this practice. In our view the normal practice should be that no limit should be placed on the number of licenses which may be issued in any district or province. We recognise, however, that circumstances may arise in which a rapid increase in the number of arms in a particular area may be fraught with danger and we think it advisable that local Governments should have discretionary power, without being compelled to resort to the extreme measure of disarming, to limit the number of arms in any area or district if there is reason to apprehend serious danger from the free grant of licenses and if such restriction is necessary for the maintenance of the public tranquillity.

12. We would recognise a right of revision in the case of refusal to grant a license, but we would not disturb the existing rule which requires the sanction of the District Magistrate to a prosecution. ^{Revision and Prosecution.}

13. The period covered by the license varies in different provinces, but we recommend that it should now be the Calendar year. The scale of fees is discussed in paragraph 21, below. Persons should be allowed as at present to take licenses for three years on payment of a composition fee. We gather this rule is not widely known at present, and we think it would be desirable that the necessary steps should be taken to ensure its publicity. ^{Duration of License.}

14. In some quarters the criticism has been made that persons desirous of purchasing a weapon are put to inconvenience because they cannot produce the weapon when applying for the license necessary for its possession, and it was therefore recommended that a temporary license should be given to cover such purchase pending the grant of a license for possession. We do not agree with this, and in our view a permanent license should be issued at the time the applicant applies for a license and the number and description of the weapons purchased should be filled in by the firms from whom the purchase is made and communicated by them to the District Magistrate concerned. In this matter a uniform practice should be adopted throughout India. ^{Temporary License.}

15. Another instance in which the present system has been shown to operate to the inconvenience of the license holders or would be holders is that of persons arriving at Bombay, Madras or Calcutta, etc., by sea, who are not in possession of licenses and are therefore compelled to deposit their weapons with their agents or in the Customs House until a regular license can be obtained. We therefore recommend that customs and police officers should be permitted to issue a temporary license for fourteen days on payment of the full fee, a receipt being given to the licensee. On receipt of the proper license from the authority empowered to issue the same no further fee should be payable. ^{Licenses for Persons arriving by Sea.}

16. We attach some importance to the stricter enforcement of condition 7 of the conditions under which a license for the possession of arms and ammunition is granted. It has been suggested to us that the procedure in the case of failure to report the loss of firearms should be tightened up. But we are of opinion that the contingency is provided for by the conditions of the license, and all that is required is its more rigid enforcement. We recommend however that the license should also specify the penalty laid down in the Act for breaches of this or any of the conditions under which the license is granted. ^{Loss of Weapons.}

17. The question of a freer issue of crop protection licenses was raised by a number of witnesses. The evidence given by official witnesses goes to prove that crop protection licenses are issued freely but in some cases conditions are imposed such as annual production of evidence of the purpose for which the license is required, before renewal is granted. We recommend the freer issue of such licenses and particularly on applications by or recommendations of landlords who are well acquainted with the local conditions and the extent to which damage is done to crops by wild animals. ^{Crop Protection License.}

18. We have been impressed with the fact that licenses are frequently granted on flimsy paper which quickly perishes, and we recommend the universal adoption of the Calcutta form. There the license is printed on stout paper, and is enclosed in covers such as is used in the

case of passports. To the license a leaflet of instructions, in the vernacular of the province or in English at the option of the licensee, should be annexed. These instructions should indicate the procedure laid down for the renewal of the license and the restrictions to which the licensee is subject. In this matter we plead for uniformity throughout India. It has been suggested that the all-India, the provincial, and the district license form should bear distinctive marks, and a different colour for each has been proposed. We do not regard this suggestion as of vital importance, but pass it on to the Government of India for consideration.

Single License.

19. A single license form should be used for all the weapons licensed and not a separate license for each arm. We have found diversity of practice in the different provinces in this respect and we recommend that there should be uniformity.

Renewal of Licenses.

20. As regards the renewal of licenses we are of opinion that the existing procedure is susceptible of improvement. We see no reason why when a license has once been issued, it should be necessary for a District Magistrate to sanction renewal. The licensee may have changed his district or he may live in an inaccessible locality. The inconvenience then caused is considerable and easily avoidable. We therefore recommend that licenses should be renewed by any Magistrate or any Sub-Divisional Magistrate in the district in which the licensee is residing or in any other district in which he is known. In the case of a renewal of a license in a district other than that in which the license was originally issued we recommend that the original license should be renewed and the authority which issued the original license supplied with information of renewal. The production of firearms should not in our opinion be a precedent condition to the renewal of a license.

Fees.

21. In regard to the scale of fees we find that there are indications that the present fees are regarded as too high (except for a provincial license in the North-West Frontier Province) especially in the case of breech-loading guns. We recommend the following scale in all provinces (except for provincial or district licenses in the North-West Frontier Province and possibly frontier districts of the Punjab) :—

Initial Fee.—Revolver, Rs. 10 ; Rifle Rs. 5 ; Breech-Loading Gun and .22 bore Rifle Rs. 3 ; Muzzle Loading Gun or Air Gun requiring a license, annas 12; the enhancement of the fee from annas 8 to annas 12 being intended to meet the cost of the improved and more expensive form of license. *The fees on renewal* should be reduced and we recommend that they should be respectively Rs. 5, 2-8-0, 1-8-0 and annas 8 ; but if renewal applications are not made within a month after the expiry of the period covered by the license we recommend that it should be open to the District Magistrate in lieu of prosecution to levy the initial fee in full. No reduction of fee on account of composition is required.

Payment of fees should be by non-judicial stamp and applicants should be allowed to send their applications for licenses or renewal of licenses by post.

Exemption from Fees.

As stated earlier in our report all Government servants, who are, in the opinion of their local Government, required to possess arms for the adequate discharge of their duty and all members of the Auxiliary and Territorial Forces should be permitted to possess two arms without payment of fees. Exemptees should as at present pay no fees and those who will, if our recommendations are accepted, receive a life license should similarly pay no fees, for the arms which they are entitled to possess. We consider that the question of the extended issue of firearms free of fee in the North-West Frontier Province and Frontier districts should be carefully examined by the local authorities and we strongly recommend that, subject to such enquiries, action on these lines should be taken. We sympathise with the view of the arms dealers that the existence of a separate fee for a license for import into India and transport to destination is a distinct hardship, and in our opinion there should be a single fee only.

Restriction on limit of possession of Ammunition.

22. Under the rules no limits are placed on the amount of ammunition which may be possessed ; but local Governments have themselves imposed limitations. From the evidence before us we consider that these restrictions are in some cases unnecessary and calculated to inconvenience the *bona fide* sportsman. A uniform procedure in this respect is desirable throughout India, and we accordingly recommend that no limit of ammunition should be fixed in the case of shot guns or, .22 bore or target

rifles. In the case of revolvers we recommend a limit of 100 rounds and in the case of rifles a limit of 200 rounds *per rifle*. Any person who can prove that he needs more than 100 rounds for a revolver or 200 rounds for a rifle should be given a license for a larger number. At the time of the purchase of revolver and rifle ammunition the license should, in our judgment, be produced. We are also of opinion that measures should be taken to facilitate the export of arms and ammunition to persons residing in feudatory states.

23. We have discussed in some detail questions affecting the issue of All-India licenses because we feel that the public have legitimate grievances, and we believe that improvements can be effected for their benefit without in any way impairing the efficiency of the Arms Act administration. We desire now to make two proposals which we think may have material effect in allaying whatever dissatisfaction may remain. In the first place, we recommend that the issue of all-India licenses should be as unrestricted as possible and should be generally encouraged, and that certainly every member of the entitled class to whom a license is not refused should get an all-India license if he desires it. Further, we see no sufficient reason why Assam and Burma should be excluded from the all-India license and would recommend their inclusion. In this connection we also recommend with reference to entry No. 1 in Schedule II that enquiry should be made from the Punjab, Burma, North-West Frontier Province and Delhi whether the retention of these provinces in column 1 is really required, and whether the power given in column 3 is not sufficient to meet all reasonable requirements. Secondly, we strongly advocate greater expedition in dealing with applications for licenses and renewals. We have dwelt already on the possible inconvenience caused to the public. With the object of remedying the existing state of affairs it has been proposed that in each district a special department or a local advisory board should be established to deal exclusively with matters connected with the administration of the Arms Act. We are not in favour of the establishment of such a department or board, as the result would probably be even greater delay than at present, but we recommend that local Governments should be asked to issue instructions to district officers that they should appoint additional staff when necessary to deal expeditiously with applications for licenses and renewals, when applications are received in such numbers that the District Magistrate is not able to deal with them promptly with his ordinary staff.

24. We now come to a number of miscellaneous points of detail and we propose merely to give a brief record of our conclusions.

25. It has been suggested by the military authorities that the restrictions on the possession of revolvers should be tightened up. We recognize that the unrestricted possession of revolvers might be a menace to the public tranquillity; nevertheless, we do not recommend any tightening up of the existing restrictions which seem to be adequate. At any rate they have not been shown to have failed. The existing restrictions should however remain.

26. Enquiry has been made whether the import into India of 303 bore revolvers should be prohibited. The military authorities see no necessity for the prohibition and we do not recommend it. There are, however, good reasons why the import of 450 bore revolvers which take service ammunition should be prohibited, and we recommend that such prohibition should be included in the rules.

27. In regard to rifles of prohibited bore, we recommend that no prohibition is necessary in the case of those rifles for which service ammunition cannot be used and the ammunition of which cannot be used for service rifles, but we make this recommendation subject to any objections which the military authorities may wish to place before the Government of India.

28. It has been suggested that the import of arms should be permitted through the post office, but we think any general rule such as this would be dangerous, and accordingly we are opposed to the adoption of this practice.

29. The rules regarding retainers have been represented as inadequate, but no specific instances of hardship have been brought to our notice, and we are of opinion that no change is required.

30. A proposal was made to us that licenses granted to the head of a family should be held to cover the carrying of arms by dependent members of the family, particularly in the case of adult female members travelling alone. We are of opinion that the acceptance of this principle

All-India
Licenses and
more
expeditious
procedure.

Points of
detail.

Restrictions
on Revolvers.

303
bore
and
450
bore.

Rifles of
prohibited
bore.

Import of
Arms through
Post.

Retainers.

Carrying of
arms on
journeys by
female
members of
licensee's
family.

in such general terms might be dangerous. We think, however, that there is much to be said for the wife of a licensee being permitted to carry a weapon for purposes of protection on a railway journey, and we recommend that to this extent the proposal should be accepted.

Sale by
Agents.

31. We agree that the practice hitherto followed by licensed dealers of employing assistants to conduct their business in their temporary absence should continue, and that it is unnecessary to take further steps to legalise it.

Reciprocity
with Indian
States.

32. As regards reciprocity with Indian States, it has been proposed that reciprocal arrangements should be made in all matters connected with arms administration. We recognise that unrestricted reciprocity is clearly impossible. Some States have no Arms Act or Rules, and in others the administration of their rules proceeds on different lines from those which obtain in British India. We could not with equanimity contemplate a large number of persons from Indian States coming into British India in possession of arms on the ground that they are exempted in their State. On the other hand our exemptions provide for the exemption in British India of a number of high officials belonging to Indian States, and we therefore recommend that the Government of India should endeavour to secure reciprocal arrangements with any State which can satisfy the Government of India that they have properly administered Arms Rules.

District
Authorities,
Karachi.

33. We recommend that the same power be given to the Commissioner in Sind and the District Magistrate, Karachi, in respect of the grant of licenses for the export of arms and ammunition to Indian States by dealers in Karachi as are at present possessed by particular officers named in Schedule VI in respect of arms exported from elsewhere in India.

Appointment
of a Special
Officer to
revise the
Arms Rules.

34. We have not considered a number of technical points and minor errors and omissions in the existing Rules to which reference has been made in the correspondence or the evidence we have examined. Our object has not been so much to revise the Arms Rules from the point of view of draftmanship as to suggest improvements which will benefit the public. As regards the technical defects of draftmanship we are not qualified to express an opinion, nor is it our duty to do so. We recommend, however, that an officer might profitably be placed on special duty to redraft the Rules, in the light of the recommendations made in this report and that an expert from the trade should be invited to assist him. In our opinion it would enable the ordinary license holder to get a grasp of the Rules which are of importance to him, namely, those relating to the issue and renewal of licenses, the fees payable, and the restrictions imposed, if these Rules were issued in a self-contained section. The Rules as they stand are very confusing and are so comprehensive that the average licensee finds it difficult to disentangle those which concern him from those which are in the nature of technical instructions.

W. H. VINCENT, *President*.

T. B. SAPRU.

A. K. G. A. MARICAIR.

H. A. J. GIDNEY.

DARCY LINDSAY.

HARCHANDRAI VISHINDAS.

ABUL KASEM.

M. K. REDDI.

BABA UJAGAR SINGH BEDI.

*M. FAYAZ KHAN.

*S. P. BAJPAI.

Members.

SINLA :

The 27th September 1922.
6th November 1922.

*Subject to a separate minute.

APPENDIX.

BOTHWELL LODGE,

Simla,

September 20th, 1922.

SIR,

As suggested by the Arms Rules Committee to elicit opinions of certain Provinces on Schedule I of the Arms Rules 1920, for which the Punjab Government have also been called upon to submit their view regarding Clause (d) Section 6 of Schedule I; in which connection I was also asked to suggest some definition, which might be helpful to the Punjab Government in their this effort.

I may be permitted to submit the following few suggestions which might be taken into account both by the Punjab Government as well as the Government of India, before giving it a legal shape.

Although the Punjab Government has defined the Great Sardars and Jagirdars of the Punjab as those who are Provincial Durbaris, yet it seems to me that there is no well-defined criterion, which governs the creating and selecting of Durbaris. It entirely rests with the arbitrary choice and recommendation of District Magistrates. Hence the definition is not for Great Sardars and Jagirdars.

There may be certain Provincial Durbaris who may be regarded as Great Sardars and Jagirdars and yet may not be paying such high revenues as are paid by, or hearing such traditional qualifications as are enjoyed by, those who are neither Provincial Durbaris nor regarded as Great Sardars and Jagirdars by the Punjab Government.

Therefore it has become imperative that a comprehensive definition should be provided for in the Law.

Not even to ignore the idea of the Punjab Government, let Provincial Durbaris be regarded as Great Sardars and Jagirdars.

But over and above that, it may be pointed out that although the evidence given by the non-official witnesses from the Punjab and also certain other Provinces presses Rs. 500 as annual land revenue as a definition of Great Sardars and Jagirdars, yet to make it more restricted, I beg to propose that a man whose land is assessed to land revenue of Rs. one thousand annually, or at the most Rs. 1,500, or is a Jagirdar of the same value, and is also from the Punjab Chiefs Family, in both cases, may also be regarded as a Great Sardar and Jagirdar within the meaning of the Clause referred to above.

Might I here elucidate the matter: the Punjab Government itself has considered the highest value of the revenue tax-payer to be Rs. 1,000 as given in the Electoral Rules to qualify a person as an elector to Landholders' Constituency in the Punjab for the Legislative Assembly and that is the highest limit in the Punjab.

It is, therefore, obvious that such revenue payers in the Punjab are very limited in their number. The definition that I have given above will remove the trouble.

There seems no reason why the persons who come of high families of the Punjab Chiefs and are Jagirdars and still pay high revenues, are excluded from this privilege and merely persons picked up by the sweet will of District Magistrates should alone be and are regarded as Great Sardars and Jagirdars.

I presume that I have made the point clear, and that it will invite the attention of the Government: and I may be informed at an early date of the decision which may be arrived at by them.

Yours sincerely,

BABA UJAGAR SINGH BEDI,

M.L.A.

To

The President,
Arms Rules Committee.

Simla.

I think that in view of the fact that land-revenue in the Punjab is very low landlords paying Rs. 1,500 per annum as land-revenue in the Punjab may be exempted:

S. P. BAJPAI,

M.L.A.

While approving the view of my friend Mr. Bedi, I would also suggest to define the word or expression 'Ancient zamindar' in Madras also.

M. K. REDDI,

M.L.A.

I agree with these views for Punjab.

H. A. J. GIDNEY.

ABUL KASEM.

For the reasons pointed out above I am of opinion that in the special circumstances of the Punjab landholders in the Punjab paying an annual land-revenue of Rs. 1,500 who are at the same time Punjab Chiefs should be exempted.

HARCHANDRAI.

Minute of dissent by Rai Bahadur S. P. Bajpai, M.L.A., Member, Arms Rules Committee.

Paragraph 7.

I do not agree with the majority of the Committee that my proposal to issue licenses to all applicants on the payment of the prescribed fee save in the case of undesirable persons specified in a list to be kept for the purpose is outside the range of practical politics. The policy of the Government of India in regard to the administration of Arms Rules has all along been a subject of hostile criticism in the country. It is urged that innumerable restrictions and limitations imposed on the possession of firearms have led to the emasculatation of the Indian manhood. Those of us who were connected with the recruiting work during the great war know with what difficulty recruits could be procured for combatant strength in the army. The reason is obvious. People in the interview who have seldom seen a breech loading gun would hardly agree to become soldiers and fight in the trenches. I think it is not impossible to prepare a schedule of exclusions. The Police maintains a register of bad characters and a list of persons convicted of heinous offences can be obtained from the office of the District Magistrate. Bad characters, persons convicted of heinous offences and members of criminal tribes may be excluded. I think the time has now come for the Government of India to take courage in both their hands and adopt my suggestion which I believe, will not only disarm criticisms levelled in season and out of season against the Government but also prove a source of considerable strength to the British Empire in the hour of need.

Paragraph 3 entry 1 (a).

I think it is only fair that the members of the Provincial Legislatures should also be exempted. To me it appears an invidious distinction to exempt members of the Central Legislature and to deny the same privilege to Provincial Legislators. After all a considerable body of both the Legislators is drawn from the same class of citizens. This distinction, I am sure, will lead to considerable bitterness and heart-burning. I shall, therefore, recommend to the Government of India to exempt the members of Provincial Legislatures as well.

Entry 6 (g).

(a) In Oudh all Taluqdars as such are exempt. Some of them pay nominal land revenue, while non-Taluqdar Zamindars to enjoy the privilege of exemption are required to pay twenty thousand rupees land revenue. I think with a view to feelings which are running very high with regard to the exemption of Zamindars in the Provinces of Agra and Oudh I shall suggest that all Zamindars who pay Rs. 3,000 or over as land revenue should be exempted. My recommendation coincides with the recommendation made by the United Provinces Landholders' Conference which met at Lucknow in July last.

(b) Heads of Joint Hindu families who pay Rs. 3,000 or upwards as land revenue should also be exempted and the adult male members on the analogy of the entitled class be considered as belonging to it.

Entry 11, 11 (a) and 11 (b).

I do not agree with the majority of the Committee in their recommendations to grant a life license to exemptees falling under these categories. I am not convinced that the removal of these entries from Schedule I will satisfy title-holders who received these distinctions after the year 1920. They will continue to feel that while their more fortunate brethren are exempt to all intents and purposes they are called upon to apply for licenses. Most of the title-holders who received these decorations after 1920 feel that a rare privilege is denied to them.

Big landholders and a large number of title-holders have got large stakes in the country. I, therefore, see no reason why they should not be exempted. Consequently I recommend that entries 11, 11 (a) and 11 (b) should not only be retained but that all future title-holders, etc., should also be exempted.

Paragraph 4.

I do not agree with the majority of the Committee when they recommend that Magistrates, etc., should not be exempted. I think all Magistrates stipendiary or Honorary, Honorary Munsiffs and Honorary Assistant Collectors should be exempted. Magistrates do need firearms to protect themselves when they are put in charge of processions, etc.

Paragraph 5.

I think it unnecessary to place restrictions on the number of firearms to be possessed by an exemptee. I shall, therefore, recommend that no restrictions be placed on the possession of firearms by exemptees who are almost always loyal and law-abiding citizens.

S. P. BAJPAI, M.L.A.,

Member, Arms Rules Committee.

SIMLA ;

The 27th September 1922.

Minute of dissent by Mr. Muhammad Fayyaz Khan, M.L.A., Member of the Arms Rules Committee.

I am sorry that I have disagreed on some points in the Arms Rules Revising Committee, which run as follows :—

(1) I do not agree on the ground of principle that the Members of the Imperial Legislature should be exempted from the operation of the Arms Act only so long as they continue to be the members. A person may not enjoy any concession, but if he does, he should not be deprived of it during his life-time, unless there is something to prove that he has become less trustworthy. A Member of the Imperial Legislature does not lose any part of his worth or his sense of responsibility by ceasing to be a member. Membership is only an apparent proof of a man's qualities, and his retirement does not involve any kind of turpitude at all. I therefore strongly hold that the Members of the Imperial Legislature should enjoy this privilege during their life-time.

(2) I fail to understand why the entitled class should only be based on money consideration. A person may not be a Government servant or may not be paying the prescribed sum to the Government as revenue or taxes, but still he may be as good or even a better citizen than many of the Government servants and those paying the prescribed sum to the Government as revenue or taxes. The Professor of a Communal College is an instance in point, who is neither a Government servant nor paying anything as tax. Again, the son or sons of a Zamindar may be thoroughly satisfactory men for keeping a weapon and still may not be paying any revenue or income tax in their name.

I really do not see why education be not also regarded as a sufficient qualification for coming under this class. Wealth may lead a man astray and may even bring him down to the position of a beast, but

education alone is a sure agent for ennobling character. I would therefore suggest the inclusion of the following to the entitled class :—

- (a) Barristers, Pleaders, Vakils of High Court of 5 years' standing ;
- (b) Professors, Readers and Lecturers at Colleges affiliated to an Indian University ;
- (c) M. As. ;
- (d) B.As. of seven years' standing ;
- (e) Government pensioners drawing Rs. 100 and over per month.

(3) It should be expressly provided in the Arms Act that the licenses will not be held back on the basis of the individual pettish views, and to those who come under entitled class will get their licences as a right and not as a favour. What justification was there for the forfeiture of licences and arms of such revered, noble and peace loving citizens as Pandit Motilal Nehru, Lala Bhagwan Das, Khowaja Abdul Majid and S. Asif Ali, etc. The refusal to issue or renew a licence to Indians of this position, though a proof of the "frame" being made of "steel" has the inevitable effect of lowering the prestige of the Government in the country. Big Zamindars and money lenders paying a large revenue to the Government have been refused licences on the ground of their wearing "Khaddar."

On the refusal or the forfeiture of licences, I have received a good many letters from respectable people ; and the following are the copies of a few interesting letters in my possession which will reveal the methods some time adopted by some of the District Magistrates. A gentleman who is paying as much as rupees twenty-five thousand as Government revenue, who is also a Municipal Commissioner and the Secretary of an important orphanage and a girls school, writes :

"The local officials are simply on account of the reason that I wear Khaddar in response to the country's call have forfeited my licence of Arms. I do not know what justification there is, the licences are being granted to my petty cultivators only if they say that they are the members of the Aman Sabha, but without giving any reason whatsoever they have done that against me, and together with me other very big and prominent Rais of whose fathers and they themselves are held in great esteem for no reason apparent except to suit their own wishes. As far as I could ascertain and my knowledge goes the licences were introduced, that undesirables should not get licences, and should not possess firearms, but every day experience will show that murders and dacoities are being committed every day and Budmashes never show in wanting, they always have it and people of my social status do not get a licence. We have to travel to go to our villages which are apart some 40 miles, and travel with that money unsafe absolutely at the mercy of robbers and all, and nothing to protect us. I hope you will do something to relieve the present situation in the country and save gentry from these Bureaucrats who are pleased with a few on flattery." In another letter the same gentleman, writes, "As regards myself, we are followers of Swadeshi and wear 'Khaddar,' I manage my estate, cases go to the courts, but certainly I am Congressman and so is my friend. But my friend. does not even wear Khaddar and still wears English suits, though of course he has also committed the crime of being a Congressman."

But I will quote you a most important example that the licence of had been forfeited, and the reason of this forfeiture I shall explain in full (instead of the explanation from the writer of this letter the very gentleman referred to in the above letter, wrote me the reason why his licence was forfeited, which runs as follows) : His name is Rais and Talukdar of he is one of the very big landholders of the United Provinces and is a confirmed loyalist, always dancing before the Collector and the Commissioner of so timid as afraid of wearing Khaddar because that displeases the officials so he must wear Christy's cap.

Here is what he himself says about the reasons of the forfeiture of his licence. "The whole estate is in the name of my father who pays the revenue of about Rs. 5,000 to the Government, my father is supposed to be one of the big zamindars of this place, his name is as he has practically retired from all worldly cares and

anxieties, so I am carrying the whole business from the last 6 years, and hence the licences of firearms were in my name, which have been forfeited, and the forfeiture of arms has caused me very great inconvenience. I had to shift my residence from.....to..... permanently, as it was not quite safe at.....owing to the dacoities and robberies, though it is not quite safe over here too. I was never taking any part in politics, and why I was a prey of Bureaucrats, I shall explain to you in detail. The remote reasons of displeasure of the Bureaucrats was that when I was residing in.....a few Congress Volunteers came for subscriptions, and I also paid a sum, but that was not the immediate cause of displeasure, I was serving as a Punch in the Tehsil of.....and I was called upon by the Collector to resign my seat from there, which as a gentleman I could not do so, as I had given my words that I will serve as a Punch for a month, this was the immediate cause of displeasure and he said that if you do not resign your seat from village "Punchayat" I shall forfeit your arms, and on my refusal the arms were forfeited. I at least was under the impression that Panchayats were no cause of displeasures to the Government, and on the other hand they were encouraged."

Another letter gives quite a different method adopted by a District Magistrate, which runs as follows :

"I have also a stubborn grievance against the licence regulations which seem to exist only in name. We are told that the reform scheme had given the honourable zamindars an opportunity to apply for licences for firearms such as rifles, revolvers, etc., but we have fully experienced the Reform Scheme to be dead letter. For this I may quote instances. I am a big landholder of.....my father is paying a considerable Government revenue of Rs. 8,000. When I applied for the licence of a rifle in the Collectorate, the Collector disposed of the case to the Deputy Collector, and I was called, and I appeared before him and he told me that if I gave Rs. 200 as a contribution to a Government fund I could be given the licence applied for. I plainly told him that I had already contributed a considerable amount and that this has no concern with the present matter, whereupon he said that if I were not ready to comply with his order, I should not insist for the said licence. Dismayed and embittered I left the court. Such measures I say can never compel us to co-operate. Leaving aloof my own case there are hundreds that will readily attract your attention. The whole district is seething with discontent on account of the severity in granting the licences. It is better that I do not quote more instances of the same nature." A cousin of the above writer, also writes, "My case is a bit different because I have not been refused the licence of a pistol which I require, but I have every reason to preclude that if I were to apply for it I should have been flatly refused. This statement of mine is not without foundation and validity, because my cousin who applied for the licence of a rifle was not given the licence he asked for. We are one of the greatest zamindars of our district, our family is paying Government revenue of Rs. 8,000 (the whole family jointly paying Rs. 25,000 Government revenue) and myself exclusively paying Rs. 2,000. We really regret that being supporters of British Raj we are not so much trusted as to allow us to keep firearms. These measures instead of creating amicable relations with the Government bring about the greatest breach of fair connection with the landholders."

The above are a few of the typical cases I have selected, and I would only like to give one more letter from a person holding a responsible Government post in judicial line, which will show how the other party thinks of the present arms rules. The letter runs as follows :

"As for the Arms Rules in my opinion either the exemptions should be totally abolished or Gazetted Officers of 1st class must be exempted. You can well imagine the anomaly that a common man who has been hanging at the coat tails of a District Magistrate and thus becomes a Khan Bahadur prior to 1920 is exempted whilst a sub-judge who is entrusted with the decision of the Rais taxes of the value of crores is not..... In my opinion if enquiry is at all necessary it must be entrusted to a District Committee comprising of officials and non-officials and their decision should be binding."

Before I finish quoting examples, let me quote one more recent amusing example of the decision of a queer District Magistrate. A

leading practising Vakil in a District recently applied for a licence of a Double Barrel Breech Loading shot gun, and the licence was duly granted with the following note on the application :

"A licence for a Double Barrel Breech Loading gun for British India has been sanctioned in the name of the applicant, now he deposit the stamps for fee of the licence submitted for orders. The applicant is a pleader practising in the District." After a month or so the gentleman happened to go and see the District Magistrate. No one knows what conversation was passed between them, but one can pretty accurately guess what conversation could have passed between these two, which led the District Magistrate to write the following amusing and entertaining remarks on his application. The remarks ran as follows : "Deposit meanwhile. I have seen the gentleman, who seems very uncertain whether he is an enemy of the established Government or not." Curiously one would like to know from the District Magistrate whether he himself is "the enemy of the established Government or not," because by forfeiting the licence of such a respectable gentleman, has he not sown the seed of hatred and discontent with the established Government? one who sows the seeds of discontent with the established Government, then who should be called the "enemy of the established Government, the Magistrate or the license?" There is one more and the last example of the misuse of the Arms Act by a District Magistrate which I would like to show, and I believe these examples to be enough to throw some light on the actual working of the Arms Act. A few months ago at Kashipore the shopkeepers observed Hartal on a particular day, the District Magistrate got enraged and issued an order of the forfeiture of the Arms of some of these shopkeepers who observed Hartal, and the order of the District Magistrate with the reply of the shopkeepers runs as follows :

Arms Act Rules.

A KASHIPUR CASE.

(From a Correspondent.)

True copies of the order of the Deputy Commissioner and the reply of nine gentlemen upon whom the order was served are sent herewith.

All these gentlemen are either zemindars or wholesale cloth merchants. They are men of respectable families. None of them is a non-co-operator. Even then the bureaucracy would force them to be so. Well Sir, was it any sin to close the shops on 13th of April? Is that Hartal declared to be an illegal act? Can Government force a man to either become a co-operator or a non-co-operator? Is it not coercion, intimidation? Are the peace-loving citizens to be thus deprived of their lawful activities? It is rumoured that a gentleman is going to be deprived of his honorary magistrateship if he does not soon publicly do some work for the Aman Sabha.

DISTRICT MAGISTRATE'S ORDER.

On 13th April 1922, a Hartal was observed at Kashipur in pursuance of the non-co-operation movement. A number of those who closed their shops on that day are in possession of arms licences. Some of these have apologised. Others have not. The names of the latter are given below :

By observing Hartal these persons showed their sympathy with the non-co-operation movement, and also showed themselves undeserving of holding arms licences granted by the Government.

I therefore hereby suspend the licences of the persons named below and a notice will be served on each of them accordingly to deposit his weapons in the police station forthwith.

If within one month of service of the notice the licensee files a petition in my court expressing his regret and assuring me of his non-sympathy with the non-co-operation movement, the weapon will be restored. Otherwise the licence will be cancelled on the expiry of one month.

(1) Lala Sukhdeo Prasad Khatri, Honorary Magistrate, Kashipur ; (2) Lala Raghbir Saran Khatri, Kashipur ; (3) Lala Kunj Behari Lal, son of Lala Sukhdeo Prasad, Kashipur ; (4) Lala Brij Kishore Khatri, cousin of Lala Sukhdeo Prasad ; (5) Lala Puran Pershad Khatri ; (6) Lala Shiv Lal Khatri ; (7) Lala Ganga Prasad ; (8) Lala Chheda Lal Khatri ; (9) Lala Shyam Saran Har Saran Khatri ; (10) Lala

Sudama Lal Raghbir Saran ; (11) Lala Shiva Lal Vaish ; (12) Lala Hazari Lal Vaish ; (13) Chaubey Amar Nath, Chairman Municipal Board, Kashipur.

THE REPLY.

To

THE DEPUTY COMMISSIONER,

NATNI TAL.

SIR,

In compliance with your order dated 7th June 1922, some of us have deposited our weapons in the police station, Kashipur and others with Sheikh Abdul Wahid, a local licensed dealer in arms. As under the law both the courses are open to us, those of us who have elected the latter have done so in the hope that it will facilitate the disposal of these arms and enable us to realise a part of their value in case you are not pleased to rescind the above mentioned order.

2. Under resolution no. 2125-C. of the Government of India, Home Department, dated the 21st March 1919, payment of not less than Rs. 1,000 per annum as land revenue, or payment of an income-tax of not less than Rs. 3,000 for a period of three years as well as under the United Provinces Government Resolution no. 5572-X-844, dated 10th November 1919, payment of the above sums as land revenue or income-tax, respectively, or being an honorary magistrate, etc., is to be regarded as a sufficient qualification for entitling a person to obtain licences for the possession of firearms, including rifles, smooth bores, etc. In accordance with these statutory rules every one of us is duly qualified and entitled to a licence and some of us are possessed of more than one qualification.

3. The law for the suspension and cancellation of licences is clearly laid down in the Arms Act. Under section 11 a licensee is liable to be suspended or cancelled only if the licensee is convicted of an offence against the Arms Act or the Rules or if it is necessary to do so for the security of the public peace. None of us has been so far convicted of such an offence, nor has it been alleged by anybody and it is not stated or even suggested in your order that it is necessary to suspend or cancel our licences with a view to preserve public peace. So, we venture to submit that your order is quite illegal and *ultra vires*. We have, jointly as well as severally, a profound concern in the maintenance of public peace. Even if we were unmindful of the public weal, our own self-interest as well as self-regarding instinct would constrain us to discountenance everything that may tend to disturb the public peace even remotely or indirectly. We cannot help stating that we have a distinct stake in the land as each one of us is connected either with a zamindari or with a decent business concern, or with both, and as such we have everything to lose and nothing to gain by any breach of the public peace at any time. We beg leave to submit that the closing of the shops on the 13th of April last—whether all of us did so or not; and though some of us, namely, Lala Chedlal, Lala Brijkishore, and Lala Sukhdev Prasad have no shop in any bazar and Lala Hazarilal none in Kashipur, so that it was not possible for them to close any—has no bearing in the matter of our licences and the suspension thereof on this account is not warranted by the law of the land.

4. As a condition precedent to the restoration of the weapons you want an assurance of non-sympathy with the non-co-operation movement from each of us. We are at a loss to understand the full import of these words. As we have stated above, we have to come in contact occasionally, if not frequently, with public servants for various purposes, such as the determination or payment of land revenue or income tax, or for purposes of irrigation or settlement, and in connection with proceedings in courts, and the like. The very fact of our being in possession of these arms is significant enough. Besides we are rendering public services, however humble they may be, in various other spheres, e.g., in the municipality, in the furtherance of the co-operative credit movement, in the management and maintenance of the aided high school in our town, and one of us, Lala Sukhdev Prasad, also, as an honorary magistrate. Under these circumstances it would not be impertinent to enquire what we are required to undertake by giving an assurance of non-sympathy with the non-co-operation movement. Unity among all races and creeds, uplift of the depressed classes, encouragement of cottage industries and indigenous manufacture of cloth,

revival of the purity and simplicity of oriental living, social and temperance reform, cultivation and development of the individual and national sense of self-respect, and above all, the realisation of the paramount necessity of the maintenance of public peace and order under all possible conditions and circumstances and an immutable determination to adhere to the above principles and to cultivate feelings of personal amity and good will among individuals are some and by far the main planks in the contemporaneous non-co-operation platform. Are we required to run in a counter direction and to turn our stiff backs against one and all of these and, if so, would our conduct be of public advantage and conducive to the progress of the State? Further, is any of these activities prohibited by law and, if not, is one to be deprived of his legal rights and privileges because of his legitimate actions and lawful actions if he cannot succeed in persuading his conscience to accept the executive view of the matter or to disregard its counsel.

5. There is a still graver aspect of this question, and we can only hope that it did not strike you at the time you passed the preliminary order suspending our licenses. As was well known to your predecessor in office, Kashipur sub-division and its vicinity is infested with dacoits as well as wild animals and their ravages have rendered serious havoc—villages have been deserted, land has gone waste and population is steadily dwindling—dacoities have never been scarce in these parts while during the last two or three years arson, pillage, assassination and inhuman outrages have been the order of the day and a reign of terror has been supreme for a considerable period, as even one having no local knowledge can easily gather from the Sub-divisional Magistrate's judgment in a recent case (*K. E. vs. Umraosingh of May 1922*). The report of the land revenue administration in these provinces just published also bears testimony to this. 'Agriculture in the Naini Tal *tarai* was hampered by the prevalence of dacoity, and the Commissioner remarks that dacoity was disastrous and the police were helpless' (*vide* paragraph 60 of the report). It is reported that a public spirited citizen offered to lead the police in March last to the dacoits' camp in the neighbourhood of Kashipur town and in response to this the superintendent of police did proceed to Kashipur and reached the railway station with a force of about a hundred strong one evening but,..... he retraced his steps and returned back to his headquarters with his party by the next train. Presumably he did this out of regard for public interests, and you will see from this how very irksome is our position, specially as some of us have already received threatening letters purporting to have been written to us by the members of the gang. In a case in which a person was convicted for being in possession of a pistol without a license at Kashipur, the High Court held in revision that a serious view should not be taken of the matter as 'the applicant was living in a part of the province where dacoities had been fairly numerous of late years' and there was a 'presumption that any person found in possession of such a weapon had obtained it for the purpose of self-protection' (Revision No. 680 of 1918).

Under these circumstances we beg leave to admit that possession of such weapons as we have surrendered in obedience to your orders is absolutely essential for purposes of self-defence for persons of our status, and we hope that on reconsideration you will be pleased to cancel your orders under reference so that our arms may be restored to us.

It is unfortunate indeed that some time the zamindars and other respectable people are deprived of the right of possessing firearms by license, while Anglo-Indians of the position of a railway-guard are being granted licenses, even for revolvers. The Government of India, whose vision is certainly broader than most of the District Magistrates may not, perhaps like them to be so narrowminded, but their impetuosity has no limit. Let us, therefore, put a brake upon their rashness and local prejudices by an express provision of the Act.

(4) The present Arms Act requires or it is at least a practice in some of the districts, to bring or send the arms, after having bought it, to the collectorate to have the number of the arms endorsed on the license, and I know a good many instances of a few Englishmen of higher service—District Judge and Joint Magistrate—who instead of sending or bringing their arms to the collectorate, they just send a letter

or a chit to the collectorate and give the number of arms in it for endorsement. I am of opinion that nobody should be required to bring or send his arms for endorsement to the collectorate, he should just mention the number of the arms in a letter addressed to the authority concerned, or if it is necessary at all that the arms should be presented before the endorsement authority, then each and every one, whatever position he may hold, should be required to present his arms before the endorsement authority and no letter or chit should be permitted to any one.

(5) The limit of two hundred cartridges per rifle is one of the most important questions from the sportsman's point of view; if this limit means 200 cartridges per rifle per year then certainly it will be most objectionable; 200 cartridges will never be sufficient even for a month in a sporting district, but if it means that not more than 200 cartridges can be bought or kept at one time then there is not much objection. But why limit the number of ammunition at all. When the Government relies on a person for an arm with a certain limited number of ammunition, then I fail to understand why the same person should not be relied upon for an unlimited number of ammunition. Why should the Government of India be responsible for this sort of an act and restriction, which is bound to create discontent in the country, or at least among the sportsmen, and make the Government unpopular. I know of no country in the world putting such sort of restriction on the amount of ammunition to be possessed by a licensee.

(6) There is one more important point to which I would like to draw the attention of the Government, which is about the punishment meted out to the holders of unlicensed arms and ammunition. Cases have been known where an Anglo-Indian has been fined a few rupees, and his arm confiscated, for unlawfully possessing an arm, while an Indian had to undergo a few months simple or rigorous imprisonment for even unlawfully possessing a sword. In the eye of law there is no such distinction between an Englishman, Anglo-Indian or an Indian, then why the distinction in the punishment. There is no reason why should an Englishman or an Anglo-Indian escape by merely paying a few rupees as fine and a poor Indian has to undergo simple or rigorous imprisonment for the same offence. If I am right there is a provision in the Government Order No. 454-VI-989, dated 14th March 1887, which clearly says that the offences against the Arms Act "would as a rule be sufficiently punished by fine"; I am afraid this order of the Government is never acted upon. There must be a uniformity in the punishment of an Englishman, Anglo-Indian or an Indian under this Act, and this will undoubtedly allay the bitter feeling of the racial distinction.

There is every probability that under the new rules, more applications for licenses will be coming in. If, then, the reforms are in reality the first step on the road to self-government, then these applications should be dealt with in the spirit of real justice and right and not as a favour. There are no doubt several District Magistrates whose attitude towards such applicants has been reasonable, but unfortunately the majority of them are still too proud and not yet prepared to consider themselves as servants but always pose themselves as masters, and do not feel that a new era has set in. They ought to be told in plain words that the grant of a license to an entitled person is never a special favour or a privilege but they deserve it as a matter of right. Let me quote here a sentence from the speech of Mr. Iswar Saran, M.L.A., delivered in the Legislative Assembly on the 8th September 1922 at Simla, who in other words truly represents the public opinion and this applies in each and every case, he says, "We do not want the white man to be our perpetual ruler, our perpetual trustee, our perpetual guardian. We have had enough of this everlasting trust. We extend to the white man, and I speak with absolute truth and sincerity, the hands of fellowship and good comradeship, but I do resent and as long as there is the last breath of life left in me, I shall continue to resent the perpetual domination of the Civil Service or any other service....."

Unless the principle is accepted by the Government and faithfully acted upon by the District Magistrates any improvement upon the present arms rules will be a farce, I cannot emphasise upon this point too much. The entitled class should never be debarred from holding the license except on the only ground of moral turpitude. I must, however, make it clear that I do not regard any attempt on the part of an Indian to

criticise the policy or the official of the Government or any desire on his part expressed in words or act to bring about a fundamental change in the policy of the Government, as amounting to moral turpitude. The District Magistrates must not allow themselves to be carried away by what they hear from the police or those unfortunate class of non-official people who are called the flatterers, official favour seekers, title and job hunters and sycophants; who as a matter of fact have taken on themselves the duty to always misrepresent the true spirit and condition of the country and the individuals, simply to satisfy their personal aggrandizements, and those unfortunate officials who are misled by this class of people, not only ruin their own reputation and position but that of the Government too along with them. They should always coolly form their own opinion, and without the least fear of contradiction I can say, that this class of people,—who are never considered anybody in public eye, who always mislead the officials and hence the Government—are unfortunately the chief and the only root cause of all the present discontent and situation in the country. The personal considerations would defeat the ends of justice and fair play and bring a bad name to the Government.

With due respect to the President of the Arms Rules Revising Committee, I may say, that I do not for a moment accept to the arguments some time put forward before the witnesses, that the presence of too many arms may prove dangerous to the public on such occasions as the Arrah or Katarpore riots. I wonder why no such riots ever take place or have ever taken place in any of the Indian States, although the use of arms, there is almost freer than in British India. It entirely depends, if I may say so, on the temperament of the people and the way in which delicate situations are handled by the Government. In the Indian States, there is no such things as quarrels between the Hindus and the Muslamans, probably because their rulers do not seem to have yet adopted the unwise policy of the "divide and rule."

If I remember it right the Committee had decided that the powers of fixing the number of licenses in any district, in the case of necessity should still remain with the local Governments. May I just say a few words about this—and finish this minute of dissent with the hope that these new rules will be dealt with a new and a broader vision—I do not think there is any harm if the local Governments be given such powers, but, before limiting or reducing the number of licenses in any particular district, I hope the local Government will kindly announce through their local gazettes—at least a month before—the name with the date of the district where this new order is to be enforced, and also the reasons for doing so, with the opinion, if possible of some of the leading officials and non-officials of the district concerned, then and then alone should the local Governments be empowered to enforce this order.

MD. FAIYAZ KHAN,

18th October 1922.

MISCELLANEOUS. No. 1 (1889).

52217

REPORTS

RESPECTING

V5:58 (MV4). N2T

LAWS IN EUROPEAN COUNTRIES

AS TO THE

CARRYING OF FIRE-ARMS

BY

2

PRIVATE PERSONS.

*Presented to the House of Lords by Command of Her Majesty, in pursuance of
their Address dated March 7, 1889..*

LONDON:

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LIST OF PAPERS.

	Page
CIRCULAR addressed to Her Majesty's Representatives in Europe	March 16, 1889 1
<i>Answers to preceding Circular.</i>	
AUSTRIA-HUNGARY—	
1. Sir A. Paget to the Marquis of Salisbury Two Inclosures.	April 11, 1889 1
2. Sir A. Paget to the Marquis of Salisbury One Inclosure.	May 29, — 2
3. Sir A. Nicolson to the Marquis of Salisbury	March 25, — 4
BULGARIA—	
4. Mr. O'Connor to the Marquis of Salisbury One Inclosure.	April 12, — 4
BAVARIA—	
5. Mr. Drummond to the Marquis of Salisbury One Inclosure.	March 31, — 5
BELGIUM—	
6. Lord Vivian to the Marquis of Salisbury Three Inclosures.	April 5, — 6
DENMARK—	
7. Mr. MacDonell to the Marquis of Salisbury One Inclosure.	July 10, — 14
DUCHY OF BADEN—	
8. Mr. Jocelyn to the Marquis of Salisbury One Inclosure.	April 4, — 15
DUCHY OF COBURG—	
9. Mr. Milbanke to the Marquis of Salisbury	March 26, — 18
FRANCE—	
10. The Earl of Lytton to the Marquis of Salisbury Six Inclosures.	March 30, — 16
GERMANY—	
11. Sir E. Malet to the Marquis of Salisbury One Inclosure.	March 26, — 25
GREECE—	
12. Sir E. Monson to the Marquis of Salisbury One Inclosure.	April 19, — 26
GRAND DUCHY OF HESSE—	
13. Mr. Jocelyn to the Marquis of Salisbury One Inclosure.	April 12, — 28
ITALY—	
14. The Marquis of Dufferin to the Marquis of Salisbury One Inclosure.	March 29, — 29
MONTENEGRO—	
15. Mr. Baring to the Marquis of Salisbury	March 28, — 30
NETHERLANDS—	
16. Sir H. Rumbold to the Marquis of Salisbury One Inclosure.	April 3, — 30
17. Mr. Fenton to the Marquis of Salisbury Two Inclosures.	June 6, — 31
NORWAY AND SWEDEN—	
18. Sir F. Plunkett to the Marquis of Salisbury One Inclosure.	April 1, — 35
PORTUGAL—	
19. Mr. Petre to the Marquis of Salisbury	March 27, — 35
20. Mr. Petre to the Marquis of Salisbury	April 23, — 36
ROUMANIA—	
21. Sir F. Lascelles to the Marquis of Salisbury One Inclosure.	March 28, — 36
RUSSIA—	
22. Sir R. Morier to the Marquis of Salisbury One Inclosure.	April 25, — 38
SAXONY—	
23. Mr. Strachey to the Marquis of Salisbury	April 10, — 39
SERVIA—	
24. Mr. F. R. St. John to the Marquis of Salisbury	March 26, — 40
SPAIN—	
25. Sir Clare Ford to the Marquis of Salisbury Two Inclosures.	April 17, — 40
SWITZERLAND—	
26. Mr. Scott to the Marquis of Salisbury	March 27, — 42
TURKEY—	
27. Sir W. White to the Marquis of Salisbury One Inclosure.	April 6, — 42
WURTEMBERG—	
28. Sir H. Barron to the Marquis of Salisbury	March 31, — 43

RETURN to an Address of the Honourable the House of Lords, dated March 7, 1889,
for—

“Information as to what Laws are in force in the various States of Europe with regard to the carrying of Fire-arms by Private Persons in Populous Places.”

Circular addressed to Her Majesty's Representatives in Europe.

My Lord,

Sir,

Foreign Office, March 16, 1889.

IN accordance with an Address of the House of Lords, I have to request that you will ascertain and report, for their Lordships' information, what Laws are in force in the State to which you are accredited with regard to the carrying of fire-arms by private persons in populous places.

I am, &c.

(Signed) SALISBURY.

Answers to preceding Circular.

AUSTRIA-HUNGARY.

No. 1.

Sir A. Paget to the Marquis of Salisbury.—(Received April 13.)

My Lord,

Vienna, April 11, 1889.

WITH reference to your Lordship's Circular of the 16th ultimo, I have the honour to inclose herewith translation of a note which I have received from the Austro-Hungarian Minister for Foreign Affairs on the subject of the laws in force in Austria with regard to the carrying of fire-arms by private persons in populous places, and a summary of the Laws therein mentioned.

I have, &c.

(Signed) A. PAGET.

Inclosure 1 in No. 1.

Count Kálnoky to Sir A. Paget.

Vienna, April 7, 1889.

(Translation.)
IN partial reply to the note of the 21st ultimo, the Imperial and Royal Ministry for Foreign Affairs has the honour to inform his Excellency Sir Augustus Paget, Her Britannic Majesty's Ambassador Extraordinary and Plenipotentiary, that a communication has been received from the Imperial and Royal Ministry of the Interior, in which

[456]

B 2

it is stated that no special Rules exist with regard to the carrying of fire-arms by private persons in populous places for the countries represented in the Reichsrat.

However, the 14th paragraph of the Law of the 15th November, 1867, Reichsgesetzblatt No. 134, on the right of public meeting, contains an Article prohibiting members or visitors at meetings of Societies from appearing with arms. Further, in accordance with paragraph 9 of the Law of the 15th November, 1867, Reichsgesetzblatt No. 195, persons carrying arms are also forbidden to be present at popular meetings or generally at meetings to which admission is free and not limited to invited guests, as well as at those which are held in the open air.

With regard to the carrying of arms in general, the question is dealt with in the third part of the Imperial Patent of the 24th October, 1852, on the manufacture of, trade in, and possession of arms and ammunition, as well as the carrying of arms, which Patent is contained in No. 223, vol. lxxvii of the Reichsgesetzblatt.

While the Undersigned defers making a communication on the laws in force on this question in the countries subject to the Hungarian Crown, he avails himself of this opportunity to renew to his Excellency Sir A. Paget, &c.

(For the Minister for Foreign Affairs),
(Signed) PASETTI.

Inclosure 2 in No. 1.

Memorandum.

ANY person desirous to carry arms can only do so on obtaining a permit. Such permit is only granted to persons of irreproachable character, and is only valid for the person to whom it is granted, and cannot be transferred. The permit must clearly state for which sort of arms it is granted, for which purpose, and for which period. After its expiration it must be renewed.

No permit is required—

1. For persons who in consequence of their occupation or rank are entitled or bound to carry arms. Such arms must, however, be the regular arms belonging to their uniform or livery;
2. For those who in accordance with the national costumes of some parts of the Monarchy are required to carry arms forming part of such dress;
3. For travellers from foreign parts and their servants when wearing their native dresses or uniforms to which arms belong to;
4. For sharpshooters belonging to regularly organized and licensed Companies on visiting the shooting stands.

It is, however, not allowed for armed people to attend any meetings, whether they take place in a room or in the open air.

People may possess arms, but in no case in such quantities as to give rise to suspicion that any abuse is intended therewith.

It is prohibited to manufacture and to own daggers, small pointed daggers, hollow-edged dagger-like knives, three-edged swords, pocket pistols of less than 18 centim. in full length, glass shells, petards, carcass rockets, and all arms suitable to malicious attacks, as, for instance, cane-guns, sword-canes, &c., gun-cotton, and similar explosive manufactures.

A licence is required for the manufacture and for the trading of arms and ammunition.

The manufacture and ownership of prohibited arms and ammunition is only allowed to persons possessing a special licence.

No. 2.

Sir A. Paget to the Marquis of Salisbury.—(Received June 3.)

My Lord,

Vienna, May 29, 1889.

WITH reference to my despatch of the 11th April, I have now the honour to inclose translation of a further note which I have received from Count Kálnoky on

the state of the law in Hungary regarding the carrying and use of arms by private persons.

I have, &c.
(Signed) A. PAGET.

Inclosure in No. 2.

Count Kálmán to Sir A. Paget.

Vienna, May 19, 1889.

(Translation.)

WITH reference to their note of the 7th instant, the Imperial and Royal Ministry for Foreign Affairs have the honour to inform his Excellency Sir Augustus Paget, that in the territories of the Hungarian Crown the possession and bearing of arms is at present regulated by Act XX of 1883, which deals with the killing of game, and Act XXIII of the same year, which deals with licences on weapons and shooting.

With regard to the special Regulations affecting the present case, the Royal Hungarian Ministry of the Interior states that, in accordance with paragraph § 68 of Act XXIII of 1874, Parliamentary electors are prohibited from appearing armed with weapons or sticks either at courts of registration or at elections, and that this regulation, in the sense of paragraph 44 of Act XXI of 1886, and paragraph 54 of Act XX of the same year, also extends to elections for jurisdictional and municipal purposes.

Regulations relating to this subject are further contained in Act XI of 1879.

1. In accordance with Article 35 of the Law in question, the merchant who acts in contravention of the Regulations which relate to the manufacture and sale of arms and ammunition renders himself liable to a fine of 300 florins.

2. In accordance with paragraph 61, persons who, after undergoing punishment on account of public violence, murder, robbery with violence, extortion, theft, or repeated poaching, are forbidden to possess arms by the authorities, act in defiance of such prohibition are liable to a penalty of ten days' imprisonment, and to a fine not exceeding 100 florins.

3. According to paragraph 68, beggars who carry arms while begging are liable to imprisonment not exceeding two months in duration.

4. Paragraph 75 lays down that persons who make use of arms or other dangerous implements in a street riot or in public places are liable to imprisonment not exceeding fifteen days, and to a fine not exceeding 100 florins.

5. In accordance with paragraph 115, the following offences are punishable by a fine not exceeding 50 florins:—

(1.) Firing of guns, &c., in defiance of the prohibition of the authorities, in an inhabited place, or in its immediate neighbourhood;

(2.) Suffering a person who is wanting in the requisite experience or in mental power to use or keep a loaded fire-arm.

6. Finally, according to paragraph 116, any person who opens a place where public shooting is carried on without the requisite licence, or who disregards such Regulations as the authorities may issue, is liable to a fine not exceeding 200 florins, and to imprisonment not exceeding one month.

The bearing and keeping of arms is more particularly regulated, as regards the counties and boroughs, by the principle that all persons who have a right to take part in Parliamentary elections—in so far as this qualification is a condition of municipal law—may keep arms and require no special licence to do so, but must only show proof of possessing the necessary qualification: the result is that, for bearing arms in public places, the regulations which relate to such places are those which are in force.

Finally, in accordance to paragraph 60 of Instruction Z. ²²⁵⁴² relating to procedure in Courts of Law, the public are only admitted without arms to the hearing of cases dealing with breaches of the Law.

It is not so much the frequented nature of public places as their character which lies at the bottom of these Regulations, and the limitation of the right of bearing arms at public meetings is placed in the hands of the police.

The Undersigned avails himself, &c.

(For the Minister for Foreign Affairs),
(Signed) PASETTI.

No. 3.

Sir A. Nicolson to the Marquis of Salisbury.—(Received March 28.)

My Lord,

Buda-Pesth, March 25, 1889.

WITH reference to your Lordship's Circular despatch of the 16th instant, I have the honour to state that no Law exists in Hungary in regard to the carrying of fire-arms by private persons in populous places. I should, however, mention that at elections no person is allowed to appear on the place where the election is held with any weapon of whatever kind on his person. The Police Code prohibits those persons who have been convicted of grave crimes, such as murder, assaults, robbery, or intimidation, from carrying arms without a special permit. Beyond these two cases no restriction, as far as I have been able to learn, is placed on the carrying of fire-arms on the person in towns or other public places. In the country a licence is required for carrying a gun, but this hardly falls within the scope of your Lordship's inquiry.

I have, &c.

(Signed) A. NICOLSON.

BULGARIA.

No. 4.

Mr. O'Connor to the Marquis of Salisbury.—(Received April 18.)

My Lord,

Sophia, April 12, 1889.

IN answer to your Lordship's Circular despatch of the 16th ultimo, I have the honour to inclose herewith a copy in translation of the Law which regulates the carrying of arms in the Principality.

I have, &c.

(Signed) N. R. O'CONNOR.

Inclosure in No. 4.

Law as to bearing Arms in Bulgaria.

(Translation.)

1. EVERYONE who wishes to travel armed must have a permit.

N.B.—Soldiers serving as police are excluded, and in general all officials whose duties require them to carry arms.

To communal officials, guards, watchmen, postmen, &c., special passes are given by the Sub-Prefect on the demand of the head of the Commune. These passes are not subject to any tax.

2. Permits for carrying arms are given by Sub-Prefects and heads of police on the basis of certificates furnished by the Mayors. These certificates are subject to a stamp tax of 20 centimes, besides which an additional tax of 50 centimes is levied for all such certificates for the benefit of the communal Caisse.

N.B.—Mayors give certificates for receiving permits for carrying arms on the basis of a recommendation signed by two honourable and substantial citizens or villagers, members of the same Commune.

3. A permit for carrying arms has force in the whole of the Principality for one year. In it is specified the name, Christian name, profession, domicile, height and features of the bearer, and the kind of arm carried.

4. For every permit for carrying arms is paid, for a year, 5 fr.; for six months, 2½ fr. for the benefit of the Treasury.

5. Permits for carrying arms are prepared by the Ministry of Finance, and are sent to the Sub-Prefects through the Prefects.

6. A permit does not give the right to the owner to walk about armed in inhabited places, at markets, meetings, or fairs, except in passing.

7. A permit for carrying arms is not given—

(a.) To persons under 18;

(b.) To persons who are under supervision, madmen, or recognized drunkards;

(c.) To those who have been judicially deprived of their civil rights;

(d.) To those who are under police supervision ;

(e.) To those who have been condemned to more than six months' imprisonment for armed resistance to the authorities, or for theft or brigandage.

This prohibition (e) does not hold good for more than five years after the expiration of the term of punishment.

8. Any one who carries arms without a permit, or with an old one, or one that does not belong to him, is punished, the first time with a fine of from 10 fr. to 20 fr., the second time the fine is doubled, and the third time, besides the double fine, he is liable to a month's imprisonment.

N.B.—Sportsmen can carry sporting weapons when they go out shooting, only with a shooting licence.

9. For infraction of Article 6 of this Law, the penalty is a fine of from .2 fr. to 100 fr., or imprisonment from a week to a month.

BAVARIA.

No. 5.

Mr. Drummond to the Marquis of Salisbury.—(Received April 2.)

My Lord,

Munich, March 31, 1889.

WITH reference to your Lordship's Circular despatch of the 16th instant, I have the honour to inclose herewith a translation of the Bavarian Regulations with respect to the carrying of fire-arms in populous places, which I have this day received from the President of the Munich Police.

I have, &c.

(Signed) VICTOR DRUMMOND.

Inclosure in No. 5.

Regulations.

(Translation.)

IN the name of His Majesty the King Luitpold.

By the Grace of God, Prince of Bavaria, Regent:

Do ordain as follows, respecting the exposure for sale and carrying of arms, with a view to the public safety.

Article 1. The carrying of the following weapons:—

1. Daggers, stiletos, and other weapons of a like nature, as also weapons where the blade cannot shut;

2. Pointed trowels and punches;

3. Revolvers, pistols, and pocket pistols;

4. Guns that can be unscrewed;

5. "Knuckle-dusters," &c.;

Is prohibited in the case of beggars, vagrants, gipsies, and all persons of a like nature.

The same prohibition applies to lunatics and madmen.

The same prohibition applies to all persons under eighteen years old, to students, to workmen employed on railways, to unmarried servants, labourers, and artisans, and, lastly, to unmarried men while they are living under the parental roof.

Art. 2. The prohibition in Article 1 as to the carrying of trowels and punches does not apply to those persons to whom they are necessary to the pursuit of their trade, as long as they only carry them when engaged in that trade.

Moreover, the district police—in Munich, the President of Police—are empowered to give certain persons written permission to carry those arms specified in paragraph 3.

Such licences can be called in at any moment, or can be issued for a stated time. They are given gratis, and must always be carried by the person when he has got the weapon with him.

Art. 3. The exposure for sale or carrying of fire-arms, which are concealed in sticks, tubes, or other similar way, exists only subject to the permission of the district police—in Munich, the President of Police.

The carrying of swords, foils, daggers, &c., of a like nature, is prohibited in the case of those persons specified in Article 1, but permission can be given to those persons specified in Article 1, paragraph 3, under the conditions enumerated in Article 2, paragraph 2.

Art. 4. The Minister of the Interior is empowered to suspend temporarily in the whole province, or in certain districts, according as the public safety requires, the permissions granted in Article 1, and in Article 3, paragraph 2, to those persons specified in Article 1, paragraph 3.

Art. 5. The above Regulations come into force on the 1st January, 1888.

(Signed) LUITPOLD, *Regent of Bavaria.*

(Countersigned) Baron v. TEILITSCH.

BELGIUM.

No. 6.

Lord Vivian to the Marquis of Salisbury.—(Received April 8.)

My Lord,

Brussels, April 5, 1889.

IN obedience to the instruction contained in your Lordship's Circular despatch of the 16th ultimo, I have the honour to inclose a Report by Mr. Gosselin on the Laws and Regulations in force in Belgium with regard to the carrying of fire-arms by private persons in populous places.

I have, &c.
(Signed) VIVIAN.

Inclosure 1 in No. 6.

Report on Belgian Laws relating to the carrying of Fire-arms by Private Persons in Populous Places.

THE question of the carrying of fire-arms by private persons in populous places has been brought more than once before the Belgian Parliament.

The following is a translation of Articles 316, 317, and 318 of the Penal Code, headed "Infractions of Laws and Regulations relating to Prohibited Arms":—

"Article 316. Whoever shall manufacture, deliver, expose for sale, or distribute arms forbidden by the Law, or by the Regulations of the Public Administration, shall be punished with imprisonment for from eight days to six months."

"Article 317. Whoever shall carry a prohibited weapon shall be punished with a fine of from 26 fr. to 200 fr."

"Article 318. In the cases foreseen in the two preceding Articles, the arms shall be confiscated."

The following are classed as forbidden arms:—

Daggers, or knives shaped as daggers, whether carried in the pocket or affixed to guns; bayonets (other than those used in the army), sword sticks, iron sticks, air guns and air pistols, and life preservers; none of which can be legally manufactured, sold, or carried in Belgium.

With regard to pocket pistols and revolvers, the law is less severe.

The fabrication, sale, and exposure for sale of such weapons are authorized by the Decree of the 10th December, 1810, which regulates the manufacture of fire-arms destined for sale in the country; but the carrying of the same was pronounced to be illegal by the Court of Cassation in 1859. (Judgment of the 2nd September.)

The Law of the 26th May, 1876, regulates the carrying of such arms as come under the category of "armes de guerre," or military weapons, a term including large revolvers of the calibre in use in the army, the Gendarmerie, and the Civic Guard, but ordinary pocket pistols and revolvers.

By Article 1 of this Law, whoever, without due reasons or licence, shall be found bearing a military weapon, shall be punished with a fine of from 26 fr. to 200 fr.

Should the guilty party be one of a crowd, he shall be liable, in addition, to imprisonment for from eight days to three months.

In both cases the weapon shall be seized and confiscated.

Power is reserved to the Judge to diminish the above penalties in view of extenuating circumstances.

By a Royal Decree of June 1876 the power of granting licences, valid for one year only, to carry military weapons, is vested in the Mayors of the communes in which the applicants are domiciled. In cases of refusal or withdrawal of such licences an appeal lies to the Provincial Governor, who is also empowered to cancel a licence previously granted by a Mayor.

This permission to carry military arms, delivered by a Mayor, allows the recipient to carry the same, not only within the limits of the Mayor's jurisdiction, but all over the kingdom.

The above Regulations concerning licences for carrying military arms concern more especially the members of the Civic Guard.

A stamp duty of 35 fr. is charged by the Revenue authorities for shooting licences for sporting purposes, valid for a year to date from the 1st of each July, in addition to the 10 fr. levied by the provincial authorities, making in all about 1*l.* 16*s.* 6*d.* for each shooting licence.

These licences are strictly personal, and not transferable.

The above is a summary of the Law as it at present stands with regard to the carrying of fire-arms in this country.

In the spring of 1886, in consequence of the serious riots in the mining districts, the Government introduced several measures for the purpose of obtaining increased powers for repressing crime and maintaining public order, and, amongst the rest, a Bill extending the existing restrictions on the carrying of military weapons to arms of every description, and prohibiting the sale or distribution of arms to any persons unprovided with licences.

I annex copies of the Bill and explanatory statement attached thereto, and of the Report of the Committee of the Lower Chamber, to which the measure was referred.

By Article 1 of the Government Bill the Law of 1876, relating to military weapons, is extended to sporting guns, and to all other arms which the Government should think it advisable to bring under the same restrictions.

By Article 2 the sale of all such arms is forbidden (under pain of from eight days' to six months' imprisonment, and of fines of from 26 fr. to 1,000 fr., or of one of these penalties only) to persons unprovided with licences to carry such arms, exceptions being made in the interest of trade in favour of exported arms, and of persons notoriously engaged in the wholesale purchase of arms.

Article 3 compels gunsmiths to enter in a register all the sales effected by them, mentioning the names and addresses of purchasers, and the date and place of issue of their licences, such registers (Article 4) to be inspected at stated intervals, and held at the disposal of the Communal and Police authorities.

The Committee, to which the Bill was in due course referred, objected to the inclusion of sporting guns within the new restrictions as likely to prove injurious to the home manufacture of such weapons; they urged that Article 1 of the Bill ought to be aimed at the carrying of arms universally recognized as dangerous, such as revolvers and American repeating rifles; and they therefore proposed an amendment to Article 1, whereby all arms, excepting only sporting guns, which the Government shall have assimilated to military weapons, shall be subject to the restrictions of the Law of 1876.

The Committee further suggested that, as an additional precaution against fraud, the purchaser should himself sign the register recording his purchase, and that the licence authorizing him to carry arms should also bear his signature.

Since the presentation of this Report in May 1886 no further action has been taken on the subject in the Chamber: the Government have let nearly three years go by without proceeding with their Bill, which, introduced in a moment of panic, they apparently deem no longer necessary. It would undoubtedly be unpopular at Liège, where the cry would be raised that the Administration were dealing a serious blow at the local manufacture of arms, and for the present, at all events, the matter will probably remain as it stands.

I am informed that even the existing restrictions with regard to the carrying of pocket pistols and other forbidden weapons are very rarely, if ever, enforced, and that no serious effort has as yet been made to check the growing use of cheap revolvers.

(Signed) MARTIN GOSSELIN.

British Legation, Brussels, April 3, 1889.

CHAMBRE DES REPRÉSENTANTS.—SÉANCE DU 16 AVRIL, 1886.

*Port des Armes de Chasse et des Armes de Guerre.**Exposé des Motifs.*

Messieurs,

LA Loi du 26 Mai, 1876, n'interdit le port, sans autorisation, que des armes de guerre. Elle n'atteint pas d'autres armes, qui présentent cependant les mêmes dangers.

D'autre part, l'intérêt de la sûreté publique et de la police judiciaire exige qu'il soit également pris des mesures de contrôle à l'égard de la vente ou débit, tant de ces sortes d'armes que des armes de guerre proprement dites.

Telle est la raison du Projet de Loi que, d'après les ordres du Roi, j'ai l'honneur de soumettre à vos délibérations.

Ce projet ne déroge pas aux dispositions du Code Pénal, concernant les armes prohibées.

L'Article 1^{er} rend la Loi du 26 Mai, 1876, applicable aux fusils de chasse et permet au Gouvernement de l'étendre à d'autres armes qu'il pourrait, vu leur nature, juger utile d'assimiler aux armes de guerre.

L'Article 2, comme garantie nouvelle, porte défense de vendre ou distribuer les armes dont s'occupent la Loi de 1876 et l'Article 1^{er} du Projet, à des personnes non munies de l'autorisation de porter ces armes.

Les réserves que le paragraphe dernier de cet Article renferme ont pour but de sauvegarder autant que possible les intérêts du commerce.

Les obligations professionnelles que l'Article 3 impose aux marchands ne sont que le corollaire de la défense qui leur est faite par l'Article 2. Le registre dont la tenue est prescrite facilitera le service de la police judiciaire dans la recherche des auteurs de crimes ou délits, commis à l'aide des armes pour lesquelles il est disposé.

L'Article 5 rend applicable aux infractions prévues les principes généraux du livre premier du Code Pénal. Il abroge virtuellement l'Article 2 de la Loi du 26 Mai, 1876.

Le Ministre de la Justice,

(Signé) J. DEVOLDER

Projet de Loi.

LÉOPOLD II, Roi des Belges, à tous présents et à venir, salut.

Sur la proposition de notre Ministre de la Justice,

Nous avons arrêté et arrêtons :

Notre Ministre de la Justice est chargé de présenter, en notre nom, aux Chambres Législatives, le Projet de Loi dont la teneur suit :—

Article 1^{er}. Seront régies par les dispositions de la Loi du 26 Mai, 1876, les armes de chasse et toutes autres que le Gouvernement aura assimilées aux armes de guerre.

Le permis de port d'arme délivré en matière de chasse emportera, quant aux armes de chasse et pour le temps de la durée du permis, l'autorisation prévue par la dite Loi.

Art. 2. Il est interdit à toute personne, sous peine d'un emprisonnement de huit jours à six mois et d'une amende de 26 fr. à 1,000 fr. ou de l'une de ces peines seulement, de vendre ou de distribuer les armes de guerre ou des armes qui leur sont assimilées en vertu de l'Article précédent ainsi que des armes de chasse, à des personnes non munies de l'autorisation de porter les dites armes.

La présente disposition ne sera pas applicable aux faits d'exportation non plus qu'aux ventes qui s'effectueront entre personnes exerçant dûment et notoirement le commerce des armes.

Art. 3. Les marchands tiendront registre de toutes les ventes qu'ils auront effectuées en vertu de l'autorisation mentionnée à l'Article précédent.

Ils y mentionneront les noms et domicile de l'acheteur, le fonctionnaire qui aura délivré l'autorisation ainsi que la date de celle-ci.

Les irrégularités graves seront punies des peines fixées par l'Article précédent.

Les énonciations mensongères qui y seraient relevées seront punies des peines comminées par les Articles 210 et 214 du Code Pénal.

Art. 4. Les marchands qui auront manqué à représenter le registre aux époques déterminées par le Gouvernement ou lorsqu'ils en auraient été requis, aux bourgmestres, échevins, officiers ou commissaires de police ou aux agents commis à cet effet, seront punis des peines de l'Article 555 du Code Pénal et, en cas de récidive, des peines de l'Article 558 de ce Code.

Art. 5. Le livre premier du Code Pénal, sans exception du Chapitre VII, des paragraphes 2 et 3 de l'Article 72, du paragraphe 2 de l'Article 70 et de l'Article 83, sera appliqué aux infractions prévues par la présente Loi et par celle du 26 Mai, 1876.

Donné à Laeken, le 15 Avril, 1886.

(Signé) LÉOPOLD.

Par le Roi:
Le Ministre de la Justice,
(Signé) J. DEVOLDER.

(Translation.)

CHAMBER OF REPRESENTATIVES.—SITTING OF THE 16TH APRIL, 1886.

Carrying of Arms for Sporting Purposes and Warlike Arms.

“ Exposé des Motifs. ”

Gentlemen,

THE Law of the 26th May, 1876, interdicts the carrying of warlike arms only. It does not touch other arms, which, however, are equally dangerous.

On the other hand, the interests of public safety and of police supervision require that measures should equally be taken for controlling the sale of these kinds of arms as well as of warlike arms properly so-called.

Such is the object of the Bill, which, by order of the King, I have the honour to submit to your consideration.

This Bill leaves untouched the provisions of the Penal Code, concerning prohibited arms.

Article 1 makes the Law of the 26th May, 1876, applicable to sporting-guns, and empowers the Government to extend it to other arms, which, according to their nature, it may be judged useful to subject to the same regulations as warlike arms.

Article 2 prohibits, as an additional guarantee, the sale or distribution of those arms which are dealt with in the Law of 1876, and Article 1 of the present Bill to any persons not specially authorized to carry them.

The reservations made in the last paragraph of this Article are intended to protect, as much as possible, the interests of commerce.

The trade regulations which are imposed by Article 3 on merchants are merely the corollary to the prohibition contained in Article 2. The compulsory registering will facilitate the working of the police supervision in tracing the authors of crimes or misdemeanours, committed by means of the arms for which the register is kept.

Article 5 applies the general principles of Book I of the Penal Code to the infractions specified. It virtually repeals Article 2 of the Law of 26th May, 1876.

The Minister of Justice,

(Signed) J. DEVOLDER.

Bill.

LÉOPOLD II, King of the Belgians, to all present and to come, greeting.

On the proposal of our Minister of Justice.

We have ordained and ordain:

Our Minister of Justice is charged to present, in our name, to the Legislative Chambers, the Bill of which the following is the tenour:—

Article 1. Sporting-arms, and all others which shall by the Government be classed together with warlike arms, shall be subjected to the provisions of the Law of the 26th May, 1876.

The licence to carry arms granted for sporting purposes shall bear the authorization laid down by the said Law with regard to sporting-arms, and for the time of the duration of the licence.

Art. 2. It is forbidden, under pain of from eight days' to six months' imprisonment, and of a fine of from 26 fr. to 1,000 fr., or of one of these penalties only, to sell or to distribute warlike arms, or arms which are classed together with them by virtue of the preceding Article, or sporting-arms, to persons not licenced to carry the said arms.

The present provision shall not be applicable to exportations or sales effected by persons duly and openly carrying on the trade in arms.

Art. 3. Merchants shall keep a register of all sales which they shall have effected under the licence mentioned in the preceding Article.

They shall mention therein the names and domiciles of the buyer, the functionary who shall have made out the licence, as well as the date of the latter.

Grave irregularities shall be punished by the penalties stated in the preceding Article.

False declarations shall be punished by the penalties fixed in Articles 210 and 214 of the Penal Code.

Art. 4. Merchants who shall have failed to produce the register at the periods fixed by the Government, or when they shall have been required to do so, to the Burgomasters, Sheriff's Officers, or Commissaries of Police, or agents charged with this duty, shall be punished by the penalties of Article 555 of the Penal Code, and, in case of second offence, by the penalties of Article 558 of that Code.

Art. 5. Book I of the Penal Code, including Chapter 7, paragraphs 2 and 3 of Article 72, paragraph 2 of Article 76, and Article 85, shall be applied to the infractions specified by the present Law and that of the 26th May, 1876.

Given at Lacken, the 15th April, 1886.

(Signed) LEOPOLD.

By the King:
The Minister of Justice,
(Signed) J. DEVOLDER.

Inclosure 3 in No. 6.

CHAMBRE DES REPRÉSENTANTS.—SÉANCE DU 16 AVRIL, 1886.

*Port des Armes de Chasse et des Armes de Guerre.**

Rapport fait, au nom de la Section Centrale,† par M. Nothomb.

Messieurs,

LE Projet de Loi que le Gouvernement nous soumet répond à une exigence de sécurité publique que moins que jamais l'on pourrait méconnaître.

A toutes les époques et dans tous les pays, le législateur s'est occupé de la délivrance, de la possession, du port, voire du débit et de la vente des armes à feu et autres qui leur sont assimilées.

Des règles, plus ou moins sévères, ont été fréquemment édictées sur un objet qui se lie intimement au besoin de la protection sociale.

Chez nous, il suffit de rappeler :

La Déclaration du 23 Mars, 1728, sur les armes prohibées, renouvelée par le Décret du 12 Mars, 1806 ;

Le Décret du 23 Décembre, 1805, qui interdit l'usage et le port des fusils et pistolets à vent ;

L'avis du Conseil d'État du 17 Mai, 1811, relatif à la faculté de porter des armes en voyage ;

Les diverses dispositions concernant la délivrance des permis de port d'armes de chasse, notamment :

Le Décret du 4 Mai, 1812 ;

L'Arrêté du 14 Août, 1814 ;

L'Arrêté du 9 Août, 1818 ;

La Loi sur la Chasse du 26 Février, 1846, et celle du 29 Mars, 1873 ;

Les Articles 198 et suivants du Code Pénal ;

* Projet de Loi, No. 150.

† La Section Centrale, présidée par M. de Lantsheere, était composée de MM. Magis, Suoy de Smedt, Nothomb, de Burllet, et Halfants.

Les Articles 316, 317, et 318 du même Code relatifs à la fabrication, la vente, le port des armes prohibées ;

Enfin, la Loi du 26 Mai, 1876, relative aux armes de guerre, &c.

On le voit, la sollicitude des pouvoirs publics n'a jamais perdu cet objet de vue et le Projet de Loi actuel s'en inspire à juste titre.

Aussi toutes vos sections, admettant le principe du projet, en ont reconnu l'opportunité et approuvé le but ; dans deux seulement quelques membres ont fait des réserves quant à la nécessité de présenter une Loi spéciale et surtout d'y comprendre la vente des armes de chasse.

Ces questions se sont ainsi trouvées soumises à la section centrale.

Deux membres ont pensé que cette Loi nouvelle et spéciale n'était pas absolument nécessaire et qu'il suffirait d'établir à une certaine catégorie d'armes, que l'on connaît et qui sont vraiment dangereuses, les dispositions de la Loi du 26 Mai, 1876.

La majorité de la Section Centrale (4 voix contre 2) n'a pas admis cette manière de voir et a décidé qu'il y avait lieu d'édicter des prescriptions particulières et nouvelles. La section centrale a donc successivement examiné les Articles du Projet et voici, pour autant que la brièveté du temps le permet au Rapporteur, le résumé des délibérations :

“ Article 1^{er}. Seront régies par les dispositions de la Loi du 26 Mai, 1876, les armes de chasse et toutes autres que le Gouvernement aura assimilées aux armes de guerre.

“ Le permis de port d'arme délivré en matière de chasse emportera, quant aux armes de chasse et pour le temps de la durée du permis, l'autorisation prévue par la dite Loi.”

On a critiqué la mention des armes de chasse comme inutile, inefficace et de nature surtout à porter préjudice à l'industrie nationale au profit de la concurrence étrangère.

On a fait observer que les dispositions existantes réglementent déjà l'usage et le port de ces armes et que cela paraît suffire ; que ce ne sont pas des armes de ce genre que les gens malintentionnés se procurent généralement et qu'il est à peu près impossible d'empêcher qu'on ne se les procure à l'étranger.

L'objection a été soumise à M. le Ministre de la Justice ; il a vivement insisté sur le maintien, à l'Article 1^{er}, de la mention des armes de chasse ; il y voit le côté le plus important du projet.

Voici dans quels termes l'honorable chef du Département de la Justice a motivé son opinion :

“ La disposition projetée aura donc incontestablement pour effet de restreindre la facilité avec laquelle tout individu, même le plus dangereux, peut aujourd'hui se procurer des armes. La plupart des Parquets voient dans cette trop grande facilité une des causes principales de l'augmentation des crimes et délits, et c'est sur leur proposition que la disposition de l'Article 2 a été introduite.

“ Supprimer cette disposition serait enlever au Projet de Loi la plus grande partie de son importance.”

Néanmoins, la section centrale, délibérant à nouveau, a persisté dans son opinion et propose de retrancher la mention des armes de chasse. L'Article 1^{er} ne devrait donc viser que les armes reconnues vraiment dangereuses, telles que les revolvers, les carabines Américaines à répétition, les fusils qui se démontent et autres qu'un Arrêté du Gouvernement assimilerait aux armes de guerre.

Il importe d'ailleurs de faire remarquer que tout le monde est d'accord pour n'incriminer que le port de certaines armes : la simple détention, la seule possession restant en dehors des prescriptions de la Loi et dès lors licites.

L'Article 1^{er} pourrait donc être conçu comme il suit :

“ Seront régies par les dispositions de la Loi du 26 Mai, 1876, toutes armes, autres que les armes de chasse, que le Gouvernement aura assimilées aux armes de guerre.”

Le § 2 disparaît.

“ Art. 2. Il est interdit à toute personne, sous peine d'un emprisonnement de huit jours à six mois et d'une amende de 26 fr. à 1,000 fr. ou de l'une de ces peines seulement, de vendre ou de distribuer les armes de guerre ou des armes qui leur sont assimilées en vertu de l'Article précédent ainsi que des armes de chasse, à des personnes non munies de l'autorisation de porter les dites armes.

“ La présente disposition ne sera pas applicable aux faits d'exportation non plus qu'aux ventes qui s'effectueront entre personnes exerçant d'habitude et notoirement le commerce des armes.”

En conséquence de ce qui précède il y aurait à intercaler, après les mots “ de vendre ou de distribuer ” ceux-ci, “ à l'exception des armes de chasse.”

Le reste comme au texte.

“ Les marchands tiendront registre de toutes les ventes qu'ils auront effectuées en vertu de l'autorisation mentionnée à l'Article précédent.”

“Ils y mentionneront les noms et domicile de l'acheteur, le fonctionnaire qui aura délivré l'autorisation ainsi que la date de celle-ci.

“Les irrégularités graves seront punies des peines fixées par l'Article précédent.

“Les énonciations mensongères qui y seraient relevées seront punies des peines comminées par les Articles 210 et 214 du Code Pénal.”

La Section Centrale pense que pour surcroît de précaution et afin d'obvier à d'inévitables fraudes, le marchand devrait faire signer sur son registre la personne qui s'est présentée.

Cette signature devrait être exigée aussi sur l'autorisation administrative : c'est un moyen de contrôle de constater l'identité.

Il pourrait arriver que l'autorisation administrative fût refusée ou retirée sans motifs légitimes. Un certain recours contre l'abus doit exister.

On pourrait donc ajouter qu'en cas de refus ou de retrait de l'autorisation le recours au Gouverneur de la province sera ouvert à l'intéressé par application de l'Arrêté Royal du 29 Juin, 1876 (“Bulletin,” 1876, p. 342).

Les Articles 4 et 5 n'ont donné lieu à aucune observation.

En conséquence, la majorité de la Section Centrale vous propose, dans les termes ci-dessus, l'adoption du Projet de Loi.

Le Président,
(Signé) T. DE LANTSHEERE.

Le Rapporteur,
A. NOTHOMB.

(Translation.)

CHAMBER OF REPRESENTATIVES.—SITTING OF THE 16TH APRIL, 1886.

Carrying of Arms for Sporting and Warlike Purposes.

Report drawn up, in the name of the Central Section, by M. Nothomb.

Gentlemen,

THE Bill which the Government is submitting to us answers to a requirement of the public safety which now can be less than ever ignored.

At all times and in all countries legislators have occupied themselves with the question of the issue, possession, carrying—that is to say, the buying and selling—of fire-arms and others which are classed together with them.

Regulations of greater or less severity have been frequently issued with respect to these objects which are intimately connected with the needs of social protection.

In this country it is sufficient to call to mind :

The Declaration of the 23rd March, 1728, on prohibited arms, renewed by the Decree of the 12th March, 1806 ;

The Decree of the 23rd December, 1805, which interdicts the use and carrying of air-guns and pistols ;

The Warning of the Council of State of the 17th May, 1811, relative to the permission to carry arms on a journey ;

The various provisions concerning the issue of licences to carry arms for sporting purposes, namely :

The Decree of the 4th May, 1812 ;

The Order of the 14th August, 1814 ;

The Order of the 9th August, 1818 ;

The Game Law of the 26th February, 1846, and that of the 29th March, 1873 ;

Articles 198 and following of the Penal Code ;

Articles 316, 317, and 318 of the same Code relative to the manufacture, sale, and carrying of prohibited arms ;

Lastly, the Law of the 26th May, 1876, relative to warlike arms, &c.

It will be seen that the public authorities have never lost sight of this question, and the present Bill is inspired by the same solicitude.

All parties, therefore, have accepted the principle of the Bill, have admitted its

expediency, and approved its aim; in two Sections alone some members have made reservations as to the necessity of drawing up a special Law, and more particularly of including the sale of sporting weapons.

These questions have been therefore submitted to the Central Section.

Two members have thought that this new and special Law was not absolutely necessary, and that it would be sufficient to extend the provisions of the Law of the 26th May, 1876, to a certain class of arms which are generally known, and are really dangerous.

The majority of the Central Section (four votes to two) have not admitted this view and have decided that it was necessary to make fresh and special provisions.

The Central Section has, therefore, successively examined the Articles of the Bill, and the following is, as far as the limited time allows the Reporter to explain, the result of the deliberations:—

“Article 1. Arms for sporting purposes and all others which the Government shall have classed together to warlike arms, shall be subjected to the provisions of the Law of the 26th May, 1876.

“The licence to carry arms granted for sporting purposes shall bear the authorization laid down by the said Law with regard to sporting arms and for the time of the duration of the licence.”

The mention of the sporting arms has been criticized as useless, ineffective, and, above all, of a nature to injure the national industry to the advantage of foreign competition.

It has been observed that the existing provisions already regulate the use and carrying of these arms, and that this would appear sufficient; that persons do not generally procure arms of this kind for criminal purposes, and that it is almost impossible to prevent them from procuring them abroad.

This objection has been submitted to the Minister of Justice; he has strongly insisted on retaining the mention of sporting arms in Article 1; and he considers this the most important part in the Bill.

The following are the terms in which the Chief of the Department of Justice has explained the reasons for his opinion:

“The proposed provision will, therefore, undoubtedly have the effect of diminishing the facility with which every person, even the most dangerous, can at present procure arms. Most Tribunals consider this too great facility one of the principal causes of the increase of crimes and misdemeanours, and it is on their proposal that the provision of Article 2 has been introduced.

“To suppress this provision would be to take from the Bill the greater portion of its importance.”

However, the Central Section, on reconsideration, has persisted in its opinion, and proposed to cut out the mention of sporting weapons. Article 1 should, therefore, only deal with arms recognized as dangerous, such as revolvers, American repeating-rifles, guns which take to pieces, and others which an order of the Government may class together with warlike arms.

It should also be remarked that all are agreed that the carrying only of certain arms should be made criminal, the simple keeping or possessing not falling under the provisions of the Law, and therefore remaining legal.

Article 1 might, therefore, be drawn up as follows:—

“All arms, other than arms for sporting purposes, which the Government shall have assimilated to warlike arms, shall be controlled by the provisions of the Law of the 26th May, 1876.”

§ 2 would disappear.

“Art. 2. It is forbidden, under pain of imprisonment of from eight days to six months and a fine of from 25 fr. to 1,000 fr., or of one of these penalties only, to sell or distribute warlike arms or arms which, by virtue of the preceding Article, shall have been classed together with them, or sporting arms, to persons not licensed to carry the said arms.

“The present provision shall not be applicable either to exportations or sales effected by persons duly and openly carrying on the trade in arms.”

In accordance with what precedes, after the words “to sell or to distribute,” the following would have to be inserted, “with the exception of sporting arms.”

The rest stands as in the text.

“Merchants shall keep a register of all sales which they shall have effected under the licence mentioned in the preceding Article.

“They shall mention therein the names and domiciles of the buyer, the functionary who shall have made out the licence as well as the date of the latter.

"Grave irregularities shall be punished by the penalties fixed in the preceding Article.

"False declarations shall be punished by the penalties fixed in Articles 210 and 214 of the Penal Code."

The Central Section consider that, as an additional precaution and in order to meet unavoidable frauds, the merchant should make the person who presents himself sign in his register.

This signature should be also required on the licence, as a means of verifying the identity.

It might happen that the licence is refused, or suspended without legitimate cause. A certain recourse against abuse should exist.

It might therefore be added that, in case of refusal or of withdrawal of the licence, the person interested may refer to the Government of the Province, in accordance with the Royal Order of the 29th June, 1876 ("Bulletin," 1876, p. 342).

Articles 4 and 5 have not given rise to any observations.

The majority of the Central Section therefore propose to you, in the above terms, the adoption of the Bill.

The President,
(Signed) T. DE LANTSHEERE.
The Reporter,
A. NOTHOMB.

DENMARK.

No. 7.

Mr. MacDonell to the Marquis of Salisbury.—(Received July 12.)

(Extract.)

Copenhagen, July 10, 1889.

WITH reference to your Lordship's Circular despatch No. 5 of the 16th March last, I have the honour to inclose herewith a copy of a note which has reached me this day from the Danish Ministry of Foreign Affairs on the subject of the Law in force in Denmark with regard to the carrying of fire-arms by private persons in populous places.

I have, &c.
(Signed) H. MACDONELL.

Inclosure in No. 7.

Baron Rosenörn-Lehn to Mr. MacDonell.

M. le Ministre,

Copenhagen, le 9 Juillet, 1889.

PAR votre note du 26 Mars dernier, vous m'avez demandé des renseignements sur les Lois en vigueur en Danemark relativement à la permission de porter des armes à feu dans les endroits peuplés.

J'ai l'honneur de vous informer en réponse que la seule Ordonnance qui existe dans la Législation Danoise relativement à cette question, se trouve dans l'Article 12 du Règlement de Police de la ville de Copenhague du 22 Juin, 1883, qui est ainsi conçu :—

"Les faux, les fourches, les armes à feu et autres objets analogues qui peuvent facilement causer des accidents, ne doivent être portés dans les rues que sur la chaussée et de manière qu'un accident ne soit pas à craindre."

Un Article identique se trouve dans les Règlements de Police de plusieurs villes du Royaume.

Je saisis, &c.
(Signé) ROSENÖRN-LEHN.

(Translation.)

M. le Ministre,

Copenhagen, July 9, 1889.

IN your note of the 26th March last you asked for information as to the laws in force in Denmark respecting the carrying of fire-arms in populous places.

I have the honour to state to you, in reply, that the only Regulation existing in the Danish legislation on this subject is to be found in Article 12 of the Police Regulations of the City of Copenhagen, of the 22nd June, 1883, which says:—

“Scythes, pitchforks, fire-arms, and other similar objects which may easily lead to accidents, are not to be carried in the streets except on the high roads, and in such a manner that no accident is to be apprehended.”

An identical Article is to be found in the Police Regulations of several cities of the kingdom.

I have, &c.
(Signed) ROSENÖRN-LEHN.

DUCHY OF BADEN.

No. 8.

Mr. Jocelyn to the Marquis of Salisbury.—(Received April 8.)

My Lord,

Karlsruhe, April 4, 1889.

IN reply to your Lordship's Circular despatch of the 18th ultimo with regard to the Laws in force in this Grand Duchy as to carrying fire-arms by private persons in populous places, I have the honour to forward herewith the translation of a Memorandum which has reached Her Majesty's Legation from the Baden Government on the subject.

I have, &c.
(Signed) NASSAU JOCELYN.

Inclosure in No. 8.

Memorandum.

(Translation.)

EVERY one is authorized to possess and carry arms, subject to the following exceptions:—

The higher police authorities—Ministry of Interior—is, however, empowered to forbid, on the grounds of public security and order, the possession of arms.

He who, in the face of such a prohibition—which at present is not in force—is found in the possession of arms, and who has on his premises cannon or guns used in war, without having previously obtained permission from the necessary authorities to keep the same, is liable to a fine of 150 marks, or to imprisonment during four weeks. In these cases the arms in question will be handed over to the police authorities during the period of prohibition, while in the case of cannon these will be entirely confiscated.

Further, a fine of 100 marks or four weeks' imprisonment will be inflicted on carrying arms, when a prohibition to do so has been issued in any particular cases on grounds of public security.

Other legal provisions regarding the possession and carrying of arms will be found in section 360 of the Imperial Penal Code.

In virtue of these, a penalty of 150 marks, or six weeks' imprisonment, is inflicted upon any one who secretly, or without the consent of the authorities, collects any quantity of arms or ammunition; and likewise upon him who, without the permission of the police, sets spring guns, man traps, or such instruments, or shoots with fire-arms in places which are inhabited or frequented by the public; and, lastly, upon him who, in contravention of police regulation, offers for sale, or carries with him, weapons of offence, such as swords, daggers, or fire-arms which are concealed in sticks or tubes. Such a prohibition is, however, at present not in force.

The Law respecting public meetings and the right of assemblies of the 21st November, 1867, contains the following section 8:—

“No participator in a public meeting is permitted to carry arms. The distribution of arms in a popular meeting is prohibited.

“He who promotes an armed popular assembly, or who takes part in one being

armed, or distributes arms in such an assembly, is to be punished by imprisonment for at least six weeks.

"In virtue of section 28 of the Imperial Law No. 4, against the public danger of social democracy of the 21st October, 1878, the central authorities of the States of the Empire are authorized, with the consent of the Federal Council, to prohibit the possession, the bearing, and the sale of weapons, in such districts as may be threatened by socialistic, communistic, or by social democratic movements which might be fraught with danger to the security of the public.

"This measure may be either entirely prohibitive, or may place restrictions in the way of the sale and possession of arms."

DUCHY OF COBURG.

No. 9.

Mr. Milbanke to the Marquis of Salisbury.—(Received March 28.)

My Lord,

Coburg, March 26, 1889.

IN reply to your Lordship's Circular despatch of the 16th instant, I have the honour to state that I have just been informed by the Minister of State at Gotha that the carrying of "concealed" arms is forbidden in the Duchy of Coburg by an Ordinance issued in the year 1838. Beyond this there are, however, no special Regulations in the Duchies of Coburg and Gotha relative to the carrying of fire-arms by private persons in populous places other than those contained in the Imperial German Penal Code.

I have, &c.

(Signed) RALPH MILBANKE.

FRANCE.

No. 10.

The Earl of Lytton to the Marquis of Salisbury.—(Received April 1.)

My Lord,

Paris, March 30, 1889.

WITH reference to your Circular despatch of the 16th instant, I have the honour to transmit herewith to your Lordship a Memorandum on the subject of the Laws in force in France with regard to the carrying of fire-arms by private persons.

I have, &c.

(Signed) LYTTON.

Inclosure 1 in No. 10.

Memorandum.

THE Laws and Regulations in force in France with regard to the carrying of fire-arms by private persons in town and country alike are the following:—

1. A Royal Declaration of the 23rd March, 1728 (revived by an Imperial Decree of the 12th March, 1806), forbidding the carrying and employment of pocket pistols, sword-sticks, and daggers of various kinds, and other "hidden and secret arms of offence" (copy annexed).

2. A Decree of the 2nd Nivose, year XIV (23rd December, 1805), prohibiting air-guns and pistols (copy annexed).

3. A Law of the 24th May, 1834, for the punishment of persons carrying arms prohibited by law or by administrative Regulations (copy annexed).

4. A Royal Ordinance of the 23rd February, 1837, prohibiting pocket pistols (copy annexed).

It was held by the Court of Uzès on the 10th January, 1884, that a pistol 31 centim. (1 ft. 2 in.) long is not included in the category of prohibited arms.

5. A joint decision taken on the 29th June, 1858, by the Departments of War, Finance, and the Interior, prohibiting, as pocket-pistols, revolvers of a bore less than 150 millim. ($\frac{3}{8}$ ths of an inch).

The Prefects of the Departments of France were reminded of the state of the law on this subject by a Circular from the Minister of the Interior dated the 14th April, 1859 (copy annexed).

By a Law of the 14th August, 1885, the manufacture and sale of arms of all kinds (except the regulation arms of the army and navy) was made free, and various Tribunals at first interpreted this Law as implying equal freedom in the carrying of arms. It has, however, been held on appeal, notably by the Court of Appeal of Paris in a Judgment of the 22nd June, 1886, and by the Court of Appeal of Nîmes in a Judgment of the 23rd October, 1886, that the Law of 1885 was framed to encourage a branch of national industry; that the freedom of the manufacture and sale of arms (the possession of which is sanctioned *in principle* by the law of the land) is quite consistent with the prohibition of the carrying of certain arms as a measure of police and public safety; and that the Laws and Regulations on the subject anterior to the Law of 1885 are, therefore, to be considered as still in force.

(Signed) M. DE BUNSEN.

Paris, March 30, 1889.

Inclosure 2 in No. 10.

(No. 300).—*Décret Impérial qui ordonne l'Exécution de la Déclaration du 23 Mars, 1728, concernant le Port d'Armes.*

Au Palais des Tuileries, le 12 Mars, 1806.

NAPOLÉON, Empereur des Français, Roi d'Italie ;
Sur le rapport de notre Grand-Juge, Ministre de la Justice,

Nous avons décrété et décrétons ce qui suit :—

Article 1^{er}. La Déclaration du 23 Mars, 1728, concernant le port d'armes, sera imprimée à la suite du présent Décret, et exécutée conformément à notre Décret Impérial du 2 Nivose dernier.

Art. 2. Notre Grand-Juge Ministre de la Justice est chargé de l'exécution du présent Décret.

(Signé) NAPOLÉON.

Par l'Empereur :

Le Secrétaire d'État,
(Signé) HUGUES B. MARET.

Déclaration du Roi concernant le Port des Armes, donnée à Versailles le 23 Mars, 1728, enregistrée en Parlement le 20 Avril suivant.

Louis, par la grâce de Dieu, Roi de France et de Navarre ; à tous ceux qui ces présentes lettres verront, salut. Les différents accidents qui sont arrivés de l'usage et du port des couteaux en forme de poignards, des baïonnettes et pistolets de poche, ont donné lieu à différents Règlements, et notamment à la Déclaration du 18 Décembre, 1660, et à l'Édit du mois de Décembre 1666 ; néanmoins, quelque expresses que soient les défenses à cet égard, l'usage et le port de ces sortes d'armes paraît se renouveler ; et comme il importe à la sûreté publique que les anciens Règlements qui concernent cet abus soient exactement observés, nous avons cru devoir les remettre en vigueur. A ces causes, nous avons dit et déclaré, disons et déclarons par ces présentes signées de notre main, voulons et nous plaît que la Déclaration du 18 Décembre, 1660, au sujet de la fabrique et port d'armes, soit exécutée selon sa forme et teneur ; ordonnons en conséquence, qu'à l'avenir toute fabrique, commerce, vente, débit, achat, port, et usage des poignards, couteaux en forme de poignards, soit de poche, soit de fusil, baïonnettes, pistolets de poche, épées en bâtons, bâtons à ferments, autres que ceux qui sont ferrés par le bout, et autres armes offensives cachées et secrètes, soient et demeurent pour toujours généralement abolis et défendus : enjoignons à tous couteliers, fourbisseurs, armuriers et marchands, de les

rompre et briser incessamment après l'enregistrement des présentes, si mieux ils n'aiment faire rompre et arrondir la pointe des couteaux, en sorte qu'il n'en puisse arriver d'inconvénients; à peine contre les armuriers, couteliers, fourbisseurs et marchands trouvés en contravention, de confiscation pour la première fois, d'amende de 100 livres, et interdiction de leur maîtrise pour un an, et de privation d'icelle en cas de récidive, même de peine corporelle s'il y échet; et contre les garçons qui travailleraient en chambre, d'être fustigés et flétris pour la première fois; et pour la seconde, d'être condamnés aux galères: et à l'égard de ceux qui porteront sur eux les dits couteaux, baïonnettes, pistolets et autres armes offensives cachées et secrètes, ils seront condamnés en six mois de prison, et en 500 livres d'amende.

N'entendons néanmoins comprendre en ces présentes défenses, les baïonnettes à ressort qui se mettent au bout des armes à feu pour l'usage de la guerre; à condition que les ouvriers qui les fabriqueront, seront tenus d'en faire déclaration au Juge de Police du lieu, et sans qu'ils puissent les vendre ni débiter qu'aux officiers de nos troupes, qui leur en délivreront certificat, dont les dits ouvriers tiendront registre paraphé par nos dits Juges de Police. Si donnons en mandement à nos amés et féaux Conseillers, les gens tenant notre Cour de Parlement à Paris, à tous autres nos officiers et justiciers qu'il appartiendra, que ces présentes ils aient à faire lire, publier et registrer, et le contenu en icelles garder et exécuter selon sa forme et teneur: car tel est notre plaisir.

En témoin de quoi nous avons fait mettre notre scel à ces dites présentes.

Donné à Versailles, le 23^e jour ds Mars, l'an de grâce 1728, et de notre règne le treizième.

(Signé) LOUIS.

Et plus bas, par le Roi,

(Signé) PHELIPPEAUX.

Et scellé du grand sceau de cire jaune.

(Translation.)

(No. 300.)—*Imperial Decree ordering the Execution of the Declaration of the 23rd March, 1728, respecting the carrying of Arms.*

At the Palace of the Tuileries, March 12, 1806.

Napoleon, Emperor of the French, King of Italy;
On the Report of our Chief Justice, Minister of Justice;

We have decreed and decree as follows:—

Article 1. The Declaration of the 23rd March, 1728, respecting the carrying of arms, shall be printed as an annex to the present Decree, and carried out in conformity with our Imperial Decree of the 2nd Nivose last.

Art. 2. Our Chief Justice, Minister of Justice, is charged with the execution of the present Decree.

(Signed) NAPOLEON.

By the Emperor,

The Secretary of State,

(Signed) HUGUES B. MARET.

Royal Declaration concerning the carrying of Arms, given at Versailles the 23rd March, 1728, registered in Parliament the 20th April following.

Louis, by the grace of God, King of France and Navarre; to all those who shall see these presents, greeting. The various accidents which have happened from using and carrying knives in the form of daggers, bayonets, and pocket-pistols have caused several Regulations to be made, notably the Declaration of the 18th December, 1660, and the Edict of December 1666; nevertheless, strict as are the prohibitions in this respect, the using and carrying of these kind of arms appears to be coming into practice again; and as it is necessary for public safety that the old Regulations concerning this abuse should be scrupulously observed, we have thought it proper to put them into force again. Therefore, we have said and declared, do say and declare, by these presents, signed by our hand, it is our will and pleasure that the Declaration of the 18th December, 1660, with

respect to manufacture and carrying of arms shall be executed according to its form and tenour. We decree, in consequence, that in future the manufacture, trade, sale in retail or detail, purchase, carrying, and using of daggers, knives in form of daggers, whether pocket-knives or knives attached to guns, bayonets, pocket-pistols, sword-sticks, loaded canes, with the exception of those which are merely bound with iron at the end, and other weapons of offence, concealed and secret, are, and shall always remain, generally abolished and prohibited: we enjoin on all cutlers, furbishers, gun-smiths, and merchants to break up the same directly after the registration of these presents, unless they prefer to break and round off the points of the knives in a manner to prevent their causing any bodily harm; all gun-smiths, cutlers, furbishers, and merchants found guilty of contravention shall be punished, for the first offence by a fine of 100 livres, and by the withdrawal of their trade licence for one year, and if the offence be repeated, by an absolute withdrawal of the same, and even with corporal punishment in certain cases; the workmen shall be birched and branded for the first offence, and shall be condemned to the galleys for the second; while all those who shall carry on their persons the said knives, bayonets, pistols, and other weapons of offence, concealed and secret, shall be condemned to six months' imprisonment and be fined 500 livres.

We do not mean, however, to include in the present prohibition bayonets which are attached to fire-arms for use in war, on the understanding that the workmen engaged in their manufacture shall be bound to make a declaration of the fact to the Police Magistrate of the district, and that they shall only sell and dispose of them to the officers of our troops, who shall give them a certificate for them, of which the said workmen shall keep a register stamped by the said Police Magistrates. We command our well-beloved and trusty Councillors, those who hold our Parliament Court at Paris, and all our officers and Justices whom it may concern to cause these presents to be read, published, and registered, and their provisions to be respected and executed; for such is our pleasure.

In witness whereof we have caused our seal to be attached to these presents.

Given at Versailles, this 23rd day of March, in the year of Grace 1728, and in the thirteenth of our reign.

(Signed) LOUIS.

And lower down, by the King,

(Signed) PHELIPPEAUX.

And sealed with the Great Seal of Yellow Wax.

Inclosure 3 in No. 10.

(No. 269.)—*Décret Impérial qui interdit l'Usage et le Port des Fusils et Pistolets à vent.*

Au Palais de Schoenbrunn, le 2 Nivose, an XIV.

NAPOLÉON, Empereur des Français, Roi d'Italie;

Sur le rapport de notre Ministre de la Guerre;

Notre Conseil d'État entendu,

Nous avons décrété et décrétons ce qui suit:—

Article 1^{er}. Les fusils et pistolets à vent sont déclarés compris dans les armes offensives, dangereuses, cachées et secrètes, dont la fabrication, l'usage, et le port sont interdits par les lois.

Art. 2. Toute personne qui, à dater de la publication du présent Décret, sera trouvée porteur des dites armes, sera poursuivie et traduite devant les Tribunaux de Police Correctionnelle, pour y être jugée et condamnée conformément à la Loi du 23 Mars, 1728.

Art. 3. Nos Ministres sont chargés, chacun en ce qui le concerne, de l'exécution du présent Décret.

(Signé) NAPOLÉON.

Par l'Empereur:

Le Secrétaire d'État,

(Signé) HUGUES B. MARET.

(Translation.)

(No. 269.)—*Imperial Decree prohibiting the use and carrying of Air-guns and Air-pistols.*

At the Palace of Schoenbrunn, the 2nd Nivose, year XIV.

NAPOLEON, Emperor of the French, King of Italy ;
 On the report of our Minister for War ;
 With the consent of our Council of State ;

We have decreed and decree as follows :

Article 1. Air-guns and air-pistols are herewith included in offensive dangerous arms, hidden and secret, and the manufacture, using, and carrying of them is forbidden by law.

Art. 2. Any person who from the date of publication of this Decree shall be found carrying the said arms shall be prosecuted and brought up before a Police Magistrate to be tried and sentenced according to the Law of the 23rd March, 1723.

Art. 3. Our Ministers are charged each, as far as they are concerned, to execute the present Decree.

(Signed) NAPOLEON.

By the Emperor,
 The Secretary of State,
 (Signed) HUGUES B. MARET.

 Inclosure 4 in No. 10.
(No. 277.)—*Loi sur les Détenteurs d'Armes ou de Munitions de Guerre.*

A Paris, le 24 Mai, 1834.

LOUIS-PHILIPPE, Roi des Français, à tous présents et à venir, salut.

Nous avons proposé, les Chambres ont adopté, nous avons ordonné et ordonnons ce qui suit :—

Article 1^{er}. Tout individu qui aura fabriqué, débité, ou distribué des armes prohibées par la loi ou par des Règlements d'Administration Publique, sera puni d'un emprisonnement d'un mois à un an, et d'une amende de 16 fr. à 500 fr.

Celui qui sera porteur des dites armes sera puni d'un emprisonnement de six jours à six mois, et d'une amende de 16 fr. à 200 fr.

Art. 2. Tout individu qui, sans y être légalement autorisé, aura fabriqué, débité, ou distribué de la poudre, ou sera détenteur d'une quantité quelconque de poudre de guerre, ou de plus de 2 kilog. de toute autre poudre, sera puni d'un emprisonnement d'un mois à deux ans, sans préjudice des autres peines portées par les lois.

Art. 3. Tout individu qui, sans y être légalement autorisé, aura fabriqué ou confectionné, débité, ou distribué des armes de guerre, des cartouches, et autres munitions de guerre, ou sera détenteur d'armes de guerre, cartouches, ou munitions de guerre, ou d'un dépôt d'armes quelconques, sera puni d'un emprisonnement d'un mois à deux ans, et d'une amende de 16 fr. à 1,000 fr.

La présente disposition n'est point applicable aux professions d'armurier et de fabricant d'armes de commerce, lesquelles resteront seulement assujetties aux Lois et Règlements particuliers qui les concernent.

Art. 4. Les infractions prévues par les Articles précédents seront jugées par les Tribunaux de Police Correctionnelle.

Les armes et munitions fabriquées, débitées, distribuées, ou possédées sans autorisation seront confisquées.

Les condamnés pourront, en outre, être placés sous la surveillance de la haute police pendant un temps qui ne pourra excéder deux ans.

En cas de récidive, les peines pourront être élevées jusqu'au double.

Art. 5. Seront punis de la détention les individus qui, dans un mouvement insurrectionnel, auront porté soit des armes apparentes ou cachées, ou des munitions, soit un uniforme ou costume, ou autres insignes civils ou militaires.

Si les individus porteurs d'armes apparentes ou cachées, ou de munitions, étaient revêtus d'un uniforme, d'un costume, ou d'autres insignes civils ou militaires, ils seront punis de la déportation.

Les individus qui auront fait usage de leurs armes seront punis de mort.

Art. 6. Seront punis des travaux forcés à temps les individus qui, dans un mouvement insurrectionnel, se seront emparés d'armes ou de munitions de toutes espèces, soit à l'aide de violences ou de menaces, soit par le pillage de boutiques, postes, magasins, arsenaux, et autres établissements publics, soit par le désarmement des agents de la force publique; chacun des coupables sera, de plus, condamné à une amende de 200 fr. à 5,000 fr.

Art. 7. Seront punis de la même peine les individus qui, dans un mouvement insurrectionnel, auront envahi, à l'aide de violences ou menaces, une maison habitée ou servant à l'habitation.

Art. 8. Seront punis de la détention les individus qui, dans un mouvement insurrectionnel, auront, pour faire attaque ou résistance envers la force publique, envahi ou occupé des édifices, postes et autres établissements publics.

La peine sera la même à l'égard de ceux qui, dans le même but, auront occupé une maison habitée ou non habitée, avec le consentement du propriétaire ou du locataire, et à l'égard du propriétaire ou du locataire qui, connaissant le but des insurgés, leur aura procuré sans contrainte l'entrée de la dite maison.

Art. 9. Seront punis de la détention les individus qui, dans un mouvement insurrectionnel, auront fait ou aidé à faire des barricades, des retranchements, ou tous autres travaux ayant pour objet d'entraver ou d'arrêter l'exercice de la force publique;

Ceux qui auront empêché, à l'aide de violences ou de menaces, la convocation ou la réunion de la force publique, ou qui auront provoqué ou facilité le rassemblement des insurgés, soit par la distribution d'Ordres ou de Proclamations, soit par le port de drapeau, ou autres signes de ralliement, soit par tout autre moyen d'appel;

Ceux qui auront brisé ou détruit un ou plusieurs télégraphes, ou qui auront envahi, à l'aide de violences ou de menaces, un ou plusieurs postes télégraphiques, ou qui auront intercepté, par tout autre moyen, avec violences ou menaces, les communications ou la correspondance entre les divers dépositaires de l'autorité publique.

Art. 10. Les peines portées par la présente Loi seront prononcées sans préjudice de celles que les coupables auraient pu encourir comme auteurs ou complices de tous autres crimes. Dans le cas du concours de deux peines, la plus grave seule sera appliquée.

Art. 11. Dans tous les cas prévus par la présente Loi, s'il existe des circonstances atténuantes, il sera fait application de l'Article 463 du Code Pénal.

Néanmoins, les condamnés pourront toujours être placés sous la surveillance de la haute police, pendant un temps qui ne pourra excéder le maximum de la durée de l'emprisonnement prononcé par la loi.

La présente Loi, disputée, délibérée, et adoptée par la Chambre des Pairs, et par celle des Députés, et sanctionnée par nous aujourd'hui, sera exécutée comme Loi de l'État.

Donnons en mandement à nos Cours et Tribunaux, Préfets, Corps Administratifs, et tous autres, que les présentes ils gardent et maintiennent, fassent garder, observer et maintenir, et pour les rendre plus notoires à tous, ils les fassent publier et enregistrer partout où besoin sera; et, afin que ce soit chose ferme et stable à toujours, nous y avons fait mettre notre sceau.

Fait à Paris, le 24 Mai, 1834.

(Signé) LOUIS-PHILIPPE.

Par le Roi :

Le Garde des Sceaux de France, Ministre Secrétaire
d'État au Département de la Justice et des Cultes,
(Signé) C. PERSIL.

Vu et scellé du grand sceau :

Le Garde des Sceaux de France, Ministre Secrétaire
d'État au Département de la Justice et des Cultes,
(Signé) C. PERSIL.

(Translation.)

(No. 277.)—*Law concerning Retainers of Arms and Ammunitions of War.*

At Paris, May 24, 1834.

LOUIS-PHILIPPE, King of the French, to all present and to come, greeting.

We have proposed, the Chambers have adopted, we have ordered, and order as follows:—

Article 1. Any individual who has manufactured, sold, or distributed arms prohibited

by Law or Regulations of Public Administration shall be punished with imprisonment for from one month to one year, and by a fine of from 16 fr. to 500 fr.

Any one carrying the said arms shall be punished with imprisonment for from six days to six months, and with a fine of from 16 fr. to 200 fr.

Art. 2. Any person who, without having legal permission, shall have manufactured, sold, or distributed gunpowder, or shall retain in his possession any quantity of gunpowder for military purposes, or more than 2 kilog. of any other kind of gunpowder, shall be punished with imprisonment for from one month to two years, independent of any other penalties fixed by law.

Art. 3. Any person who, without legal permission, shall have made or manufactured, sold, or distributed military arms, cartridges, and other ammunition, or shall have in his possession military arms, cartridges, or ammunition, or a store of any arms whatsoever, shall be punished with imprisonment for not less than one month, and not exceeding two years, and by a fine of from 16 fr. to 1,000 fr.

This provision shall not apply to the gun-making trade and the wholesale manufacture of arms, which shall continue subject to the special Laws and Regulations which apply to them.

Art. 4. Infractions of the foregoing Articles shall be dealt with by the Correctional Police Tribunals.

Arms and ammunition manufactured, sold, distributed, or held in possession without licence shall be confiscated.

Convicted persons may further be placed under police supervision for a period not exceeding two years.

In case of second conviction, the penalties may be doubled.

Art. 5. Persons who shall, during an insurrection, have carried arms openly or clandestinely, or ammunition, or who shall wear a uniform, costume, or other civil or military insignia, shall be punished with arrest.

If the persons carrying arms openly or clandestinely, or ammunition, shall have been wearing a uniform, costume, or other civil or military insignia, they shall be punished with transportation.

Persons who shall have made use of their arms shall be punished with death.

Art. 6. All persons who, during an insurrection, shall have gained possession of arms or ammunition of any kind, either by violence or menaces or by the pillage of shops, stations, warehouses, arsenals, and other public establishments, or by the disarming of police constables, shall be punished with penal servitude for a fixed period. Each culprit shall, moreover, be sentenced to a fine of from 200 fr. to 5,000 fr.

Art. 7. Persons who, during an insurrection shall have entered, by violence or menaces, an inhabited house or any house used as a dwelling-house, shall be punished with the same penalties.

Art. 8. All persons who, during an insurrection, in order to attack or offer resistance to the public force, shall have entered or occupied public buildings, stations, or other establishments, shall be punished with arrest.

The same penalty shall be inflicted on those who, with the same intentions, shall have occupied an inhabited or uninhabited house, with the consent of the owner or tenant; and on the owner or tenant who, knowing the object of the insurgents, shall have allowed them to enter the said house unrestrained.

Art. 9. All persons who, during an insurrection, shall have erected, or helped to erect, barricades, entrenchments, or any other works destined to obstruct, or hinder, or prevent the police in the exercise of their duty;

All persons who shall have prevented the summoning or marshalling of the public forces, by means of violence or threats, or who shall have incited to, or facilitated the assembly of the insurgents, either by distributing bills or Proclamations, or by carrying a flag or other signal for rally, or by any other means;

All persons who shall have broken or destroyed one or more telegraph-wires, or shall have entered, by means of violence or menaces, one or more telegraph-offices, or shall have intercepted by any other means, with violence or menaces, the communications or correspondence between the various Government offices, shall be punished with arrest.

Art. 10. The penalties enacted by the present Law shall be inflicted independently of such penalties as a misdemeanant may have incurred as author or accomplice of any other crime. In the case of any person incurring two penalties, the heavier one alone shall be inflicted.

Art. 11. In all cases mentioned by the present Law, if extenuating circumstances exist, Article 463 of the Penal Code shall be applied.

Nevertheless, convicted persons may be placed under police supervision for a period not exceeding the maximum period of imprisonment decreed by the law.

This present Law, which has been debated upon, discussed, and adopted by the Chamber of Peers and the Chamber of Deputies, and sanctioned by us to-day, shall be carried out as a law of the land.

We commend our Courts, Tribunals, Prefects, Administrative bodies, and all others, that they observe and maintain these presents, cause to be kept, observed, and maintained, and in order to make them better known to all, publish and register them wherever necessary; and in order that it may be firm and stable for ever, we have caused our seal to be affixed thereto.

Done at Paris, the 24th May, 1834.

(Signed) LOUIS-PHILIPPE.

By the King:

The Keeper of the Seals of France, Minister Secretary
of State in the Department of Justice and Worship,
(Signed) C. PERSIL.

Seen and sealed with the Great Seal:

The Keeper of the Seals of France, Minister Secretary
in the Department of Justice and Worship,
(Signed) C. PERSIL.

Inclosure 5 in No. 10.

(No. 6721.)—*Ordonnance du Roi portant Prohibition des Pistolets de Poche.*

A Paris, le 23 Février, 1837.

LOUIS-PHILIPPE, Roi des Français, à tous présents et à venir, salut.

Vu l'Article 314 du Code Pénal, portant:

“Tout individu qui aura fabriqué ou débité des stylets, tromblons ou quelque espèce que ce soit d'armes prohibées par la loi ou par des Règlements d'Administration Publique, sera puni d'un emprisonnement de six jours à six mois.

“Celui qui sera porteur des dites armes sera puni d'une amende de 16 fr. à 200 fr.

“Dans l'un et l'autre cas, les armes seront confisquées.

“Le tout sans préjudice de plus forte peine, s'il y échet, en cas de complicité de crime;”

Vu l'Article 1^{er} de la Loi du 24 Mai, 1834, ainsi conçu:

“Tout individu qui aura fabriqué, débité, ou distribué des armes prohibées par la loi ou par des Règlements d'Administration Publique, sera puni d'un emprisonnement d'un mois à un an, et d'une amende de 16 fr. à 500 fr.

“Celui qui sera porteur des dites armes sera puni d'un emprisonnement de six jours à six mois, et d'une amende de 16 fr. à 200 fr.”

Vu la Déclaration du Roi en date du 23 Mars, 1728, enregistrée le 20 Avril suivant, portant prohibition générale de la fabrication, de la vente, du port, et de l'usage des armes cachées et secrètes, et notamment des pistolets de poche;

Vu le Décret du 12 Mars, 1806, prescrivant la publication et l'exécution de cette Déclaration;

Sur le rapport de notre Garde des Sceaux, Ministre Secrétaire d'État au Département de la Justice et des Cultes;

Notre Conseil d'État entendu,

Nous avons ordonné et ordonnons ce qui suit:—

Article 1^{er}. Les pistolets de poche sont prohibés.

Art. 2. Notre Garde des Sceaux, Ministre Secrétaire d'État au Département de la Justice et des Cultes, est chargé de l'exécution de la présente Ordonnance, qui sera insérée au Bulletin des Lois.

(Signé) LOUIS-PHILIPPE.

Par le Roi:

Le Garde des Sceaux de France, Ministre Secrétaire
d'État au Département de la Justice et des Cultes,
(Signé) C. PERSIL.

(Translation.)

(No. 6721.)—*Ordinance of the King Prohibiting the carrying of Pocket-pistols.*

At Paris, February 23, 1837.

LOUIS-PHILIPPE, King of the French;

To all present and to come, greeting;

Whereas Article 314 of the Penal Code enacts:

“Every individual who shall have manufactured or sold stilettoes, swivels, or whatever kind of arms the carrying of which is prohibited by law or by the Regulations of Public Administration, shall be punished by imprisonment for from six days to six months.

“The bearer of such arms shall be liable to a fine of from 16 fr. to 200 fr.

“In either case the arms shall be confiscated.

“All this without prejudice to a severer penalty, if necessary, in case of complicity with crime;”

Whereas Article 1 of the Law of the 14th May, 1834, says:—

“Every person who shall have manufactured, sold, or distributed arms prohibited by Law or the Regulations of Public Administration shall be punished with imprisonment for from one month to one year, and a fine of from 16 fr. to 500 fr.;

“The bearer of such arms shall be punished by imprisonment for from six days to one year, and a fine of from 16 fr. to 500 fr.;

Whereas the Declaration of the King, dated the 23rd March, 1728, registered on the following 20th April, prohibits altogether the manufacture, sale, carrying, and use of concealed and secret arms, and principally of pocket-pistols;

Whereas the Decree of the 12th March, 1806, orders the publication and execution of this Declaration;

On the Report of our Keeper of the Seals, Minister Secretary of State for the Department of Justice and Public Worship;

With the consent of the Council of State,

We have ordered and do order what follows:

Article 1. Pocket-pistols are prohibited.

Art. 2. Our Keeper of the Seals, Minister Secretary of State for the Department of Justice and Public Worship, is charged with the execution of the present Ordinance, which shall be inserted in the “Law Gazette.”

(Signed) LOUIS-PHILIPPE.

By the King:

The Keeper of the Seals of France, Minister Secretary of State

for the Department of Justice and Public Worship,

(Signed) C. PERSIL.

Inclosure 6 in No. 10.

CIRCULAIRE.

Division de la Sûreté Publique.—1^{er} Bureau.*Armes Secrètes.*

Paris, le 14 Avril, 1859.

M. le Préfet,

LA Déclaration du Roi du 23 Mars, 1728, remise en vigueur par le Décret Impérial du 12 Mars, 1806, défend toute fabrique, commerce, vente, débit, achat, port et usage de poignards, stylets, tromblons, couteaux en forme de poignards, pistolets de poche, épées en bâtons, bâtons à ferrement autres que ceux qui sont ferrés par le bout et autres armes offensives, cachées et secrètes. Le Décret du 2 Nivose, an XIV, interdit les fusils et pistolets à vent. La Loi du 24 Mai, 1834, établit une pénalité contre les fabricants, débitants, distributeurs, détenteurs, porteurs d'armes prohibées par la Loi ou par des Règlements d'Administration Publique. L'Ordonnance Royale du 23 Février, 1837, a édicté la prohibition des pistolets de poche. Enfin, d'après une décision prise le 29 Juin, 1858, de concert entre les Départements de la Guerre, des Finances, et de l'Intérieur, les revolvers, au-dessous de 150 millim., doivent être à l'avenir interdits.

Il m'a paru utile de rappeler ces dispositions éparses qui, jusqu'à présent, n'ont pas

été comprises également partout, et de prendre des mesures pour en assurer la salubre et uniforme application.

Vous devez, en conséquence, M. le Préfet, donner des ordres pour faire disparaître des étalages les armes prohibées de toute espèce et pour en interdire la vente.

Vous préviendrez les personnes qui en font le commerce que, dans le cas où elles ne se conformeraient pas, dans le délai d'un mois, à l'injonction qui leur est faite, elles seraient poursuivies conformément à la Loi.

Il n'est rien innové, du reste, en ce qui concerne la tolérance, admise à l'égard de la fabrication et du transit des armes secrètes destinées à l'exportation; les présentes instructions concernent seulement l'étalage et la vente, dans les Départements de l'Empire, des armes prohibées.

Recevez, &c.
Le Ministre de l'Intérieur,
(Signé) DELANGLE.

(Translation.)

CIRCULAR.

Division of Public Safety.—1st Bureau.

Secret Arms.

M. le Préfet,

Paris, April 14, 1859.

THE King's Declaration of the 23rd March, 1728, re-enacted by the Imperial Decree of the 12th March, 1806, forbids all manufacture, traffic, sale, purchase, carrying, and use of daggers, stilettoes, swivels, knives in the shape of daggers, pocket-pistols, sword-sticks, loaded canes (with the exception of those which are simply bound with iron at the end), and other weapons of offence concealed and secret. The Decree of the 2nd Nivose of the year XIV prohibits air-guns and pistols. The Law of the 24th May, 1834, establishes a penalty against the manufacturers, vendors, distributors, retainers, and bearers of arms prohibited by the Law or by the Regulations of Public Administration. The Royal Ordinance of the 23rd February, 1837, has decreed the prohibition of pocket-pistols. Finally, according to a decision taken on the 29th June, 1858, conjointly by the Department for War, Finance, and the Interior, revolvers, below 150 millim. bore, shall be prohibited in future.

I have thought it useful to repeat these several provisions which have not hitherto been everywhere equally well understood, and to take measures to insure their salutary and uniform application.

You will therefore, M. le Préfet, give orders for putting a stop to the exposing for sale and selling of prohibited arms of all kinds.

You will warn the persons who traffic in them that in case they should not conform in the course of one month to the injunction that is made to them, they will be prosecuted according to law.

No new measures are, however, introduced as regards the exceptional permission granted in the case of the manufacture and transit of secret arms for the purpose of exportation; the present instructions only concern the exposing for sale and the sale of prohibited arms in the departments of the empire.

Receive, &c.
The Minister of Interior,
(Signed) DELANGLE.

GERMANY.

No. 11.

Sir E. Malet to the Marquis of Salisbury.—(Received April 1.)

My Lord,

Berlin, March 26, 1889.

I HAVE the honour to inclose herewith to your Lordship a translation of the Regulations in force in Germany with regard to the carrying of fire-arms in populous places, in accordance with the instructions contained in your Lordship's despatch of the 16th instant.

[456]

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This information has been furnished to me, at my request, by Dr. Weber, the Legal Adviser to Her Majesty's Embassy.

I have, &c.
(Signed) EDWARD B. MALET.

Inclosure in No. 11.

Prussian and German Regulations respecting the carrying of Weapons.

Prussian Confederation Law of March 11, 1850.

(Translation.)

SECTION 7. No one may appear armed at a meeting, with the exception of the police officials on duty.

Imperial Law against the Social Democratic Proceedings of October 21, 1878.

Sec. 28. The following order, with the consent of the Federal Council, may be issued for a period not exceeding one year, as regards districts and places where the movements of the social democrats are attended with danger to the public peace.

§ 4. The possession, carrying, introduction or sale of weapons, is prohibited, limited, or confined to specified objects.

Imperial Criminal Code of August 16, 1872.

Sec. 360. A fine not exceeding 150 marks, or imprisonment, will be inflicted.

§ 2. In cases where any one, otherwise than in pursuance of his trade, collects secretly, or contrary to the orders of the authorities, weapons and fire-arms.

Sec. 367. A fine not exceeding 150 marks, or imprisonment, will be inflicted.

§ 9. In cases where any one, contrary to any Regulation in force, offers for sale or carries weapons of any description, whether for thrusting, striking, or firing, concealed in sticks or canes, or any similar manner.

G R E E C E.

No. 12.

Sir E. Monson to the Marquis of Salisbury.—(Received April 25.)

My Lord,

Athens, April 19, 1889.

IN accordance with your Lordship's Circular of the 16th ultimo, instructing me to report what Laws are in force in this country with regard to the carrying of fire-arms by private persons in populous places, I have the honour to transmit herewith translations of the Royal Decree of 1833 and of Article 622 of the Penal Code, which are still in force, and, as I have been informed by M. Dragoumis, have received no modification.

The extent, however, to which these provisions are really efficacious is a question upon which it would not be easy to give a positive opinion.

I have, &c.
(Signed) EDMUND MONSON.

Inclosure in No. 12.

Penal Code of Greece.

(Translation.)

ARTICLE 622. Whoever carries fire-arms or other forbidden weapons without being able to prove at once that he is in possession of the necessary permit from the authorities is subject to imprisonment not to exceed six weeks, or to a fine of from 50 to 200 drachmas. The weapons and fire-arms shall be confiscated. With regard to the rest, the Royal Decree of the 18th February (2nd March), 1833, shall be in force, concerning the issue of permits for carrying arms.

Royal Decree of February 18, 1833, concerning the issuing of written Permits for Carrying Arms.

Art. 1. It is forbidden to everybody, without a special written permit, to carry fire-arms, with the exception of those only who shall have obtained such permits in accordance with our order concerning the public service. Special Regulations shall fix the circumstances in which they may be entitled to carry the fire-arms thus fixed, even when they are not on duty.

Art. 2. Permits for carrying arms should not be given to those who have not completed the eighteenth year of their age. Exceptions to this rule are established in Article 5 of the present Regulation.

Art. 3. Whoever has reached the age required shall obtain a permit to carry arms when—

1. Real necessity to defend himself or his property, or to fulfil lawful duties, shall be proved.

2. When a reliable guarantee shall be given that he will not make bad use of the arms

Art. 4. Those who may claim with reason a permit to carry arms are the following: (1) shepherds, (2) travellers, (3) sportsmen. We shall also consider other circumstances which may be likewise important. The authorities charged with the issue of such permits shall have to be informed whether the person who shall ask for the permit may be classed under the above-mentioned categories; otherwise they must decline to give such permit.

Art. 5. Youths in the service of merchants who undertake journeys for their affairs, even if they be under 18 years of age, but older than 15 years, are allowed to obtain a permit to carry arms when they accompany their masters in their journeys. The reason why such a permit has been given must be noted on the permit itself. Their masters are responsible for any bad use of the arms made by their servants.

Art. 6. Those who hold a public office under the State or the commune, and those who have in the place of their residence real estate or flocks worth 1,000 drachmas, or those who from their work or trade or from other sources have an income of 400 drachmas a-year, must be considered as being in possession of a reliable guarantee. When anybody else wishes to take a permit of that sort he must produce a guarantor, who may be classed under the above-mentioned categories. Public servants of the State or the commune, who serve personally, namely policemen, guards, and the like, must not be considered as holding an office, and therefore they must not be comprised in the above-mentioned first class and must give a guarantee, excepting the case when they possess real estate property.

Art. 7. The guarantee in writing must be given always before the competent Justice of the Peace. When the person who obtains a permit has been tried and proved to have made bad use of the arms or of the permit, the guarantor is liable for all damages and for costs and expenses of the execution of the sentence. The Criminal Court before which the person in possession of a permit is brought will decide also on the question of the guarantee.

Art. 8. Whoever having caused damage to persons or property of other persons has been submitted to trial and not acquitted shall only be allowed to ask for a permit to carry arms when he shall prove that he is in need of such, in order to be enabled to defend himself or his property, and shall produce a guarantor having the above-mentioned qualities. The same is the case with regard to those who, having a permit, gave it to another person, thus violating the existing Regulations. They will also be liable to the penalties established in Article 1 of the Royal Decree of the 9th (21st) February concerning punishment for transgressions against public security.*

Art. 9. The holder of a permit has the right to carry fire-arms only during the time for which the object for which the permit was issued exists.

Art. 10. Each permit for carrying arms will bear an exact note :

1. Of the person to whom it was given.

2. Of the object for which it was given.

3. Of the space of time for which it was given.

The permit must be signed and sealed by the authority who gave it.

Art. 11. Permits may be given for one year if they are not asked for a shorter period of time, if the person who asked for it be able to carry out the object for which he asked for it.

Art. 12. For each permit issued for a longer period than three months, a fee of

* This provision was substituted by Article 622 of the Penal Code, translated above.

3 drachmas shall be paid; if only for three months or under, 1 drachma. These fees are received by the State Treasury.

Art. 13. Permits may only be issued by the provincial police authorities, which, according to existing Regulations, are supplied by the Prefects.

Art. 14. The validity of each permit ceases:

1. After the lapse of time for which it was issued.
2. In case the qualities of the guarantor given for the good use of arms shall no longer exist.

3. If one of the two circumstances provided for in Article 8 occur.

Art. 15. The person who carries fire-arms without being able to show at once a permit in his name shall be remanded to the competent Court, and shall be liable to the punishment established in Article 1 of our Decree of the 9th (21st) February.*

Art. 16. The authorities who shall issue permits contrary to the provisions established in this Decree shall be liable to a fine of from 10 to 200 drachmas. The fine is levied by the authority from which they directly depend.

Art. 17. The person who denounces to the authorities a violation of the above-established Rules shall receive from the person denounced 20 drachmas.

GRAND DUCHY OF HESSE.

No. 13.

Mr. Jocelyn to the Marquis of Salisbury.—(Received April 15.)

My Lord,

Darmstadt, April 12, 1889.

WITH reference to my despatch of the 4th instant, I have the honour to transmit herewith a Memorandum in translation which I have received from the Hessian Government with regard to the Regulation in force throughout the Grand Duchy relating to the carrying of loaded fire-arms in frequented places.

I have, &c.

(Signed) NASSAU JOCELYN.

Inclosure in No. 13.

Extract from the Imperial Penal Code of May 15, 1871.

(Translation.)

SECTION 367. Whoever uses fire-arms or other weapons of propulsion without police authority in inhabited or public places.

Whoever shall offer for sale, or carry stabbing, cutting, or shooting weapons of offence which are concealed in sticks or tubes contrary to existing Laws, shall be punishable by a fine of 50 thalers, or a corresponding term of imprisonment.

Sec. 368. Whoever shall use fire-arms or let off fireworks in the neighbourhood of inflammable material, or of inhabited dwellings, shall be punishable by a fine of 20 thalers and under, or fourteen days' imprisonment.

Extract from Hessian Police Penal Code, October 10, 1871.

The above extract from the Imperial Code is recited and confirmed, but exceptionally permission may be given to shoot birds and beasts of prey and noxious animals with fire-arms, even within the precincts of the places usually prohibited by the police authorities.

Article 244. Loaded fire-arms may not be given to children or to persons ignorant of the precautions necessary in handling them, and those who bring loaded fire-arms into strange dwelling-houses or other places frequented by the public must be held responsible for their safe keeping.

Any information of this clause is punishable by a fine up to 15 florins.

Art. 246. Loaded fire-arms when not required for rapid use in the pursuit of game, or for the protection of the person, must be furnished with a contrivance to prevent their

* This Article was substituted by Article 622 of the Penal Code above-mentioned.

accidental discharge, such as a safety bolt, &c. Offences against this rule are punishable with fine up to 2 florins.

Art. 247. The conditions imposed by the previous Article are not contemplated in the case of the following persons when in the exercise of their official duties:—

1. Military persons, but only with regard to weapons borne in virtue of their office.

2. Gendarmes and officials in charge of the frontier, but also only as regards their weapons worn on duty.

3. Such persons who, being engaged in protecting public security as civil police constables, as are entitled to bear fire-arms.

ITALY.

No. 14.

The Marquis of Dufferin to the Marquis of Salisbury.—(Received April 2.)

My Lord,

Rome, March 29, 1889.

WITH reference to your Lordship's despatch of the 16th instant, I have the honour to inclose herewith copies of the Italian Laws relating to the carrying of fire-arms,* together with a Report which Mr. Corbett has drawn up on the subject.

I have, &c.

(Signed) DUFFERIN AND AVA.

Inclosure in No. 14.

Report on the carrying of Fire-arms in Italy.

THE Law affecting this subject is dated the 20th March, 1865 (No. 3248, section (B), relating to public safety).

No one is allowed to carry fire-arms in Italy unless provided with a licence to that effect issued by the "authority of the public safety" of the district.

Such a licence can be issued for carrying long fire-arms, and also for pistols and revolvers, but not for "insidious" weapons ("armi insidiosi"); the latter are forbidden by the Penal Code, and are those of which the barrel does not exceed 171 millim. measured internally, blunderbusses ("tromboni e pistoni"), pistols made like blunderbusses, air guns, and pistols, guns or rifles jointed or divided in several parts, and guns in the shape of walking canes and sticks.

The Regulation of the 18th May, 1865 (No. 2336), for the execution of the said Law, enacts that a licence shall no longer be granted to persons under 16 years of age, nor to persons whose good conduct is not attested by public fame. The permit is good for one year, and is always revocable by the Prefect for reasons of public safety, and is subject to the payment of a tax of 10 lire fixed by law for all Government Concessions.

The licence to carry arms is also valid as a sporting licence.

These are the dispositions actually in force, but a new Law of public safety, which has been already approved by Parliament and sanctioned by the King, modifies them in some degree, and will shortly come into force.

By this Law, the authorities of public safety may still grant the licence to carry long fire-arms; for carrying pistols, revolvers, and sword sticks, the permission is required of the Prefect of the province, and there is no limitation as to size. Licence to carry arms cannot be accorded to persons who have been condemned to penalties involving the restriction of personal liberty for a period of more than three years, and, if such penalty has involved the suspension of civil rights, until their restitution has been obtained; nor to persons classed as "ammoniti" or "warned," or who are under special surveillance. Permission may be refused to persons who have been condemned to a penalty of less than three years, and who cannot prove good conduct. To unemancipated minors the right to carry arms cannot be granted, but the Prefect may grant a licence to carry long fire-arms to minors who can produce the written consent of their

* Law of March 20, 1865; ditto, December 23, 1868 (not printed).

parent or guardian, and who have completed their 16th year. The licence is available for one year, but may be revoked before it runs out for bad conduct or "abuse of arms." In case of an abnormal condition of public safety in any province or commune, the Ministry of the Interior may, by public manifesto, revoke entirely or in part the licences to carry arms.

By the Penal Code at present in force the carrying of long fire-arms and of pistols of the Regulation size without a licence is punished by a fine up to 8*l.* and the confiscation of the weapon; the punishment for carrying "insidious" weapons outside one's own house is imprisonment up to three months, and a fine up to 20*l.* These penalties are increased if the arms are carried in places of public resort or festivity, but beyond this there would not appear to be any particular Regulations on the subject.

(Signed) VINCENT E. H. CORBETT.

Rome, March 29, 1889.

MONTENEGRO.

No. 15.

Mr. Baring to the Marquis of Salisbury.—(Received April 4.)

My Lord,

Cettinje, March 28, 1889.

I HAVE the honour to acknowledge the receipt of your Lordship's Circular despatch of the 16th instant, in which I am instructed to report on the Regulations in force in this Principality with respect to the carrying of arms in populous places.

The Montenegrin practice is very different from that of other countries, but then it must be borne in mind that every adult male is a soldier. Generally, we see some restrictions placed on the carrying of arms, but here every man goes armed to the teeth. A revolver or pistol forms really part of a Montenegrin's dress, and every man who can afford to buy one wears his weapon prominently in his belt.

With regard to rifles, any man who has had one served out to him is obliged by law to take it with him when going a short distance from his home, the idea being that every Montenegrin must be ready at a moment's notice to join his battalion in case of sudden mobilization.

An exception is made to these rules at Dulcigno, where the Albanians are not allowed to come armed into the town, nor permitted to carry rifles in the district. They may, however, carry smooth-bores, or the old long Albanian gun. Persons coming from Scutari are not allowed to pass the frontier armed.

In other parts of the country foreigners are allowed to pass in with arms, and between Kolashin and Andrievitza I have myself seen numbers of men from Gussinje and Plava carrying the Martini-Peabody rifle.

I cannot say that this indiscriminate display of arms really tends to increase crime. There is none of that carrying of concealed weapons which is so common in Greece, Italy, and indeed in other countries. If a Montenegrin has a six-barrelled revolver in his belt, he knows that his neighbour is similarly provided. Consequently, it may be said that all start fair.

Of late years, restrictions have been placed on the indiscriminate firing of pistols in towns at certain seasons, but the rules are not very strictly observed.

I have, &c.
(Signed) WALTER BARING.

NETHERLANDS.

No. 16.

Sir H. Rumbold to the Marquis of Salisbury.—(Received April 4.)

My Lord,

The Hague, April 3, 1889.

IN reply to your Lordship's Circular despatch of the 16th ultimo, instructing me to ascertain and report, for the information of the House of Lords, what Laws are in force

in this country with regard to the carrying of fire-arms by private persons in populous places, I have the honour to inclose copy of a note from the Minister for Foreign Affairs in answer to the inquiry I addressed to him on the subject.

It will be seen that the new Penal Code of the Netherlands does not, like the old one, prohibit the carrying of fire-arms, but that the Ministry of Justice has engaged to draw up a special Law, having for its object to forbid arms being borne about the person in public places. The Minister adds that a copy of this Project of Law will in due course be communicated to me.

I have, &c.
(Signed) HORACE RUMBOLD.

Inclosure in No. 16.

M. Hartsen to Sir H. Rumbold.

M. le Ministre,

La Haye, le 2 Avril, 1889.

EN réponse à votre office du 21 Mars dernier, j'ai l'honneur de porter à votre connaissance que le nouveau Code Pénal du Royaume ne défend plus, comme le faisait l'ancien, le port d'armes à feu.

Le Ministre de la Justice a promis toutefois, dans la séance de la Deuxième Chambre des États-Généraux du 1^{er} Décembre dernier, de s'occuper de la préparation d'une Loi spéciale, tendant à défendre de porter des armes dans les endroits publics.

Aussitôt que le projet de cette Loi aura été arrêté, je ne manquerai pas, M. le Ministre, de vous en faire parvenir un exemplaire, et je saisis, &c.

(Signé) HARTSEN.

(Translation.)

M. le Ministre,

The Hague, April 2, 1889.

IN answer to your note of the 21st March last, I have the honour to inform you that the new Penal Code of the Kingdom does no longer, as did the old one, prohibit the carrying of fire-arms.

The Minister of Justice has, however, promised in the sitting of the 1st December last of the Second Chamber of the States-General, to give his attention to the preparation of a special Law, with a view to prohibiting the carrying of fire-arms in public places.

As soon as the Bill shall have passed I shall not fail, M. le Ministre, to transmit a copy of it to you.

I avail, &c.
(Signed) HARTSEN.

No. 17.

Mr. Fenton to the Marquis of Salisbury.—(Received June 8.)

My Lord,

The Hague, June 6, 1889.

WITH reference to Sir Horace Rumbold's despatch of the 3rd April, I have the honour to forward herewith the translation of a Bill, with its accompanying Explanatory Statement, the object of which is to prohibit the carrying of arms in public places in the Netherlands.

This Bill was lately presented to the Second Chamber of the States-General, and M. Hartsen sent a copy thereof, in the original Dutch, to Sir Horace Rumbold, in the note of which I have likewise the honour to inclose a copy herewith.

I have, &c.
(Signed) H. P. FENTON.

Inclosure I in No. 17.

M. Hartsen to Sir H. Rumbold.

M. le Ministre,

La Haye, le 31 Mai, 1889.

EN me référant à ma lettre du 2 Avril, j'ai l'honneur de vous faire parvenir, sous ce pli, un exemplaire du Projet de Loi relatif à la défense de porter des armes dans des endroits publics, ainsi que l'Exposé des Motifs qui s'y rapporte.

Veuillez, &c.
(Signé) HARTSEN.

[456]

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(Translation.)

M. le Ministre,

The Hague, May 31, 1889.

WITH reference to my letter of the 2nd April last, I have the honour to transmit to you herewith a copy of the Bill respecting the prohibition to carry arms in public places, as well as of the "Exposé de Motifs" referring thereto.

I have, &c.
(Signed) HARTSEN.

Inclosure 2 in No. 17.

Prohibition of the carrying of Arms.

Bill.

(Translation.)

WE, William III, by the grace of God King of the Netherlands, Prince of Orange-Nassau, Grand Duke of Luxemburg, &c.

Know all men by these presents :

Having taken into consideration that it is necessary to amend the provisions prohibiting the carrying of arms ;

Having consulted the Council of State and deliberated with the States-General, we have sanctioned and approved the following Articles :—

Article 1. The carrying of arms on or near public roads or in any place accessible to the people is prohibited.

Under the term "arms" mentioned in this Law shall be understood guns, carbines, revolvers, pistols, and other fire-arms, air-guns, daggers, dagger-knives, sabres, swords, sword-sticks, stilettoes, bludgeons, and such like weapons.

Art. 2. Violations of the prohibition enacted in the preceding Article shall be punished with imprisonment not exceeding seven days, or with a fine not exceeding 100 fl.

The arm or weapon in question may be declared forfeited.

If, at the date when the offence was committed, one year has not elapsed since a former conviction for the same offence was passed, imprisonment not exceeding four weeks shall be imposed.

Art. 3. The provision of Article 1 is not applicable to persons who—

1. Carry a weapon belonging to their official dress, or to the dress worn by them with the permission of the proper authority ;

2. Belong to the army or navy, or the police, so far as the weapon which they carry belongs to their equipment, or which they are authorized to carry according to their instructions ;

3. Are on their way to or from the meetings mentioned in Article 21 of the Law of the 22nd April, 1855, for regulating and restricting the exercise of the right of association and meeting, provided that, so far as is required, permission has been granted for that object ;

4. Being in possession of a licence for shooting and fishing in accordance with the Law, permitting them to appear with guns either in open or close time in fields away from public roads and footpaths, make use of such licence, or who are on their way to or from the place where they are going to shoot or have been shooting, provided that the weapon used for the sport is permitted ;

5. Being in the service of the holder of the licence mentioned under the preceding number, are in attendance upon him or are charged with carrying the gun to or from the shooting grounds ;

6. (a.) As manufacturers or dealers in guns convey such weapons ;

(b.) Being in the employment of such manufacturers or dealers are charged with the conveyance of such weapons ;

7. Hold a permission in writing from the Burgomaster of the place where they reside to carry a weapon specified in the permission in a procession during a period also expressed in the permission ;

8. Are provided with a licence for carrying a weapon, issued by our Civil Governor of the province in which the person resides.

The form of this licence shall be determined by our Minister of Justice.

Art. 4. Under the persons bearing arms mentioned in Article 3 shall be included the associations recognized by us for military exercises during the time fixed for those exercises, including the time occupied in going to and returning from the place of meeting.

Art. 5. The offences made punishable by this Law shall be accounted as ("overtredingen") minor offences.

Art. 6. The prohibitions included in the "Déclaration du Roi" of the 23rd March, 1728, and in the Decree of the 2nd of Nivose in the year XIV shall be repealed.

We order and direct that this Bill shall be inserted in the official Gazette, and that all Ministerial Departments, authorities, boards, and civil functionaries whom it concerns shall co-operate to the exact carrying out of the same.

Minister of Justice.

Explanatory Statement.

Article 314 of the "Code Pénal" made punishable the carrying of arms, which were prohibited by the Law of any Government Regulation ("armes prohibées par la Loi ou par les Règlements d'Administration Publique"). This prohibition was found in the "Déclaration du Roi" of the 23rd March, 1728, supplemented by the Decree of the 2nd of Nivose, an XIV (Bulletin No. 67), and included in the Imperial Decree of the 12th March, 1806 (Bulletin No. 79). These prohibitions remained in force by Article 484 of the French Criminal Code on the introduction of that Code into France, and were declared by Imperial Decree of the 8th November, 1810, of legal force in this country as well as the French Criminal Code. In consequence of the abolition of the French Criminal Code by the Law of 15th April, 1886, Article 314, therefore also the penalties therein included are repealed, but the sole effect is that the violation of the provisions included in the "Déclaration du Roi" and the Decree of the 2nd of Nivose, an XIV, in default of a penal sanction, according to the Laws of the country, is no longer punishable, and not that the prohibitory provisions themselves are repealed.

We cannot say with certainty what is the reason why, in the new Criminal Code, the carrying of arms is not made punishable.

Immediately after the introduction of that Code voices were raised, as well in the Representative Assembly as outside of it, which pointed out the necessity of supplying the omission. For as early as in the sitting of the First Chamber of the States-General of the 29th December, 1887, the provision was pressed upon the attention of the members, and, lastly, the necessity of a Regulation of this subject was demonstrated in the Second Chamber. Giving effect to the promise then made by the Undersigned, the accompanying Bill is now presented.

The regulation of this subject may be accomplished in two ways: either the still existing prohibitions of the carrying of concealed arms may be repealed, and so absolute freedom of action be given to the Communal Authorities to enact provisions of prohibition by issuing orders, or the provisions of prohibition may be repealed by a Law, itself regulating the carrying of arms. The Undersigned has come to the conclusion that the latter course of action should be preferred. M. Vening Meinez reminded the members, at the sitting of the First Chamber of the 29th December, 1887, and rightly so, in the judgment of the Undersigned, that the Communal Authorities can threaten very trifling penalties only, penalties which, in fact, amount to nothing, in cases when the carrying of arms, under some circumstances, may have a very serious character. But even were it otherwise, still the carrying of arms, by reason of the great danger there may be to the public safety, is a subject of general interest, for which, on that account, provision should be made by the Legislature of the kingdom.

That the carrying of arms ought to be regulated, and carrying them without being legally authorized to do so must be made punishable, scarcely requires, according to the judgment of the Undersigned, to be proved. The necessity is also apparent when prohibitions are issued of the carrying of arms, of not confining these prohibitions to the carrying of concealed arms, as the Declaration of 1728 did, but in general to make the carrying of them punishable, whether on public roads or in any place accessible to the public. The great danger to the public safety in the carrying of arms makes it our duty to regulate the subject, and that danger is not diminished by the weapon being openly carried: And that the carrying of arms is dangerous to the public safety can hardly be denied. Even in the most favourable case, namely, when the person carrying a weapon has no malicious intention whatever, when his temper is roused by some circumstances or other, his hand will be ready to seize the weapon and make use of it.

Cases may, however, occur when a man's life is threatened in such a way that it would not be justifiable to prevent him, under any conditions, from arming himself in self-defence. And so by the Bill, permission may be granted to carry a certain description of weapon. Of course, therefore, the carrying of arms ought to be exempt from a penalty when it is done at the command or with the sanction of the authorities.

From the preceding remarks it is abundantly evident that the Bill will, by no means, prohibit the manufacture, the sale, the having a stock for sale, or the transport of arms. A weapon properly packed for transport, so that it cannot be used at a moment and without being divested of its packing, threatens the common safety even less than the carrying of arms by permission. As, however, transport within the Commune might easily assume the character of carrying arms, it is thought necessary to regulate that point separately under No. 6 of Article 3.

In addition to these general observations, the Undersigned is of opinion that, with the following remarks, he will sufficiently explain the various Articles:—

Article 1. The Bill does not contain a definition of the word "weapon," and the Undersigned does not think it possible to give a definition which will meet the case. Under certain circumstances, a number of articles become dangerous weapons, which, under ordinary circumstances, are in daily use, and the carrying of which it would therefore be impossible to make punishable. It seems better therefore to leave what constitutes a weapon to the discretion of the Judge. In order, however, to express to some extent the intention of the Legislature, the second paragraph contains a list of the most common descriptions of weapons.

Art. 3. With the words "the clothing worn by permission of the authorities" in No. 1, the Bill, *inter alia*, has in view the wearing of a uniform, without the wearer of it belonging to the army or navy; for example, a pensioned officer who has permission to go on wearing the uniform belonging to his rank.

2. The rural police ("rijksveldwachters"), who receive no pay, wear no uniform, but, according to their instructions, are competent to carry arms. In view of this case, the concluding words of this No. 2 are required.

3. It would be interfering too much to compel persons, going to or returning from rifle shooting, held with permission of the authorities, or for which the Legislature has considered permission unnecessary, to provide themselves with the permission mentioned in No. 8 of this Article. Moreover, the permission mentioned in that number has more of the character of a continuous permission for a certain period, while in this case the permission would be necessary for only a few hours, or, at the most, for a few days.

4. Under this number we speak in general terms of a licence to be in the fields with a gun, so as to include such persons as possess a shooting, &c., licence, those who have obtained the special authorization mentioned in Article 26 of the Licensing Law, and those who, according to Article 12 under letter (b) of that Law, require neither shooting licence nor special authorization.

5. If this exception were not made, the sportsman would not be allowed to hand over his gun for a time to the man waiting upon him. Nor is there any necessity to prohibit what now often occurs, namely, the sportsman not going home at once from his shooting-ground, but sending his attendant or servant home with his gun.

6. It seems all that is necessary, when a gun or other weapon has to be taken to the gunsmith or sword cutler to be repaired or cleaned, to allow this gunsmith, &c., to fetch it or send for it, and take it home or send it home. To extend the exemption to servants of the owner, or to the owner himself, would nullify the object of the Law. For every one found with a gun or other weapon on the public road might say, in excuse, that he was on his way with the gun or other weapon to a gunsmith or cutler to have it looked after, and would in this way escape the penalty.

7. To prohibit in general terms all persons taking part in a procession to carry arms without such a permission as that mentioned under No. 8 would be going too far. Only think of the processions in costume, and the processions which take place at the bird-shootings ("vogelschieten"), which are held so frequently, especially in the southern parts of the country.

The Burgomaster is the person appointed to grant the short permissions here mentioned.

8. The continuous permission here mentioned ought not to be issued except in cases when the applicant can prove that his safety is seriously endangered, and then only when the character of the applicant supplies the needful guarantee that no bad use will be made of the permission when granted. A thorough inquiry into both matters shall therefore be made before the permission is granted. As regards the drawing up of the form of the permission to be issued by the Civil Governor of the province, the object of it is to make due provision that an inquiry by the proper authority shall be made before the permission is granted, and that the person shall be allowed to carry a weapon only of a description expressly mentioned.

(Signed)

RUIJS VAN BEERENBROEK,
Minister of Justice.

NORWAY AND SWEDEN.

No. 18.

Sir F. Plunkett to the Marquis of Salisbury.—(Received April 4.)

My Lord,

Stockholm, April 1, 1889.

I HAVE the honour to forward herewith copy of a note which I have received from Count Ehrensvärd, in reply to one which I addressed to him on the receipt of your Lordship's Circular despatch of the 16th March.

It appears from this note that there are no legislative enactments either in Sweden or Norway concerning the carrying of fire-arms by private persons in populous places.

I have inquired whether any Municipal Regulations exist in Stockholm on this subject, and find there is only one, which prohibits the carrying of fire-arms in church.

I have, &c.

(Signed) F. R. PLUNKETT.

Inclosure in No. 18.

Count Ehrensvärd to Sir F. Plunkett.

M. le Ministre,

Stockholm, le 27 Mars, 1889.

EN réponse à votre lettre en date du 21 de ce mois par laquelle vous m'avez demandé si la législation des Royaumes-Unis contient des dispositions réglant le droit du port d'armes à feu par les particuliers sur la voie publique ou dans des endroits peuplés, et quelles sont les peines qui frappent les personnes portant clandestinement de telles armes, j'ai l'honneur de porter à votre connaissance que des dispositions législatives à ce sujet n'existent ni en Suède ni en Norvège.

Veuillez, &c.

(Signé) EHRENSVÄRD.

(Translation.)

M. le Ministre,

Stockholm, March 27, 1889.

IN reply to your letter of the 21st instant, in which you inquired whether the legislation of the United Kingdom contains provisions regulating the right of carrying fire-arms on the public highway or in populous places, and what are the punishments inflicted on persons secretly carrying such arms, I have the honour to inform you that legislative provisions on this subject do not exist either in Sweden or Norway.

I have, &c.

(Signed) EHRENSVÄRD.

PORTUGAL.

No. 19.

Mr. Petre to the Marquis of Salisbury.—(Received April 1.)

My Lord,

Lisbon, March 27, 1889.

I HAVE the honour to report that, in pursuance of instructions contained in your Lordship's despatch of the 16th instant, marked Circular, I have this day addressed a note to the Portuguese Government asking them to inform me, with as little delay as possible, what are the Laws at present in force in Portugal with regard to the carrying of fire-arms by private persons in populous places.

I have, &c.

(Signed) GEORGE G. PETRE.

Mr. Petre to the Marquis of Salisbury.—(Received April 29.)

My Lord,

Lisbon, April 23, 1889.

IN reply to your Lordship's Circular despatch of the 16th ultimo, the following is the information which I have obtained respecting the Portuguese Laws in regard to carrying fire-arms by private persons.

The Laws in force in Portugal regulating the carrying of fire-arms are contained in Article 253 of the Penal Code of 1886, and in a Decree of the 25th October, 1836.

By the former of these, it is enacted that any person making use of any side-arms, or of fire-arms of any kind, without having obtained the proper licence from the administrative authority, or without his having been legally authorized to do so by reason of his official position (as Custom-house officers, certain parish officers, and also overseers of public roads enjoy the privilege), shall be condemned to correctional imprisonment not exceeding the term of six months, in addition to a fine.

According to section 2 of the above-mentioned Article, all persons continuing to make use of such arms after the expiration of their licence are subject to similar penalties.

According to section 3, the mere fact of a person having arms in his possession in a house or in any other place without a licence is punishable by a fine corresponding to a term of from eight days to one month.

Section 5 provides for the seizure and forfeiture of such arms to the State.

By the Decree of the 25th October, 1836, which was originally a temporary measure enacted in consequence of the disturbed state of the kingdom, in order to grant greater facilities to the inhabitants for self-defence against robbers, it is enacted that a licence to carry arms, including pistols, shall only be granted to those persons whose occupation shall render it necessary that they should do so, and that under no circumstances shall such a licence be granted except to known persons who are able to find securities that they will not make improper use of them. The Decree provides that these licences, issuable for periods of six months or a year, shall contain a full description of the persons in whose favour they are granted, and also of their profession, occupation, &c.; and lists of the persons to whom such licences are granted shall be sent periodically to the Secretary of State for the Home Department.

As some doubt appears to have arisen as to who were the proper authorities to issue these licences, a Decree was published, dated the 20th August, 1887, enacting that they were to be issued by the "Administrador" of the district in which the applicants resided, except in Lisbon and Oporto, where licences are granted by the Civil Governors, and that they are valid throughout the whole kingdom.

The price of a yearly licence in Lisbon and Oporto was fixed by a Decree of the 26th November, 1885, at 2\$400 reis (10s. 8d.), and in other parts of the kingdom at 1\$200 reis (5s. 4d.), in addition to a small stamp duty.

It will thus be seen that there are no special Regulations with regard to the carrying of fire-arms by private persons in populous places, and that the conditions under which licences are issued appear to be considered a sufficient safeguard against improper use being made of them.

I have, &c.

(Signed) GEORGE G. PETRE.

ROUMANIA.

No. 21.

Sir F. Lascelles to the Marquis of Salisbury.—(Received April 18.)

My Lord,

Bucharest, March 28, 1889.

ON the receipt of your Lordship's Circular despatch of the 16th instant, I asked the Roumanian Minister for Foreign Affairs to be good enough to furnish me with information on the subject of the Laws in force in this country with regard to the carrying of fire-arms by private persons in populous places.

M. Carp replied that there were no Laws on the subject, and that carrying of fire-

arms was regulated by Police Regulations, which, although forbidding the practice in general, did not interfere with weapons used for sporting purposes.

His Excellency, at my request, said he would apply to the Prefecture of Police for a copy of the Regulations to which he had referred, and I have now the honour to inclose a copy of a note which I have received from the Secretary-General of the Ministry for Foreign Affairs, in which he gives me the information which he had received from the Prefecture on the subject.

I have, &c.
(Signed) FRANK C. LASCELLES.

Inclosure in No. 21.

M. Lahovary to Sir F. Lascelles.

M. l'Envoyé,

Bucarest, le 15 (27) Mars, 1889.

LA Préfecture de Police me transmet les renseignements suivants au sujet du port d'armes en ville.

1. La Loi Générale des Douanes (Article 10) interdit l'importation des armes, poudre à canon, et munitions de guerre de toutes sortes à l'exception de celles qui sont importées pour le service de l'État. L'alinéa 5 du même Article ajoute: "Seront considérées comme armes de guerre celles qui servent ou ont servi à l'armement des troupes Roumaines ou étrangères."

La classification des armes de guerre prohibées et des armes de commerce susceptibles d'être importées, se fera conformément à un Règlement spécial.

Ce Règlement n'a pas encore été fait. "Par munitions de guerre il faut entendre le matériel qui se consomme par l'usage des armes à feu. Cependant, les cartouches de toutes sortes employées pour les armes de chasse ou de luxe ainsi que les capsules de fulminate pour les armes se chargeant par la gueule pourront être importées."

On peut conclure de cet Article que la prohibition ne s'étend pas aux armes de chasse et de luxe.

2. Le Règlement de police des ports et des bords du Danube (Article 94) interdit aux matelots des différents bâtiments de descendre à terre avec des armes.

3. L'Article 223 du Code Pénal considère comme une circonstance aggravante le port d'armes chez un vagabond ou chez ceux qui auront été complices ou auteurs principaux d'une rixe troublant la tranquillité publique.

Il faut en conclure que personne ne peut sortir armé dans la rue ou dans des endroits publics.

4. C'est seulement sous le régime de l'état de siège que l'on peut procéder à la perquisition des armes et munitions et ordonner leur dépôt.

Veuillez, &c.
(Signé) A. E. LAHOVARY.

(Translation.)

M. l'Envoyé,

Bucharest, 15 (27) March, 1889.

THE Prefect of Police transmits to me the following information respecting the carrying of arms in towns:—

1. The General Customs Law (Article 10) prohibits the importation of arms, gun-powder, and ammunition of war of all kinds excepting such as are imported for the service of the State. The 5th paragraph of the same Article adds: "Arms which are used for equipping Roumanian or foreign troops shall be considered as warlike arms."

The classification of prohibited warlike arms and of arms of commerce free to be imported shall be made according to a special Regulation.

This Regulation has not yet been made. "By munitions for war, the material is to be understood which is consumed in the using of fire-arms. Cartridges, however, of all kinds used for sporting arms and arms 'de luxe,' as well as detonation percussion caps for muzzle-loaders, may be imported."

From this Article it is to be inferred that the prohibition does not extend to arms for sporting purposes and "de luxe."

2. The Danube Banks and Harbours Police Regulation (Article 94) forbids the landing with arms of sailors of the different vessels.

3. Article 223 of the Penal Code considers as an aggravating circumstance the carrying of arms by a vagabond or by those who shall have been accomplices or principal authors of a quarrel disturbing the public peace.

Hence it is to be inferred that no one is at liberty to go out armed in the street or in public thoroughfares.

4. It is only under the Regulations of a state of siege that a search for arms and ammunition can be instituted, and the latter ordered to be given up.

Receive, &c.
(Signed) A. E. LAHOVARY.

RUSSIA.

No. 22.

Sir R. Morier to the Marquis of Salisbury.—(Received April 29.)

My Lord,

St. Petersburg, April 25, 1889.

WITH reference to your Lordship's Circular despatch of the 21st ultimo, instructing me to ascertain and report what Laws exist in Russia respecting the carrying of fire-arms, I have the honour to transmit herewith a Memorandum by Mr. Consul Michell on the subject of the Russian Law prohibiting the carrying of fire-arms and other weapons by unauthorized persons.

I have, &c.
(Signed) R. B. D. MORIER.

Inclosure in No. 22.

Memorandum by Mr. Michell on Russian Law prohibiting carrying Fire-arms in Russia.

ACCORDING to the Laws of the Russian Empire, the carrying of weapons of every description in populous places by all unauthorized persons is unconditionally prohibited.

The following are the penalties imposed by Magistrates for non-observance of the Law relating to fire-arms and other weapons:—

1. A fine not exceeding 25 roubles (about 2*l.* 10*s.*) shall be inflicted on any person found guilty of possessing or carrying prohibited arms (air-guns, sword-sticks, &c.), and of using fire-arms or other dangerous weapons in populous places. The prohibited weapons shall be confiscated.

2. A fine not exceeding 10 roubles (about 1*l.*) shall be imposed on any person found guilty of keeping loaded fire-arms or other dangerous weapons without observing proper precautions, and for carrying them in populous places.

The Law, however, permits persons proceeding on a journey or in a shooting expedition to carry fire-arms.

When any locality in the Empire is proclaimed under a greater or smaller state of siege, special and very stringent Regulations with respect to the keeping, carrying, sale, and purchase of arms are enforced by the police authorities, who issue special licences for the purpose to those whom they may consider trustworthy. All persons found in possession of, or carrying, purchasing, or selling arms without such special licence, render themselves amenable to a fine of 500 roubles (50*l.*), or to imprisonment for a term of three days.

(Signed) J. MICHELL.

St. Petersburg, April 11 (23), 1889.

SAXONY.

No. 23.

Mr. Strachey to the Marquis of Salisbury.—(Received April 13.)

My Lord,

Dresden, April 10, 1889.

NO legislative enactments, local or Imperial, are in force in this kingdom with regard to carrying fire-arms in public. The authorities have, however, power to deal with the subject as follows:—

A mandate of the elector John George II, dated the 14th July, 1659, forbids, under pain of capital punishment, "stilettoes, pistols, or similar murderous privy weapons," to be borne on the person by day or night. In 1835, the Minister of the Interior ordered that this prohibition should be taken as extending to percussion stick guns, the sale or possession of such arms being declared to be illegal, and punishable with fine or imprisonment. Sword-sticks and daggers were subsequently brought under these rules, which have been recently officially interpreted to include revolvers, as belonging to the category of arms usually worn in a concealed manner. Special licences to carry such arms have been occasionally granted to persons favourably known.

The Special Regulation of 1850 for societies and meetings prohibits the carrying of arms in public assemblages, the police excepted.

According to a decision of the High Saxon Court of Appeal (1879), the prescription of the Imperial Criminal Code (section 369) regarding the unauthorized sale and use of arms does not cover revolvers. For the paragraph in question speaks of weapons so constructed as to hide their real character, which cannot be said of revolvers.

Cases arising out of the above Regulation have occasionally come before the Law Courts. For instance, ten years ago a person employed during the harvest to watch some potato fields on a certain estate was charged with having at such time had a loaded revolver on his person. The Lower Court sentenced the accused to a week's arrest. In second instance, the defendant was acquitted, on the ground that the Regulations in point were not applicable. This decision was disputed by the High Court of Appeal, for reasons too technical for statement here; but the original sentence was, in principle, confirmed. In 1886 an individual was charged with carrying a double-barrelled pistol without licence. Acquittal followed, on the ground that the mandate of 1659 was antiquated, and the order of 1835 irrelevant. The case ultimately reaching the Court of Appeal (for the kingdom), the Judges ruled that the accused was amenable to the Order of 1835.

The theory of the subject is, therefore, somewhat *inter apices juris*. The practice in Dresden is, that persons found carrying revolvers, or other pocket arms, are fined, say 20s. (or more, according to the individual's station), the weapons being confiscated. If payment of the fine, which is administrative, is declined, the police prosecute. Offenders against justice are occasionally found, when searched on apprehension, to have a concealed revolver. Other cases are detected by help of informers, a numerous class in Germany.

The repressive means above described are thought by the police to be sufficient. Instances of actual punishment are not frequent. It may be said that the local thieves and burglars never carry fire-arms. In a German private brawl or street row the combatants will stab, but not shoot.

The Imperial Law of 1878, for the proscription of social democratic opinions, contains a paragraph empowering the authorities to restrict the sale, possession, and carrying of arms in districts proclaimed under the Act. But this has had no practical importance.

I have, &c.
(Signed) G. STRACHEY.

SERVIA.

No. 24.

Mr. P. R. St. John to the Marquis of Salisbury.—(Received March 29.)

My Lord,

Belgrade, March 26, 1889.

I HAVE the honour to report that I caused inquiry to be made in various quarters on the subject of your Lordship's Circular despatch of the 16th instant, and I am, in consequence, in a position to state that in Servia—as in most Eastern countries—there is theoretically no restriction with regard to the carrying of fire-arms by private persons in populous places.

I have, &c.
(Signed) F. R. ST. JOHN.

SPAIN.

No. 25.

Sir Clare Ford to the Marquis of Salisbury.—(Received April 23.)

My Lord,

Madrid, April 17, 1889.

WITH reference to your Lordship's Circular despatch of the 16th ultimo relative to the Laws in force in Spain with regard to the carrying of fire-arms by private persons in populous places, I have the honour to inclose herein to your Lordship translation of a note which I have received from the Minister of State on the subject.

I likewise inclose a translation of the document which was forwarded to me in his Excellency's note.

I have, &c.
(Signed) FRANCIS CLARE FORD.

Inclosure 1 in No. 25.

The Marquis de la Vega de Armijo to Sir Clare Ford.

(Translation.)

Sir,

Ministry of State, April 15, 1889.

WITH reference to your Excellency's note of the 23rd March last, I have the honour to transmit herewith to your Excellency a copy of the "Madrid Gazette," which has been forwarded to me by the Minister of the Interior, which contains a Royal Decree respecting the Laws at present in force for the carrying of fire-arms by private persons, which information was asked for by your Excellency in the above-mentioned note.

I avail, &c.
(Signed) MARQUIS DE LA VEGA DE ARMIJO.

Inclosure 2 in No. 25.

Extract from the Madrid "Gazette" of August 14, 1876.

MINISTRY OF THE INTERIOR.

Royal Decree.

(Translation.)

IN order to consolidate the Regulations respecting licences for carrying arms, and for shooting and fishing, issued at different times, and with a varying object, and in

order to harmonize them with the Budget in so far as it refers to the payment of the tax on those permissions, with the consent of the Council of Ministers, and as proposed by the Minister of the Interior, I decree the following:—

Article 1. No one may carry arms of any class whatever, nor go out shooting or fishing, without having obtained the proper licence issued by the competent authorities, in accordance with the conditions laid down in this Decree.

Art. 2. It is the duty of the Governors, on their own responsibility, and after having made any inquiries they may deem necessary, and in accordance with that laid down by the Laws on the subject, to grant licences for the use of arms for shooting and fishing.

Art. 3. There are six kinds of licences:—

1. For the use of all kinds of arms.
2. For the use of fire-arms destined for the defence of rural property.
3. For the use of pocket fire-arms, pistol, or revolver, for personal defence outside towns.
4. For the use of the same class of arms for the same purpose within towns.
5. For the use of arms for sport and for sporting.
6. For fishing in rivers, lakes, ponds, and pools.

Art. 4. All Spaniards aged 25 years, heads of families, and those who pay direct taxes to the State, with the exception of those who are criminally proceeded against and convicts, are able to obtain licences of the 1st Class.

Art. 5. All Spaniards aged 20 years, who are not included in the exceptions mentioned in the 4th Article, can obtain licences of the 2nd, 3rd, and 4th Classes.

Art. 6. There will be able to obtain licences of the 5th Class:—

1. Those who are entitled to licences of the first four Classes.
2. Young men aged less than 20, and more than 15, years, whose parents or guardians may give a guarantee before the authorities.

Art. 7. All Spaniards, without exception, can obtain licences of the 6th Class.

Art. 8. A request written on stamped paper must precede the granting or refusal of licences for carrying arms, for shooting or fishing, which, when it has been decreed by the Governor, and entered in the special register for licences, will be kept in the archives of the Provincial Government.

Art. 9. Civil Governors may grant to the employes of the Administration of the State, of the Province, or of the Municipality, permission to carry any class of arms when guarding or conducting treasure, or when their duties require it. These permissions are not valid excepting when on service, nor do they hold good longer than the service lasts.

Art. 10. The Mayors of towns, after informing the Governors, when it is necessary to raise an armed corps, pursue malefactors, or to conduct prisoners, may likewise grant the use of all classes of arms to persons engaged in such services, and only for the time that they are thus engaged.

Art. 11. The members of the body of Public Order, the Municipal Guards, and preventive officers, may carry side-arms and those for war with the permission of the Civil Governors.

Art. 12. When provinces are declared in a state of war, the military authorities will authenticate all licences for carrying arms that have been or are issued by the Civil Governors.

Art. 13. On particular occasions, and for the preservation of public order, the Governors of provinces may declare suspended all the licences for carrying arms that have been granted.

Art. 14. The licences referred to in this Decree are personal, and not transmissible.

Art. 15. For a violation of the Regulations contained in this Decree, there will be liable to punishment:—

Those who carry arms, shoot, or fish without a licence. Those who use a licence which does not belong to them. Those who, without authorization of the 4th Class, carry them, or use side-arms or regulation arms of war. Those who, only having a licence of the 2nd Class, carry arms beyond the territories for the defence of which it was granted. Those who, having a licence for carrying pocket fire-arms outside towns, carry them inside towns. Those who shoot during the close time, or in unauthorized places. Those who employ ferrets or snares or other illicit means. Those who poison or disturb the water to procure fish, or use fuzes or dynamite cartridges.

Art. 16. Those who incur a penalty for the infraction of any of the first five Regulations of the Article above will lose their arms or fishing apparatus, and the

licences they carry, whether their own or belonging to some one else, and they will pay a fine of double the amount of the licence which they should have had to have placed them in a legal position. Those who incur a penalty for the infringement of the last three Regulations of the preceding Article will also lose their arms or fishing apparatus and the licences they carry, and they will pay a discretionary fine of not less than 40 pesetas, and not more than 160 pesetas. In all cases of insolvency, they will be liable to imprisonment. Those who repeat the offences mentioned in Article 15 will be considered, in the first five Regulations, as defrauders of the Public Treasury, and in the last three as breakers of the Regulations for shooting and fishing, and will, in consequence, be brought before the competent Tribunals.

Art. 17. Licences for carrying arms, for shooting and fishing, will be in the shape of cards with counterfoils of different colours, according to the class; they will be available for one year, and will be made, with the necessary securities and guarantee marks, in the National Stamp Manufactory.

Art. 18. They will be supplied only by the Economic Provincial Administrations, and will cost: 1st class, 80 pesetas; 2nd class, 5 pesetas; 3rd class, 20 pesetas; 4th class, 30 pesetas; 5th class, 20 pesetas; 6th class, 5 pesetas.

Art. 19. The authorities and their Delegates, especially the Civil Guards, have to see that the Regulations are carried out, and they will prevent any one from carrying arms, shooting or fishing, who has not the proper licence, the presentation of which may be always requested when deemed necessary.

Art. 20. All Regulations issued up to this date respecting licences for arms, shooting or fishing, are annulled.

(Signed) ALFONSO.

The Minister of the Interior,
(Signed) F. ROMERO Y ROBLEDO.

SWITZERLAND.

No. 26.

Mr. Scott to the Marquis of Salisbury.—(Received April 8.)

My Lord,

Berne, March 27, 1889.

WITH reference to your Lordship's Circular of the 16th instant, requesting me to ascertain and report what Laws are in force in Switzerland with regard to the carrying of fire-arms by private persons in populous places, I have the honour to inform your Lordship, in reply, that, from inquiry made from the Federal Department of Justice and Police, I have ascertained that no Law of any kind exists in Switzerland prohibiting the carrying of fire-arms by private persons. Any person, however, carrying arms is responsible for any damage he may cause with them. In towns the Police Regulations prohibit, generally, under penalty of fine, any firing in the neighbourhood of inhabited houses.

I have, &c.
(Signed) CHARLES S. SCOTT.

TURKEY.

No. 27.

Sir W. White to the Marquis of Salisbury.—(Received April 18.)

My Lord,

Constantinople, April 6, 1889.

IN obedience to the instructions contained in your Lordship's Circular despatch of the 16th ultimo, I have the honour to inclose a Memorandum, giving the only Regula-

tions in force in Turkey with regard to the carrying of fire-arms by private persons in populous places, together with some remarks respecting the actual practice in force.

I have, &c.
(Signed) W. A. WHITE.

Inclosure in No. 27.

Memorandum on Regulations in Force with regard to the carrying of Arms by Private Persons in Populous Places.

THE Regulations on the subject are contained in Articles 38 and 39 of the General Instructions for the guidance of the police issued on the 23rd Mouharrem, 1278, *i.e.*, the 15th July, 1861. These Articles are as follows:—

Article 38. Any Ottoman or foreign subject who is found carrying either secretly or openly pistol, gun, sword, dagger, big knife, poignard, or sword-stick, or any weapon of like nature, shall have such weapons taken from him, and shall be sent to the police station with the arms, accompanied by a police officer and with a charge-sheet.

Article 39. This Regulation shall not apply to Turkish military officers and men, or to servants of great officials, or Ambassadors, or to officers of foreign men-of-war, or to officers who have come to Constantinople in an official capacity, or to sportsmen and travellers having with them a permit, or to pedlars having weapons for sale, or to respectable persons who are carrying such weapons to or from a shop and their house for repairs or sale.

These Regulations are universal throughout the Empire, and the punishment for contravention is the confiscation of the weapons, or, at the option of the police magistrate, a small fine.

The Regulations are not carried out in their entirety, persons being daily to be seen in the streets openly carrying arms who do not come under the provisions of these Regulations, but many police officers are fairly vigilant in the matter.

April 6, 1869.

WURTEMBERG.

No. 28.

Sir H. Barron to the Marquis of Salisbury.—(Received July 8.)

My Lord,

Stuttgart, March 31, 1889.

IN answer to your Lordship's Circular of the 16th instant, I have the honour to furnish the following information received from Baron Mittnacht as to the Laws in force in Wurtemberg with regard to the carrying of fire-arms by private persons in populous places.

There is no Law which absolutely prohibits the carrying of any arms, whether openly or concealed, on the person. However, the Law of the 1st June, 1853, brings the following restrictions to this right:—

1. The sale or carrying of arms concealed in sticks, tubes, or otherwise, may be prohibited by a Ministerial Order. Such an Order has, however, never yet been issued.

2. Children and youths under 16 years of age are not allowed to carry or use fire-arms without the permission of their parents or guardians, who are then responsible for the consequences. Infractions of this clause are punishable by a fine up to 30 marks (1l. 10s.), or by imprisonment up to four days.

3. The carrying of fire-arms or any other arms is prohibited at public meetings or in taverns, excepting the cases of authorized processions, or when the arms are carried

for protection in travelling, or for sporting purposes, or for public rifle matches. Infractions of this clause are punishable by fine and imprisonment, as also, if need be, by the confiscation of the arms.

I have, &c.
(Signed) H. BARRON.

P.S.—I should add that no licence is required for the carrying of arms of any kind. Of course, this does not apply to sporting licences.

H. B.

MISCELLANEOUS. No. 1 (1889).

REPORTS respecting Laws in European Countries
as to the Carrying of Fire-arms by Private
Persons.

*Presented to the House of Lords by Command
of Her Majesty, in pursuance of their Address
dated March 7, 1889.*

LONDON:
PRINTED BY HARRISON AND SONS.

EAST INDIA (CANTONMENT ACTS).

52217

RETURN to an Address of the Honourable The House of Commons,
dated 6 May 1895;—for,

“COPIES of, or EXTRACTS from, recent Correspondence between the India
Office and the Government of India on the subject of the CANTONMENTS
Acts and REGULATIONS.”

MV41-2-M9/C5

(Mr. Stansfeld.)

3

Ordered by, The House of Commons, to be Printed,
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TABLE OF CONTENTS.

No.	Document.	Date.	From.	To.	Subject.	Page
1	Despatch, No. 232	1 Nov. 1893	Government of India	Secretary of State	Forwards Drafts of Bills to amend the Cantonments Act of 1889, and Draft of Amended Rules under the Cantonments Act.	3
	Enclosures	-	-	-	Draft Bills and Rules	5
2	Despatch, No. 244	8 Nov. 1893	Government of India	Secretary of State	Forwards statistics of venereal disease in the Army in India, for 1892.	8
	Enclosures	-	-	-	Correspondence and tables	9
3	Despatch, No. 25	1 Mar. 1894	Secretary of State	Government of India	Comments on statistics of venereal disease for 1892.	25
	Enclosures	-	-	-	Memorandum by Army Sanitary Commission, with Enclosure. Letter from India Office to Army Sanitary Commission.	25
4	Despatch, No. 26	1 Mar. 1894	Secretary of State	Government of India	Amendment of the Indian Cantonments Act and Rules.	30
	Enclosure	-	-	-	Memorandum; alterations in Draft Bills and Rules.	31
5	Telegram	17 May 1894	Viceroy	Secretary of State	Will forward further representation before introducing Bill and publishing Rules.	32
6	Despatch, No. 85	29 May "	Government of India	Secretary of State	Replies to Secretary of State's Despatches of 1st March 1894, Nos. 25 & 26.	32
7	Despatch, No. 24	24 July "	Government of India	Secretary of State	Forwards Copy of Bill introduced to amend the Cantonments Act.	34
	Enclosures	-	-	-	Copy of Bill; its objects and reasons, and Proceedings of Council.	34
8	Despatch, No. 197	29 Nov. 1894	Secretary of State	Government of India	Shows necessity of alterations in Draft Rules forwarded with Government of India Despatch, No. 232 of 1893.	36
9	Telegram	3 Jan. 1895	Viceroy	Secretary of State	Proposes to drop Clause 3 of Cantonments Act Amendment Bill.	37
10	Telegram	9 Jan. "	Viceroy	Secretary of State	Resolution of Indian Medical Congress relative to Cantonments Act Amendment Bill.	38
11	Telegram	22 Jan. "	Secretary of State	Viceroy	Clause 3 of the Bill may be dealt with as Viceroy thinks best.	38
12	Telegram	25 Jan. "	Viceroy	Secretary of State	Clause 3 of Bill dropped	38
13	Despatch, No. 2	16 Jan. "	Government of India	Secretary of State	Forwards opinions on Cantonments Act Amendment Bill.	38
	Enclosures	-	-	-	Opinions of Local Governments and Officials on the Bill.	38
14	Letter, No. 14	23 Jan. 1895	Government of India	Under Secretary of State.	Forwards correspondence relative to Cantonments Act Amendment Bill.	69
	Enclosures	-	-	-	Letters from European and Anglo-Indian Defence Association, and Indian Medical Congress.	69
15	Despatch, No. 3	30 Jan. 1895	Government of India	Secretary of State	Forwards Minute on legal aspect of Clause 3 of the Cantonments Act Amendment Bill.	72
	Enclosure	-	-	-	Minute by Sir Alexander Miller.	73
16	Despatch, No. 10	13 Feb. 1895	Government of India	Secretary of State	Forwards Copy of Act to amend the Cantonments Act of 1889.	73
	Enclosures	-	-	-	Copy of Act; objects and reasons; correspondence and proceedings.	73
17	Telegram	23 Mar. 1895	Viceroy	Secretary of State	Draft Rules under Cantonments Act have been published; Resolution will be issued.	103
18	General Order of Government of India, No. 309, Judicial.	23 Mar. "	-	-	Draft Rules under Cantonments Act.	103
19	Resolution of Government of India.	29 April "	-	-	Directs publication of the New Cantonment Rules, and their observance.	105
20	General Order of the Government of India, No. 460.	3 May "	-	-	Publishes New Cantonment Rules.	107

COPIES of, or EXTRACTS from, recent Correspondence between the India Office and the Government of India on the subject of the CANTONMENTS ACTS and REGULATIONS.

MILITARY DESPATCH from Government of India to Secretary of State for India (No. 232) ; dated Simla, 1st November 1893.

My Lord,

We have the honour to acknowledge the receipt of an extract, para. 14, of a Military Letter from Your Lordship, No. 106, dated the 14th September 1893, with which were forwarded

Telegram from the Viceroy to the Secretary of State for India, dated 14th September 1893.

" Reuter announces that majority of Russell's Committee have reported that system prevailing in Cantonments since 1888 is not in accordance with House of Commons Resolution.

" We earnestly trust that we may be given opportunity of considering Report and Your Lordship's views before any further action is taken. Question is too important to be dealt with precipitately.

" Meanwhile, we believe that our recent orders have effectually dealt with irregularities brought to light, and that Resolution is now being strictly carried out."

Telegram from the Secretary of State for India to the Viceroy, dated 20th September 1893.

" Your telegram of 14th, Cantonment. Report of Committee sent out by mail of 15th September. Majority, including witnesses, recommend legislation as only effective method of preventing practice inconsistent with Resolution of House of Commons. In this view I am disposed to concur, but proposal requires careful examination, and I request you will take report into your immediate consideration and telegraph to me before House of Commons reassembles in November, what measures you are prepared to adopt. You will doubtless call to account all officers concerned who are proved to have allowed practice inconsistent with the Resolution aforementioned in contravention of your order."

copies of the further evidence taken by the Committee on the working of the regulations issued under the Cantonments Act of 1889, and of a note recorded by General Lord Roberts, v.c., g.c.b. The telegrams which have passed between the Viceroy and Your Lordship are quoted in the margin.

2. We have since received the full Report of the Committee of which Mr. George Russell, m.p., was Chairman, together with the Minutes of Evidence and Appendices. The Report embraces the Majority Report by Messrs. Russell, Stansfeld and Wilson, and a separate Report by General Sir Donald Stewart and Sir J. B. Peile.

3. In compliance with Your Lordship's instructions, expressed in your telegram of the 29th September, we have taken the Reports into consideration, and now forward drafts of alternative Bills, together with Draft Amendments to the Rules published in 1890 in our General Order, No. 617, under the Cantonments Act, 1889. The Draft Bills have been prepared with the object of showing in what manner effect might be given by legislation to the opinions apparently entertained by the writers of the Majority Report.

4. We may explain that Draft I. is intended to give legal effect, to the following objection of Messrs. Stansfeld and Stewart in their letter to Lord Cross, dated the 14th February 1890, which is quoted, as follows in paragraph 15 of the Majority Report :—

" We observe that by Section 26, Sub-section 21, of the new Act—

' The Governor General in Council may make rules consistent with this Act for the prevention of the spread of infectious or contagious disorders within a cantonment, and for the appointment and regulation of hospitals and other places, within or without a cantonment, for the reception and treatment of persons suffering from any disease.'

" But we do not see any words in the Act limiting or deciding the method of the exercise of this power, and we submit, therefore, that the power which this section confers upon the Governor General in Council is sufficient to enable him to frame regulations implying the compulsory examination of women, and the licensing and regulating of prostitution in India, in direct disregard of the Resolution of the House of Commons, which declares that all such legislation ought to be repealed."

5. Draft II. provides for the exemption of prostitutes from the general rule, under Clause 20, Section 26 of the Cantonments Act, 1889, by which the Governor General in Council is empowered to make rules for requiring the residence of persons in particular parts of the cantonment. This draft also excludes venereal disease from the category of infectious or contagious disorders, for the prevention of the spread of which, rules may be made and hospitals established. Section 2, Sub-section (1) of this Draft, is framed to meet paragraphs 46 (1) and 51 (2) of the Report, in which objection is taken to the assignment of specified quarters to women described as prostitutes "in the same way as other inhabitants carrying on lawful business in allocated positions are described by their occupations."

Sub-section (2) is intended to comply with the requirements of paragraphs 47 and 51 (4) of the Report, which seem to be directed against any separate provision for the treatment in hospital of sufferers from venereal disease.

Sub-section (3) is meant to obviate the objection taken by the lady witnesses, and apparently accepted by the Committee (*see* paragraph 49), that liability to exclusion from the cantonment "meant starvation" in the case of prostitutes (answer 732), or, as it was expressed in another place, was "evident compulsion" (answer 1462).

6. We doubt whether any such results can have been contemplated by the framers of the Majority Report. That Report, however, does not contain any specific proposals for legislation, other than the suggestion to be found in paragraph 15, to which we have already referred, and its general tenor certainly seems to be in favour of some such enactments as those which we have embodied in Draft II. We should be glad to find that we have misapprehended the meaning of the Committee in regard to these points, as to which a clear understanding is absolutely necessary.

7. Draft III. should be read with Draft IV., amending the Rules under the Cantonments Act, and its object is to bring the amended Rules contained in Draft IV. within the words of the Act as amended.

8. Draft IV. contains amendments of the Rules made under the Cantonments Act, 1889, Section 26, Clauses 21 and 23, published in G. G. O., No. 617, of 1890. These amendments are intended to provide—

(1.) That all hospitals established in any cantonment shall be general hospitals, and that there shall be no hospitals for infectious or contagious diseases only.

(2.) That no periodical examination of persons supposed to be suffering from contagious disease shall take place.

(3.) That no person shall be required to attend at the hospital for the purpose of ascertaining whether that person is, or is not suffering from an infectious or contagious disease, unless the medical officer is credibly informed that he or she is so suffering.

(4.) That no penalty other than the removal from the cantonment shall be incurred by any one by reason only of being infected with a contagious disease.

(5.) That this penalty shall only be enforced on the certificate of the medical officer that the continuance of the person in question in the cantonment is likely to be dangerous to the health of the other inhabitants or some of them, and

(6.) That no examination, even voluntary, of persons not known or believed to be diseased shall take place except at their own request.

We are unable to suggest any more stringent regulations than these, unless we are to abandon all attempts to check the spread of such disorders or to alleviate the condition of those who may be suffering from them.

9. The Draft Bills are submitted to your Lordship rather as illustrations of the different modes in which legislative effect might be given to the views of the majority of the Committee than as proposals worthy of practical adoption. We are strongly of opinion that it would be found extremely difficult to frame any measure upon the lines indicated in the Majority Report which would not be open to objection either as being vague and practically inoperative, or as
according

according to prostitutes an immunity from that supervision and control to which all other residents in cantonments are liable; and to venereal disease an exemption from the sanitary precautions taken to guard against the spread of all other contagious maladies.

10. We have endeavoured to carry out loyally the Resolution of the House of Commons of 1888 by executive order, and although, as shown in the Report of Mr. Ibbetson's Commission and in the Report of the Departmental Committee, instances have occurred in which local authorities have misapprehended or evaded these orders, we cannot admit that the Cantonments Act and Rules have generally been worked in contravention of that Resolution. The ravages of venereal disease in the ranks of the British Army in India are so disastrous that we should fail in our duty if we did not use our utmost endeavour to prevent its spread by every legitimate means in our power, in the interests alike of common humanity and of the efficiency of the Army.

11. Whatever may be your Lordship's decision, we earnestly trust that nothing will be done to impair the effective control of the population of cantonments, or to abrogate the main provisions of the Cantonments Act of 1889 and the Rules framed under it with the sanction of your Lordship's predecessor. Any action of the kind would, in our opinion, fail to produce a diminution of prostitution, while it would certainly lead to the spread of disease, and not improbably to the prevalence of far graver forms of immorality.

12. With reference to the last paragraph of your Lordship's telegram of the 29th September, the question of the action to be taken in respect to the officers who had contravened our orders, had already engaged our attention, and on the receipt of the Report of the Committee, the statements therein contained were at once brought to the notice of the Commander-in-Chief. Explanations have been called for from the officers implicated, and a despatch giving an account of the action which may be taken, and enclosing copies of all correspondence, will be sent home at an early date. We shall seek a further opportunity of reporting to you on the statistics connected with the spread of venereal disease.

We have, &c.
(signed) *Lansdowne.*
G. S. White.
P. P. Hutchins.
A. E. Miller.
H. Brackenbury.
C. B. Pritchard.

Enclosures to above.

(Enclosure, No. 1.)

Draft I.—A Bill to amend the Cantonments Act, 1889.

Whereas it is expedient to amend the Cantonments Act, 1889; it is hereby enacted, as follows:—

1.—(1.) This Act may be called the Cantonments Act Amendment Act, 1894.

(2.) It extends to the whole of British India, and

(3.) It shall come into force at once.

2. At the end of Section 26 of the said Act, the following shall be added, viz.:—

“ Provided that no such rule shall contain any regulation enjoining or permitting any compulsory or periodical examination of any woman by medical officers or others, for the purpose of ascertaining whether she is or is not suffering from any venereal disease, or any regulation for the licensing or registration of prostitutes in any cantonment.”

(Enclosure, No. 2.)

Draft II.—A Bill to amend the Cantonments Act, 1889.

Whereas it is expedient to amend the Cantonments Act, 1889; it is hereby enacted, as follows:—

1.—(1.) This Act may be called the Cantonments Act Amendment Act, 1894.

(2.) It extends to the whole of British India, and

(3.) It shall come into force at once.

2.—(1.) In Clause (20) of Section 26 of the said Act, after the word "occupation" where it first occurs, the words "other than that of a prostitute" shall be inserted.

(2.) At the end of Clause (21) of the said Section, the following shall be added, viz. :—

"Provided that syphilis, gonorrhoea, and other venereal diseases shall not be deemed to be infectious or contagious disorders within the meaning of this clause."

(3.) In Clause (23) of the said Section, after the word "persons" where it last occurs in such clause, the words "other than prostitutes" shall be inserted.

(Enclosure, No. 3.)

Draft III.—A Bill to amend the Cantonments Act, 1889.

Whereas it is expedient to amend the Cantonments Act, 1889; it is hereby enacted, as follows :—

1.—(1.) This Act may be called the Cantonments Act Amendment Act, 1894.

(2.) It extends to the whole of British India, and

(3.) It shall come into force at once.

2. In Clause (23) of Section 26 of the said Act, after the word "mendicancy" for the words "and of loitering or importuning for the purpose," the words "and the suppression or discouragement" shall be substituted.

(Enclosure, No. 4.)

Draft IV.—Amended Rules under the Cantonments Act, 1889, Section 26, Clauses 21 and 23.

THE Governor General in Council has been pleased to make the following Rules, under Section 26, Clauses 21 and 23, and Section 27, Sub-sections 2 and 4, of the Cantonments Act, 1889, and to direct that they be put in force in all cantonments in British India.

1. As many hospitals as may be necessary, within or without the limits of the cantonment, as the cantonment authority with the concurrence of the district magistrate may determine, shall be maintained at the expense wholly or in part of the cantonment fund.

2. A medical officer, to be appointed in such manner as the Local Government may direct, shall be in charge of every such hospital.

3. A person admitted to such a hospital shall be treated gratuitously, and if such person is without means of support, and is either a resident of the cantonment or was admitted to the hospital on the request of the cantonment authority or of any officer of that authority, shall receive from the cantonment fund such subsistence allowance, not being less than the lowest allowance for the time being fixed by the Local Government under Section 338 of the Code of Civil Procedure, as the cantonment authority may determine.

4. Every such hospital shall have attached to it one or more wards for the treatment of persons suffering from infectious or contagious disorders.

5. If

5. If the medical officer for the time being in charge of any such hospital is informed upon testimony which he believes to be credible that any person living in the cantonment is suffering from any infectious or contagious disorder, he may, by notice, require such person to attend at the hospital at a time to be mentioned in such notice, and if, upon the attendance of such person in pursuance of such notice or otherwise, he shall ascertain that such person is, in fact, suffering from any such disorder as aforesaid, he may require such person to remain in the hospital until he shall have been pronounced free from such disorder, or may give such other direction in the matter as may seem to him most expedient for the purpose of preventing the spread of such disorder.

6. If any person upon whom any such notice as is mentioned in the last preceding Rule shall have been served shall refuse or neglect to attend at the hospital in pursuance of such notice, he shall be deemed to be suffering from such disorder as aforesaid and to have refused to go to the hospital.

7. If the medical officer for the time being in charge of any such hospital certifies in writing to the commanding officer of the cantonment that any person living in the cantonment is, or is deemed to be, suffering from any infectious or contagious disorder, and that such person has refused, or is deemed to have refused, to go to the hospital, or that he, having gone to the hospital has left it while still under the influence of such disorder, and that the continuance of such person in the cantonment is likely to be attended with danger to the health of the other inhabitants of the cantonment or some of them, the cantonment magistrate may, on the application of such medical officer, order such person to remove from the cantonment within 24 hours, and prohibit such person from remaining in or re-entering it without the written permission of such medical officer.

8. Save as aforesaid, no person shall be required to attend at or become a patient in any such hospital, nor shall any person under any circumstances be detained in any such hospital against his will, nor shall any person, except at his own request, be examined by any such medical officer as aforesaid, or any other person acting under Government authority, with a view to ascertaining whether he is or is not suffering from any infectious or contagious disease.

9. If a person having been prohibited under Rule 7 from remaining in or re-entering a cantonment remains in or re-enters the cantonment without such written permission as is mentioned in that Rule, such person shall be punished with fine, which may extend to 50 rupees, or with imprisonment for a term, which may extend to eight days, for every breach of the said prohibition.

10. The Notification of the Government of India in the Military Department, No. 617 (Judicial), dated the 4th July 1890, is hereby cancelled.

The following draft of a proposed Rule under Section 26, Clause 20, of the Cantonment Act, 1889, is, as required by Section 27 of that Act, hereby published for the information of persons likely to be affected thereby.

The draft will be taken into consideration on the expiry of three months from the date of this Notification.

Draft Rule.

Under Section 26, Clause 20, and Section 27, Sub sections 2 and 4, the Governor General in Council is pleased to make the following Rule, and to direct that it shall be general for every cantonment in British India:

No person known to be a prostitute shall under any circumstances be permitted to reside within the limits of any regimental bazaar.

MILITARY DISPATCH from Government of India to Secretary of State
for India (No. 244) ; dated Simla, 8th November 1893.

My Lord,

WITH our Despatch, No. 117, dated the 6th June 1893, we forwarded a memorandum by Surgeon-Major-General Bradshaw, Principal Medical Officer, Her Majesty's Forces in India, on venereal diseases in the British Army in India ; and in paragraph 12 of our Despatch, No. 232, dated the 1st November 1893, we informed your Lordship that we should seek a further opportunity of reporting to you on the statistics connected with the spread of venereal disease.

2. We now submit the statistics relating to venereal disease among the British and Native troops in India for the year 1892, forwarded with a letter from the Principal Medical Officer, Her Majesty's Forces in India, No. 3725, dated the 16th October 1893. This letter, and the statistics attached, speak for themselves. There were 28,000 admissions into hospital on account of venereal disease, in a total of 68,000 British soldiers, and although the same individual may have been admitted more than once, the figures show the extent to which the strength of the British Army in India, as a fighting machine, has been impaired by disease. With 28,000 admissions into hospital for venereal disease, there must always be a large number of men unfit for service in the field, while amongst those who have been cured, and who are sent on field service, there must be many who are unable to stand the hardship and exposure of a campaign, and who must inevitably break down and encumber the army.

3. We have from time to time felt it to be our duty to warn your Lordship of the consequences to be apprehended if every legitimate means was not taken to keep these terrible maladies under control, and we desire upon this occasion once more to urge upon you the grave danger of seriously weakening the main provisions of the Cantonments Act of 1889, and of the regulations issued under it with the concurrence of your Lordship's predecessor. We are in complete accord with the Commander in Chief in India, in his opinion, that this great and increasing evil is assuming proportions which are a positive danger to the efficiency of the British Army in India, and we earnestly trust that Her Majesty's Government may find it possible to prevent any further action which might place it beyond our power to secure for our soldiers the moderate amount of protection which we are now able to afford them.

4. In your Lordship's Despatch of the 29th of September 1892, you invited our attention to an important report by Surgeon-Lieutenant-Colonel Roe, on the studies in sanitary science which he had recently been pursuing in Germany, and you observed that his remarks on the extraordinary freedom of the Berlin Garrison from venereal disease deserved our serious consideration. We see no occasion for resorting in India to such a system of "strict supervision" as Dr. Roe describes, a system founded upon the registration of prostitutes in the police books, and compulsory attendance at weekly examinations. But we believe that it is absolutely necessary, unless further inroads are to be made upon the health of our army, to maintain some supervision over women of this class, and to retain the power of expelling them from cantonments when they are known to be diseased, and refuse to submit to treatment in hospital. If the regulations now in force are to be completely swept away, we shall be absolutely without the means of placing any check upon the spread of these diseases, the disastrous effects of which are well illustrated by the papers enclosed with this Despatch.

We have, &c.
(signed) *Lansdowne.*
A. E. Miller.
H. Brackenbury.

ENCLOSURE to above.

Enclosure No. 1.

From Surgeon-Major-General *A. F. Bradshaw*, C.B., Principal Medical Officer, Her Majesty's Forces in India, to the Secretary to the Government of India, Military Department (No. 3725, "Sanitary"); dated Simla, 16 October 1893.

REFERRING to Military Department, No. 3102-D., of the 8th July 1893, I have the honour, by direction of his Excellency the Commander-in-Chief in India, to forward for the information of the Government of India and of the Secretary of State for India, statistics relating to venereal disease among British and Native troops in India, for the year 1892.

2. The army of Madras had the highest ratio, and the army of Bombay the lowest.

3. In the Bengal and Madras Presidencies there was an increase in the venereal ratio, as may be seen in the summarising final division of Table A., marked A. (a), while in the Bombay Presidency there was a decrease. The ratio for all India, however, shows the considerable increase of 9.2 per 1,000.

4. If Table B. be compared with the similar table for 1891, it will be seen that in all three presidencies there has been a lessening in extent of Secondary Syphilis. Primary disease was increased in Bengal and Madras, and Gonorrhœa in all three armies, and "other venereal diseases" were increased in Bengal and Bombay.

5. The following table (which does not include "other venereal diseases" or the statistics of field forces) shows:—

	Bengal.	Madras.	Bombay.	India.
(I.) Constantly sick per 1,000 of strength from venereal disease in 1892.	30.02	34.39	25.32	29.99
(II.) Average time in hospital of each case of venereal disease in 1892.	28.85	32.62	25.59	29.01

Comparison of the above table with the similar table for 1891, indicates that for India as a whole there was a slight reduction both in the constantly-sick rate and average duration of the cases. In Bengal the constantly-sick rate was greater, the average duration less.

6. From the following table it will be seen that while "other venereal diseases" remained nearly unchanged in extent, the increase during 1892 was due to Syphilis and Gonorrhœa:—

	1891.	1892.
Total venereal ratio - - - - -	400.7	409.9
Deduct "other venereal diseases" - - - - -	31.3	32.0
Remainder (Syphilis and Gonorrhœa) - - - - -	369.4	377.9

As in the previous year, the number of venereal cases for each station was carefully checked in correspondence with the medical officers.

7. It is evident from the remarks made by medical officers in their reports on the medical transactions of the station hospitals, that the prostitutes have come to realise the fact of the old Lock Hospital rules having been entirely abolished, and that they are, therefore, perfectly free to follow their calling without restriction. Many medical officers remark that the women solicit men with impunity, and that they come to the Cantonment General Hospitals for treatment only when they are so seriously diseased that they cannot practise their avocation any longer. As a result of this, medical officers take a much more gloomy view of the efficiency of the Cantonment General Hospitals as an aid to the lessening of venereal disease than they did in their reports for the preceding year; they anticipate a still further increase of the diseases and deplore the effect of them on the British soldier. The following remarks of one of these officers are worthy of attention :—

“ Here we have a lamentable increase; to have 138 men of the Lucknow garrison constantly in hospital with a disease that is to a great extent preventable, is a serious matter, and when it is considered that nearly 30 per 1,000 of strength was the average sick rate of men suffering from the graver forms of the disease to such an extent that few could have been pronounced fit for active service, the evil is accentuated. It may be mentioned that during January 1893, the period at which this is written, it has been found necessary to invalid 17 men for Secondary Syphilis: and some of the cases under treatment appear likely to follow in their footsteps next trooping season.”

8. In the Native army the changes in the venereal ratios were as usual slight (see summarising division marked C. (c) of Table C. as well as the table of paragraph 12). There was a rise in India, Bengal, Madras, and Bombay, and a fall in Central India and Rajputana, and in the Hyderabad Contingent.

9. Examination of the following table shows that in the Native army also the ratios were higher than in 1891, and that the highest ratio was in the Bombay army. Comparison between these ratios and those for British troops previously given, elicits the fact that venereal disease is infinitely more prevalent among British than among Native troops.

In the former, there were 410 admissions per 1,000 of strength, in the latter only 40, i.e., 68,000 European soldiers had 28,000 admissions, while 127,000 Native soldiers had only 5,000.

NATIVE TROOPS.	Ratio of admissions for Venereal Diseases per 1,000 of strength.	
	1891.	1892.
Army of Bengal	35.5	37.5
Army of Madras	42.7	45.5
Army of Bombay	47.0	49.6
*Army of India	37.9	39.6

* Including corps of Central India and Rajputana, Hyderabad Contingent, and Native drivers of European batteries.

10. As in 1891, and for the same reason (that check could not be carried out so thoroughly as in the case of European troops) the figures are probably somewhat too high.

11. If the annexed Table D. be compared with the similar table for 1891, it will be seen that Secondary Syphilis ratio for India was increased. It was increased in Bengal, Central India, and Rajputana corps, and Madras, and decreased in Bombay and the Hyderabad Contingent.

12. In submitting this Report, the Commander-in-Chief in India invites the earnest attention of the Government of India to the extent to which the health of the British army in this country is being undermined by venereal disease. He directs me to record his opinion that this great and increasing evil is assuming proportions which are a positive danger to its efficiency, and which will become more painfully evident should the physical strain of active service be thrown upon it. The following table shows that, whereas in 1873, the venereal admission rates of British troops in India was 166.7 per 1,000, it has now risen to 409.9. Although there have been fluctuations in the ratio from year to year the general tendency to increase has been most marked, and can only be truly described as alarming. It must be borne in mind that this increase has occurred notwithstanding the restrictions it had been possible to apply to the dissemination of this scourge. Those restrictions have now been almost entirely put a stop to, and Sir George White considers the gloomy forebodings of the medical officers, referred to in para. 7 of this letter, are but too likely to be realised, and that the withdrawal of the precautions formerly taken will not only result in an increased number of venereal cases, but also in a more aggravated type of the disease. The admissions to hospital have already reached 28,000 in the course of one year out of a total of 68,000 soldiers.

13. The Commander-in-Chief considers it his duty to put this subject in the plainest light before the Government. He would invite a reference to the venereal ratio in the army of such a civilized power as Germany, with a view to inquiry as to the means in force there for safe-guarding the troops against this disease, to which soldiers of all nations, who are prevented from marrying by the exigencies of military service, are so specially exposed.

GENERAL VENEREAL RATIOS.

TABLE TO PARAGRAPH 12.

YEARS.	BENGAL.		MADRAS.		BOMBAY.		INDIA.	
	European.	Native.	European.	Native.	European.	Native.	European.	Native.
1870	202.7	34.8	165.9	-	180.4	-	191.2	-
1871	208.8	30.1	160.3	-	174.4	-	196.6	-
1872	190.7	29.4	164.6	-	154.6	-	179.0	-
1873	167.0	33.0	152.2	-	181.1	-	166.7	-
1874	200.1	43.6	188.9	-	170.8	-	192.7	-
1875	212.4	41.2	206.6	-	174.4	-	205.1	-
1876	194.7	30.6	184.4	-	178.6	-	189.9	-
1877	202.6	27.6	231.8	19.2	205.0	40.1	208.6	20.7
1878	288.8	47.4	250.2	28.0	230.6	44.0	271.3	37.6
1879	218.7	41.2	261.6	30.1	260.0	52.2	234.6	37.1
1880	232.3	34.9	274.6	25.1	268.2	47.0	249.7	33.3
1881	276.8	44.3	258.3	29.3	261.3	56.9	260.5	30.5
1882	271.1	40.1	287.8	24.6	223.9	47.0	265.2	34.4
1883	281.1	35.3	282.2	26.0	218.2	43.0	270.3	31.6
1884	290.6	34.0	306.7	22.6	291.6	32.1	292.9	27.0
1885	363.4	30.3	350.3	18.6	272.2	37.3	342.7	30.1
1886	303.6	33.3	304.0	20.0	270.6	20.1	329.5	28.1
1887	356.6	27.0	400.5	23.6	337.3	42.4	361.2	27.4
1888	372.6	32.2	376.1	28.0	357.2	46.9	370.6	31.6
1889	491.2	30.8	451.6	33.6	481.1	51.7	481.5	30.9
1890	504.0	30.7	491.2	48.9	516.5	47.5	502.5	41.1
1891	395.3	35.5	402.1	42.7	417.1	47.0	400.7	27.9
1892	412.4	37.5	415.0	45.5	300.1	49.6	400.9	30.6

Statistics of the Native armies of Madras and Bombay not available before 1877.

Enclosure No. 2.
EUROPEAN TROOPS, BENGAL.

STATIONS.	1891.			1892.			DIFFERENCE.	
	Average Annual Strength.	Total Number of Admissions from Venereal Diseases.	Ratio per 1,000 of Average Annual Strength.	Average Annual Strength.	Total Number of Admissions from Venereal Diseases.	Ratio per 1,000 of Average Annual Strength.	Increase.	Decrease.
Fort William - - - -	1,094	681	622.5	1,125	769	683.6	61.1	-
Dum-Dum - - - - -	787	300	376.4	806	320	397.0	20.6	-
Barrackpore - - - -	316	138	436.7	343	209	609.3	172.6	-
Dinapore - - - - -	784	512	653.1	953	606	635.9	-	17.2
Benares - - - - -	435	209	618.4	366	270	737.7	119.3	-
Fyzabad - - - - -	779	411	527.6	774	374	482.2	-	44.4
Lucknow - - - - -	2,148	709	330.8	2,637	1,000	610.2	279.4	-
Sitapur - - - - -	387	194	501.3	440	155	352.3	-	149.0
Fatehgarh - - - - -	220	100	454.5	223	134	600.9	146.4	-
Cawnpore - - - - -	740	352	475.7	877	617	703.3	227.8	-
Allahabad - - - - -	1,024	746	728.5	886	626	706.5	-	22.0
Fort Allahabad - - -	202	108	524.8	181	64	353.6	-	171.2
Muttra - - - - -	411	147	357.7	494	130	263.2	-	94.5
Shahjahanpur - - - -	377	409	1,084.9	446	318	713.0	-	371.9
Bareilly - - - - -	1,130	751	664.6	1,127	681	613.1	-	51.5
Moradabad - - - - -	82	31	378.0	85	41	482.4	104.4	-
Meerut - - - - -	1,774	739	413.2	1,780	890	505.1	91.9	-
Delhi - - - - -	316	125	395.6	303	116	382.8	-	19.8
Roorkie - - - - -	327	125	382.3	305	173	568.0	55.7	-
Umballa - - - - -	1,632	537	341.3	1,921	718	373.2	32.5	-
Jullundur - - - - -	669	241	360.2	649	178	274.3	-	85.9
Ferozapore - - - - -	1,002	278	277.4	963	180	187.1	-	90.3
Meesan Meer - - - -	1,101	445	404.2	1,020	334	327.5	-	76.7
Fort Lahore - - - - -	75	14	186.7	97	42	437.0	240.3	-
Amritsar - - - - -	210	57	271.4	273	108	395.6	124.2	-
Shalkot - - - - -	1,301	587	451.2	1,317	692	525.4	74.2	-
Rawalpindi - - - - -	2,304	884	383.7	2,763	1,123	406.4	22.7	-
Campbellpar - - - - -	278	191	687.0	277	74	267.1	-	419.9
Attock - - - - -	130	38	316.7	110	20	181.8	-	134.9
Nowahera - - - - -	485	142	292.8	715	180	253.8	-	111.0
Peshawar - - - - -	1,445	274	189.6	1,639	336	205.0	15.4	-
Mooltan - - - - -	776	407	524.5	917	458	499.5	-	25.0
Nowgong - - - - -	416	144	347.0	451	256	565.4	218.4	-

EUROPEAN TROOPS, BENGAL—continued.

STATIONS.	1891.			1892.			DIFFERENCE.	
	Average Annual Strength.	Total Number of Admissions from Venereal Diseases.	Ratio per 1,000 of Average Annual Strength.	Average Annual Strength.	Total Number of Admissions from Venereal Diseases.	Ratio per 1,000 of Average Annual Strength.	Increase.	Decrease.
Jhansi	690	324	469.6	772	224	290.2	-	179.4
Slpri	104	20	192.3	100	19	190.0	-	2.3
Agra	1,174	526	449.7	1,164	550	472.5	22.8	-
Jubbulpore	-	387	550.5	744	348	467.7	-	82.8
Saugor	347	236	680.1	362	208	574.6	-	105.5
Gnathong	104	16	153.8	112	23	205.4	51.6	-
Ranikhet	916	542	591.7	901	519	576.0	-	15.7
Chaubuttia	325	141	428.9	268	119	440.0	10.2	-
Chakrata	1,137	285	250.7	993	224	223.6	-	25.1
Dagshai	817	277	339.0	798	166	208.0	-	131.0
Solon	233	71	304.7	217	96	442.4	137.7	-
Subathu	443	91	205.4	418	121	289.5	84.1	-
Jutogh	271	94	346.9	252	67	265.9	-	81.0
Bhagan	78	17	217.9	62	1	16.1	-	201.8
Khyragully	61	28	459.0	56	13	232.1	-	226.9
Baragully	-	-	-	39	7	179.5	-	-
Kuldinnah	429	136	317.0	431	121	280.7	-	36.3
Kalabagh	44	11	250.0	39	35	897.4	647.4	-
Camp Gharrial	400	105	262.5	158	48	305.8	41.3	-
Camp Thobba	222	52	224.2	331	110	332.3	66.1	-
Camp Lower Topa	109	12	110.1	93	10	107.5	-	2.6
Ghora-Dhaka	-	-	-	191	32	167.5	-	-
Cherat	482	76	157.7	610	105	172.1	14.4	-
Quetta	2,162	399	184.6	2,213	488	220.5	35.9	-
Darjeeling Depôt	351	127	361.8	384	166	515.6	153.8	-
Naini Tal Depôt	135	45	335.3	188	75	398.9	66.6	-
Landour Depôt	163	68	417.2	159	39	245.3	-	171.9
Kasauli Depôt	343	92	268.2	325	70	215.4	-	52.8
Dalhousie Depôt	840	324	385.7	760	227	298.7	-	87.0
Murree Depôt	174	62	356.3	175	52	297.1	-	59.2
Pachmarhi Depôt	114	34	298.2	112	18	160.7	-	137.5
Hazara Field Force	683	35	51.2	-	-	-	-	-
Miransai Field Force	109	17	156.0	-	-	-	-	-
Isazai Field Force	-	-	-	72	5	69.4	-	-
Troops on the march	1,685	453	268.8	1,347	296	219.7	-	49.1
BENGAL PRESIDENCY	40,894	16,303	395.3	42,198	17,403	412.4	17.1	-

EUROPEAN TROOPS, MADRAS.

STATIONS.	1891.			1892.			DIFFERENCE.	
	Average Annual Strength.	Total Number of Admissions from Venereal Diseases.	Ratio per 1,000 of Average Annual Strength.	Average Annual Strength.	Total Number of Admissions from Venereal Diseases.	Ratio per 1,000 of Average Annual Strength.	Increase.	Decrease.
Fort Blair	143	34	239.4	146	17	116.4	-	123.0
Rangoon	956	476	497.9	919	447	486.4	-	11.5
Toungoo	527	140	265.7	555	273	490.1	224.4	-
Thayetmyo	512	190	371.1	566	168	292.2	-	91.9
Meiktila	236	106	451.1	279	197	706.1	255.0	-
Myingyan	266	134	503.8	201	81	403.0	-	100.8
Fort Dufferin (Mandalay)	904	366	368.2	771	282	399.8	-	23.4
Shwabo	454	171	276.7	392	243	619.9	243.2	-
Bhamo	249	86	285.4	244	68	278.7	-	68.2
Belgaum	1,058	465	439.6	1,105	469	424.4	-	15.1
Secunderabad, North	569	281	511.4	563	280	497.3	-	14.1
Secunderabad, Central	569	226	397.9	523	311	594.6	197.4	-
Secunderabad, South	1,663	559	337.9	1,727	665	385.1	27.2	-
Cannanore	102	43	421.6	105	35	335.3	-	88.3
Calicut	98	32	326.5	101	30	297.0	-	22.5
Mallapuram	150	48	320.0	150	61	406.7	88.7	-
Madras	682	317	464.8	654	241	388.5	-	96.3
St. Thomas' Mount	286	144	503.5	295	124	418.9	-	84.6
Pallavaram	19	6	315.8	40	7	175.0	-	140.8
Bangalore, North	899	408	453.3	919	436	474.4	26.1	-
Bangalore, South	1,073	430	400.7	1,025	526	512.3	112.5	-
Bellary	620	215	346.8	557	173	310.6	-	36.2
Ramandroog	30	1	33.3	42	10	238.1	204.8	-
Wallington	365	141	386.3	513	64	124.8	-	261.5
Bernardmyo	186	67	360.2	207	61	294.7	-	65.5
Fort White	-	-	-	6	-	-	-	-
Maymyo	-	-	-	11	6	545.5	-	-
Wallington Depot	374	194	518.7	436	160	367.0	-	151.7
Poonamallee Depot	109	45	418.8	107	83	775.7	363.9	-
Fort White, Field Force	-	-	-	35	2	27.1	-	-
Troops on the March	179	8	44.7	32	4	-	-	-
Wantho Expedition	58	19	327.6	-	-	-	-	-
MADRAS PRESIDENCY	13,324	5,357	402.1	13,227	5,489	415.6	12.9	-

EUROPEAN TROOPS, BOMBAY.

STATIONS.	1891.			1892.			DIFFERENCE.	
	Average Annual Strength.	Total Number of Admissions from Venereal Diseases.	Ratio per 1,000 of Average Annual Strength.	Average Annual Strength.	Total Number of Admissions from Venereal Diseases.	Ratio per 1,000 of Average Annual Strength.	Increase.	Decrease.
Hyderabad - - - - -	428	142	331.8	443	124	280.5	-	51.8
Kurrachee - - - - -	1,095	348	317.8	1,055	273	258.8	-	59.0
Nasirabad - - - - -	681	159	233.5	753	154	201.9	-	81.6
Noemuch - - - - -	502	170	338.6	521	278	521.0	185.4	-
Indore - - - - -	116	53	456.9	110	50	454.5	-	2.4
Mhow - - - - -	1,552	596	360.8	1,584	634	400.3	39.5	-
Ahmedabad - - - - -	234	170	726.5	245	101	418.8	-	314.3
Deesa - - - - -	302	77	285.0	345	185	536.8	231.3	-
Ahmednagar - - - - -	679	281	415.8	672	153	227.7	-	186.1
Poona - - - - -	2,030	1,006	495.6	1,970	817	414.7	-	80.9
Kirkee - - - - -	831	329	395.9	828	268	323.7	-	72.2
Satara - - - - -	200	123	615.0	197	96	487.8	-	127.7
Kamptee - - - - -	888	435	489.9	875	553	632.0	142.1	-
Sitabaldi - - - - -	54	26	481.5	55	38	690.9	209.4	-
Colaba (Bombay) - - - - -	942	557	591.3	1,012	539	522.6	-	58.7
Butcher's Island - - - - -	11	-	-	15	-	-	-	-
Taragarh - - - - -	40	14	350.0	34	9	264.7	-	85.3
Mount Abu - - - - -	59	14	237.3	69	17	246.4	9.1	-
Chikalda - - - - -	61	6	98.4	-	-	-	-	-
Purandhur - - - - -	110	57	518.2	126	68	500.0	-	18.2
Khandalla Depôt - - - - -	84	18	214.3	105	26	247.6	33.3	-
Deolali Depôt - - - - -	787	511	649.3	728	429	589.5	-	60.0
Aden - - - - -	821	202	245.0	905	234	258.6	12.6	-
Troops on the March - - - - -	108	8	73.5	66	1	15.2	-	60.3
BOMBAY PRESIDENCY - - - - -	12,713	5,302	417.1	12,712	5,035	396.1	-	21.0

A. A.

	1891.			1892.			DIFFERENCE.	
	Average Annual Strength.	Total Number of Admissions from Venereal Diseases.	Ratio per 1,000 of Average Annual Strength.	Average Annual Strength.	Total Number of Admissions from Venereal Diseases.	Ratio per 1,000 of Average Annual Strength.	Increase.	Decrease.
Army of Bengal - - - - -	40,994	16,203	395.3	42,198	17,403	412.4	17.1	-
Army of Madras - - - - -	13,324	5,357	403.1	13,227	5,489	415.0	12.9	-
Army of Bombay - - - - -	12,713	5,302	417.1	12,712	5,035	396.1	-	31.0
ARMY OF INDIA - - - - -	67,031	26,862	400.7	68,137	27,927	409.9	9.2	-

BENGAL.

AVERAGE ANNUAL STRENGTH, 42,198.

Detail of Venereal Diseases.	Number of Admissions.	Ratio per 1,000 of Average Annual Strength.	
Primary syphilis - - - - -	3,858	91.4	} 157.2
Ulcer of penis - - - - -	2,776	65.8	
Secondary syphilis - - - - -	2,324	55.1	} 200.2
Gonorrhoea - - - - -	7,102	168.3	
Other venereal diseases - - - - -	1,344	31.8	
			1,344

MADRAS.

AVERAGE ANNUAL STRENGTH, 12,327.

Detail of Venereal Diseases.	Number of Admissions.	Ratio per 1,000 of Average Annual Strength.	
Primary syphilis - - - - -	1,719	130.0	} 182.7
Ulcer of penis - - - - -	687	53.7	
Secondary syphilis - - - - -	976	73.8	} 158.5
Gonorrhoea - - - - -	1,696	128.2	
Other venereal diseases - - - - -	401	30.3	
			401

BOMBAY.

AVERAGE ANNUAL STRENGTH, 12,712.

Detail of Venereal Diseases.	Number of Admissions.	Ratio per 1,000 of Average Annual Strength.	
Primary syphilis - - - - -	1,414	111.2	} 151.7
Ulcer of penis - - - - -	515	40.5	
Secondary syphilis - - - - -	640	50.3	} 194.0
Gonorrhoea - - - - -	2,031	159.8	
Other venereal diseases - - - - -	435	34.2	
			435

INDIA.

AVERAGE ANNUAL STRENGTH, 68,137.

Detail of Venereal Diseases.	Number of Admissions.	Ratio per 1,000 of Average Annual Strength.	
Primary syphilis - - - - -	6,991	102.6	} 161.1
Ulcer of penis - - - - -	3,987	58.5	
Secondary syphilis - - - - -	3,940	57.8	} 190.9
Gonorrhoea - - - - -	10,829	158.9	
Other venereal diseases - - - - -	2,180	32.0	
			2,180

NATIVE TROOPS, BENGAL.

STATIONS.	1891.			1892.			DIFFERENCE.	
	Average Annual Strength.	Total Number of Admissions from Venereal Diseases.	Ratio per 1,000 of Average Annual Strength.	Average Annual Strength.	Total Number of Admissions from Venereal Diseases.	Ratio per 1,000 of Average Annual Strength.	Increase.	Decrease.
Haka	388	11	28.4	35	-	-	-	28.4
Haota	-	-	-	53	-	-	-	-
Tiddim	75	1	13.3	-	-	-	-	-
Kulonyo	53	-	-	-	-	-	-	-
Mandalay	95	11	115.8	114	19	166.7	60.9	-
Myingyan	261	9	34.5	515	14	27.8	-	7.3
Pagan	68	3	44.1	-	-	-	-	-
Minbu	45	-	-	-	-	-	-	-
Mindat Sikau	-	-	-	56	-	-	-	-
Smaller Outposts of Burma Inland	223	7	31.4	199	3	15.1	-	16.3
Marching in Burma	239	12	50.2	106	-	-	-	50.2
Silchar and Outposts	651	23	35.3	761	43	56.5	21.2	-
Dibrugarh and Outposts	449	15	33.4	335	8	23.9	-	9.5
Kobima and Outposts	372	29	78.0	363	17	46.8	-	31.2
Konoma	69	8	115.9	15	-	-	-	115.9
Manipur and Outposts	616	79	128.2	1,042	148	142.0	138	-
Fort William, Alipore, and Ballygungo.	1,561	74	47.4	1,447	63	43.5	-	3.9
Dum-Dum	137	1	7.3	83	1	12.0	47	-
Barrackpore	684	24	35.1	766	22	28.7	-	6.4
Buxa	318	10	31.1	328	2	6.1	-	25.3
Doranda	445	25	56.2	444	9	20.3	-	35.9
Dinapore	528	43	81.4	438	16	36.5	-	44.9
Bonares	739	29	39.2	761	31	40.7	1.5	-
Fyzabad	1,035	27	26.1	909	19	20.9	-	5.2
Lucknow	1,843	61	33.1	1,805	78	43.2	10.1	-
Fatehgarh	190	14	73.7	139	14	100.7	27.0	-
Cawnpore	1,147	45	39.2	960	22	22.9	-	16.3
Allahabad	1,154	48	41.6	1,211	51	42.1	6	-
Bareilly	1,166	38	32.6	1,228	30	24.8	-	8.1
Dehra Dun	1,199	154	128.4	1,383	194	140.3	11.9	-
Roorkee	632	22	34.8	692	16	23.1	-	11.7
Meerut	989	39	39.4	1,194	35	29.3	-	10.1
Delhi	508	24	40.1	704	44	57.6	17.5	-
Umballa	1,159	66	48.3	1,337	80	59.8	11.5	-
Ludhiana	47	-	-	45	2	44.4	44.4	-
Jullundur	796	17	21.4	1,132	53	46.8	25.4	-
Ferozapore	1,209	19	15.7	1,569	23	14.7	-	1.0
Sialkot	1,652	36	21.2	1,753	38	21.7	5	-
Amritsar	191	3	15.7	177	7	39.5	23.8	-
Meean Meer	1,745	45	25.8	2,141	73	34.1	8.3	-
Jhelum	1,134	14	12.3	1,398	53	37.9	25.6	-
Rawalpindi	1,581	54	34.2	2,132	70	32.8	-	1.4
Mooltan	881	19	21.6	1,112	21	18.9	-	2.7
Fort Attock	72	1	13.9	56	-	-	-	13.9
Nowshera	870	17	19.5	1,118	13	11.6	-	7.9
Peshawar and Outposts	2,804	56	20.0	2,845	68	23.9	3.9	-
Dera Ismail Khan	268	7	26.1	320	10	31.2	5.1	-
Agra	1,360	71	52.2	1,244	56	45.0	-	7.2
Jhansi	877	22	25.1	678	19	28.0	2.9	-
Nowgong	1,014	18	17.8	1,152	29	23.2	7.4	-
Jubbulpore	536	25	46.6	618	19	30.7	-	15.9
Saugor	766	27	35.2	666	18	27.8	-	8.4
Satna	47	-	-	42	5	119.0	119.0	-
Darjeeling	115	10	87.0	135	13	96.3	9.3	-

NATIVE TROOPS, BENGAL—continued.

STATIONS.	1891.			1892.			DIFFERENCE.	
	Average Annual Strength.	Total Number of Admissions from Venereal Diseases.	Ratio per 1,000 of Average Annual Strength.	Average Annual Strength.	Total Number of Admissions from Venereal Diseases.	Ratio per 1,000 of Average Annual Strength.	Increase.	Decrease.
Gantak	178	18	104.0	190	22	115.8	11.8	-
Almora and outposts	660	51	78.5	1,298	64	49.8	-	29.2
Lansdowne	798	29	36.3	276	22	79.7	43.4	-
Simla and Jutogh	244	25	102.5	285	14	49.1	-	53.4
Dharmasala and Kangra	1,071	74	69.1	1,428	83	58.2	-	10.9
Bakloh	746	95	127.3	1,212	109	89.9	-	37.4
Murree Hills	209	8	38.3	210	14	66.7	28.4	-
Cherat	86	-	-	77	-	-	-	-
Chittagong Hill Tracts	-	-	-	172	7	40.7	-	-
Shillong and outposts	753	115	152.7	755	130	172.2	19.5	-
Fort Tregear and Lumish	35	-	-	-	-	-	-	-
Fort White	307	13	42.3	463	12	25.9	-	16.4
Quetta District	1,874	20	10.7	2,084	54	25.9	-	15.2
Bengal Troops on the Punjab Frontier.	1,605	26	16.2	662	20	28.9	12.7	-
Marching, Bengal	4,265	77	18.1	3,400	65	19.1	1.0	-
Camp of Exercise, Bareilly, and Meerut.	-	-	-	200	27	135.0	-	-
Camp of Exercise, Aligarh, Meera Meer, &c.	600	26	43.3	-	-	-	-	-
Mizoram Field Force	899	61	67.9	-	-	-	-	-
Isazul Field Force*	-	-	-	178	3	16.9	-	-
Kajuri Kach Force	-	-	-	242	5	20.7	-	-
Gilgit	-	-	-	41	1	24.4	-	-
Mardan and outposts	947	11	11.6	1,098	29	26.4	14.8	-
Kohat and outposts	1,942	37	19.1	1,967	55	27.9	8.8	-
Edwardesabad and outposts	1,625	20	12.3	1,814	26	14.3	2.0	-
Dera Ismail Khan and outposts	1,547	51	33.0	1,867	30	16.1	-	16.9
Dera Ghazi Khan and outposts	1,025	13	12.7	1,184	12	10.3	-	2.4
Rajampur	672	2	3.0	349	1	2.9	-	1
Quetta District	200	2	10.0	109	2	10.1	1	-
Abbottabad and outposts	1,582	87	55.0	2,107	60	27.7	-	27.3
Samana Range	482	2	4.1	411	8	19.5	15.4	-
Punjab Frontier Force on the march	940	8	8.5	754	3	4.0	-	4.5
Kurram Field Force	-	-	-	380	6	15.8	-	-
Kajuri Kach Force	-	-	-	335	3	9.0	-	-
Gilgit	-	-	-	177	2	11.3	-	-
Miransal Field Force	1,458	31	21.3	-	-	-	-	-
Hazara Field Force	2,383	49	20.6	-	-	-	-	-
Hunza-Nagar Expedition	23	1	4.3	-	-	-	-	-
BENGAL ARMY	66,230	2,364	35.5	65,594	2,458	37.5	2.0	-

CENTRAL INDIA AND RAJPUTANA CORPS.

Agar	444	9	20.3	429	13	30.3	10.0	-
Goona	393	10	25.4	441	12	27.2	1.8	-
Sirdarpore and outposts	579	7	12.4	548	7	12.8	4	-
Kherwara	395	5	8.4	601	5	8.3	-	1
Erinpura	689	7	10.5	703	10	14.2	3.7	-
Deoli	742	29	39.1	733	14	19.1	-	20.0
Ajmere	604	23	36.4	685	16	23.5	-	8.1
Sohore	794	17	21.4	771	9	11.7	-	9.7
Marching	306	2	6.5	337	3	8.9	2.4	-
Camp of Exercise, Aligarh	49	1	20.4	-	-	-	-	-
CENTRAL INDIA AND RAJPUTANA CORPS	5,175	109	21.1	5,128	89	17.4	-	3.7

*Including certain Corps of the Punjab Frontier Force.

NATIVE TROOPS, BOMBAY.

STATIONS.	1891.			1892.			DIFFERENCE.	
	Average Annual Strength.	Total Number of Admissions from Venereal Diseases.	Ratio per 1,000 of Average Annual Strength.	Average Annual Strength.	Total Number of Admissions from Venereal Diseases.	Ratio per 1,000 of Average Annual Strength.	Increase.	Decrease.
Bhemo - - - - -	133	3	22.6	154	4	26.0	3.4	-
Marching in Burma - - -	13	-	-	64	2	31.2	31.2	-
Jacobabad - - - - -	938	23	24.5	841	27	49.0	17.5	-
Hyderabad - - - - -	419	16	38.2	495	30	60.6	22.4	-
Kurrachee - - - - -	585	33	56.4	628	44	70.3	13.9	-
Bhuj - - - - -	704	33	46.9	669	57	85.3	38.3	-
Nasirabad - - - - -	742	41	53.3	657	36	54.3	-	5
Neemuch - - - - -	890	43	48.3	833	33	39.6	-	8.7
Indore - - - - -	218	26	119.3	221	11	49.8	7	69.5
Mhow - - - - -	1,249	46	36.8	1,324	43	32.3	-	4.3
Sadra - - - - -	64	4	62.5	69	1	14.5	-	48.0
Deesa - - - - -	893	35	39.0	978	47	48.1	9.1	-
Ahmedabad - - - - -	507	31	54.7	584	31	53.1	-	1.6
Rajkot - - - - -	581	11	18.9	700	17	24.3	5.4	-
Baroda - - - - -	563	30	53.3	547	17	31.1	-	22.2
Surat - - - - -	185	8	43.2	175	2	11.4	-	31.8
Kamptee - - - - -	663	22	33.2	588	30	51.0	17.8	-
Sitabaldi - - - - -	90	5	55.6	86	4	46.5	-	9.1
Raipur - - - - -	492	45	91.3	434	28	64.5	-	27.0
Sambalpur - - - - -	245	16	65.3	292	13	44.5	-	20.8
Asirgarh - - - - -	80	1	12.5	74	-	-	-	12.5
Malegaon - - - - -	99	12	121.2	101	9	89.1	-	32.1
Ahmadnagar - - - - -	528	43	81.7	563	48	85.3	3.6	-
Sirur - - - - -	507	11	21.7	505	6	11.9	-	9.8
Poona - - - - -	2,684	174	64.8	2,740	167	60.9	-	3.9
Kirkee - - - - -	1,284	119	92.7	1,228	109	88.9	-	3.8
Satara - - - - -	573	40	69.8	594	33	55.6	-	14.2
Thana - - - - -	108	3	29.1	116	6	51.7	22.6	-
Bombay - - - - -	1,281	48	37.5	1,267	56	44.3	6.7	-
Butcher's Island - - -	64	2	31.2	48	2	41.7	10.5	-
Quetta District - - -	3,790	110	29.0	3,641	195	53.6	24.6	-
Bombay troops in the Bengal Command.	-	-	-	94	6	63.8	-	-
Bombay troops in the Bengal Command, marching.	-	-	-	78	6	76.9	-	-
Aden - - - - -	1,003	57	56.8	1,000	12	12.0	-	44.8
Persian Gulf - - - - -	96	1	10.4	98	2	20.4	10.0	-
Marching in the Bombay Presidency.	1,453	26	17.9	989	19	19.2	1.3	-
Camp of Exercise, Poona - -	-	-	-	85	6	70.6	-	-
BOMBAY ARMY - - -	23,780	1,118	47.0	23,355	1,169	49.6	2.6	-

HYDERABAD CONTINGENT.

STATIONS.	1891.			1892.			DIFFERENCE.	
	Average Annual Strength.	Total Number of Admissions from Venereal Diseases.	Ratio per 1,000 of Average Annual Strength.	Average Annual Strength.	Total Number of Admissions from Venereal Diseases.	Ratio per 1,000 of Average Annual Strength.	Increase.	Decrease.
Ellichpur - - - - -	730	14	19.2	753	11	14.6	-	4.6
Amraoti - - - - -	110	4	36.4	93	-	-	-	36.4
Akola - - - - -	129	3	23.3	95	3	31.1	-	2.2
Aurangabad - - - - -	1,349	57	45.6	1,304	28	23.3	-	22.3
Jalna - - - - -	681	15	22.0	551	12	21.8	-	2
Hingoli - - - - -	1,263	33	26.1	1,147	39	34.0	7.9	-
Mominabad - - - - -	455	1	2.2	454	8	17.6	15.4	-
Bolarum - - - - -	1,324	21	15.9	1,315	21	16.0	.1	-
Raichur - - - - -	757	13	15.9	675	19	27.8	1.9	-
Marching - - - - -	316	6	19.0	528	11	20.9	1.9	-
Camp of Exercise, Bolarum - - -	50	-	-	-	-	-	-	-
Camp of Exercise, Beder and Aurangabad.	-	-	-	244	5	20.5	-	-
HYDERABAD CONTINGENT -	7,063	166	23.5	7,058	149	21.1	-	2.4

NATIVE TROOPS, MADRAS.

Fort Blair - - - - -	273	7	25.7	294	13	44.2	16.5	-
Moulmein - - - - -	478	29	60.7	251	9	35.9	-	24.8
Rangoon - - - - -	978	55	56.2	1,030	91	86.3	33.1	-
Fort Sledman - - - - -	463	29	62.6	299	13	43.3	-	19.1
Toungoo - - - - -	383	25	65.3	291	9	44.8	-	20.5
Smaller outposts, Burma Inland -	455	25	54.9	449	17	37.9	-	17.0
Mone - - - - -	38	4	105.3	-	-	-	-	-
Lokaw - - - - -	-	-	-	114	-	-	-	-
Theyemyo - - - - -	483	27	55.9	51	4	78.4	22.5	-
Minbu - - - - -	16	2	125.0	-	-	-	-	-
Meiktila - - - - -	-	-	-	589	37	63.8	-	-
Myingyan - - - - -	110	23	209.1	-	-	-	-	-
Pakokku - - - - -	304	19	62.3	295	35	118.6	56.1	-
Pouk - - - - -	62	-	-	-	-	-	-	-
Pagan - - - - -	76	4	52.6	70	3	42.9	-	9.7
Rawvan - - - - -	45	3	44.4	71	1	14.1	-	30.3
Monywa - - - - -	115	6	52.2	-	-	-	-	-
Haka - - - - -	166	4	23.8	357	9	25.2	1.4	-
Gangaw - - - - -	133	5	40.7	115	-	-	-	40.7
Kalwa - - - - -	36	1	27.8	29	2	69.0	41.3	-
Anktaung - - - - -	29	2	69.0	-	-	-	-	-
Tiddim - - - - -	-	-	-	104	7	67.3	-	-
Yawdwin - - - - -	78	2	25.6	-	-	-	-	-
Kalemyo - - - - -	106	15	141.5	78	3	41.1	-	100.4
Tamu - - - - -	79	4	55.6	-	-	-	-	-
Fort Dufferin (Mandalay) - - -	1,601	163	114.3	1,706	174	102.0	-	12.3
Tigyatng - - - - -	125	5	40.0	146	1	6.9	-	33.1
Thabetkyin - - - - -	65	3	46.2	-	-	-	-	-
Kyaukmyaung - - - - -	67	1	14.9	-	-	-	-	-
Shwobo - - - - -	345	7	20.3	752	99	131.6	111.3	-
Bhamo - - - - -	563	20	35.3	520	29	53.5	3.0	-
Wantho - - - - -	212	4	18.9	193	4	20.7	1.8	-
Manal - - - - -	157	3	19.7	106	1	9.4	-	3.3
Cuttack - - - - -	425	19	44.7	239	17	56.9	12.2	-
Sumbalpur - - - - -	*49	1	20.4	-	-	-	-	-

* See also Bombay Presidency.

NATIVE TROOPS, MADRAS—continued.

STATIONS.	1891.			1892.			DIFFERENCE.	
	Average Annual Strength.	Total Number of Admissions from Venereal Diseases.	Ratio per 1,000 of Average Annual Strength.	Average Annual Strength.	Total Number of Admissions from Venereal Diseases.	Ratio per 1,000 of Average Annual Strength.	Increase.	Decrease.
Belgaum - - - - -	940	10	20.2	742	53	71.4	51.2	-
Secunderabad - - - - -	3,593	69	19.2	3,618	81	22.4	3.2	-
Kamptee - - - - -	398	12	30.3	-	-	-	-	-
Mangalore - - - - -	720	38	52.8	727	40	55.0	2.2	-
Cananore - - - - -	835	21	25.1	743	19	25.6	5	-
Trichoor - - - - -	124	5	40.3	123	4	32.5	-	7.8
Quilon - - - - -	532	47	88.5	534	42	78.7	-	9.8
Trivandrum - - - - -	72	12	166.7	73	2	27.4	-	139.3
Madras - - - - -	1,436	78	54.3	1,326	47	35.4	-	18.9
Pallavaram - - - - -	47	1	21.3	17	-	-	-	21.3
St. Thomas' Mount - - - - -	209	8	38.3	232	4	17.2	-	21.1
Bangalore - - - - -	2,528	76	29.3	2,267	86	39.0	-	8
Bellary - - - - -	1,092	68	62.3	1,215	60	49.4	-	12.9
Trichinopoly - - - - -	1,203	29	24.1	1,257	28	22.3	-	1.8
Samulcotta - - - - -	130	5	38.5	134	2	14.9	-	23.6
Vizianagram - - - - -	634	18	28.4	743	32	43.1	14.7	-
Berhampore - - - - -	395	6	15.2	386	39	101.0	85.8	-
Ootacamund - - - - -	-	-	-	39	2	51.3	-	-
Fort White - - - - -	329	12	36.5	392	16	40.8	4.3	-
Maymye - - - - -	374	22	58.8	211	32	151.7	92.9	-
Madras troops in the Bengal Command.	-	-	-	274	6	21.9	-	-
Madras troops in the Bengal Command, marching.	214	7	32.7	70	-	-	-	32.7
Madras troops marching in Burma	753	20	26.6	1,158	12	10.4	-	16.2
Madras troops marching in Madras Presidency.	911	4	4.4	871	6	6.9	2.5	-
Camp of Exercise, Secunderabad	36	1	27.8	-	-	-	-	-
Wunthe Expedition - - - - -	25	2	80.0	-	-	-	-	-
MADRAS ARMY - - - - -	26,088	1,115	42.7	25,963	1,182	45.5	2.8	-
Bombay and Punjab Frontier Force on Escort Duty.	264	9	34.1	-	-	-	-	-
Bombay and Punjab Frontier Force at Panjgur.	-	-	-	239	5	20.9	-	-
Bombay and Punjab Frontier Force marching.	-	-	-	18	-	-	-	-

C. (c.)

	1891.			1892.			DIFFERENCE.	
	Average Annual Strength.	Total Number of Admissions from Venereal Diseases.	Ratio per 1,000 of Average Annual Strength.	Average Annual Strength.	Total Number of Admissions from Venereal Diseases.	Ratio per 1,000 of Average Annual Strength.	Increase.	Decrease.
Bengal Army - - - - -	66,230	2,354	35.5	65,504	2,458	37.5	2.0	-
Central India and Rajputana Corps	5,175	109	21.1	5,128	89	17.4	-	37
Bombay Army - - - - -	23,780	1,118	47.0	23,355	1,159	49.6	2.6	-
Hyderabad Contingent - - - - -	7,063	166	23.5	7,058	149	21.1	-	24
Madras Army - - - - -	26,088	1,115	42.7	25,963	1,182	45.5	2.8	-
ARMY OF INDIA - - - - -	128,600	4,871	37.9	127,355	5,042	39.6	1.7	-

* See also Bombay Presidency.

D.

BENGAL ARMY.

AVERAGE ANNUAL STRENGTH PRESENT 65,594.

Detail of Venereal Diseases.	Number of Admissions.	Ratio per 1,000 of Average Annual Strength.	
Primary syphilis	657	10.0	Inflammation, inguinal glands - 144
Ulcer of penis	310	4.7	Suppuration, inguinal glands - 96
Secondary syphilis	451	6.9	Warts - 4
Gonorrhoea	684	10.4	Orchitis - 111
Other venereal diseases	356	5.4	Epididymitis - 7
			Inflammation of glans penis - 5
			Stricture of urethra - 9
			Herpes preputialis - 6
			Phimosis - 4
			Paraphimosis - 3
			Condyloma - 3
			Periostitis, circumscribed - 24
			356

CENTRAL INDIA AND RAJPUTANA CORPS.

AVERAGE ANNUAL STRENGTH PRESENT 5,125.

Detail of Venereal Diseases.	Number of Admissions.	Ratio per 1,000 of Average Annual Strength.	
Primary syphilis	23	4.5	Suppuration, inguinal glands - 2
Ulcer of penis	4	.8	Orchitis - 4
Secondary syphilis	21	4.1	Epididymitis - 1
Gonorrhoea	33	6.4	Paraphimosis - 1
Other venereal diseases	8	1.6	8

BOMBAY ARMY.

AVERAGE ANNUAL STRENGTH PRESENT 23,355.

Detail of Venereal Diseases.	Number of Admissions.	Ratio per 1,000 of Average Annual Strength.	
Primary syphilis	230	9.8	Inflammation, inguinal glands - 71
Ulcer of penis	198	8.5	Suppuration, inguinal glands - 13
Secondary syphilis	220	9.4	Warts - 1
Gonorrhoea	342	14.6	Orchitis - 58
Other venereal diseases	169	7.3	Epididymitis - 4
			Stricture of urethra - 5
			Herpes preputialis - 1
			Phimosis - 3
			Paraphimosis - 3
			Condyloma - 2
			Periostitis, circumscribed - 5
			169

HYDERABAD CONTINGENT.

AVERAGE ANNUAL STRENGTH PRESENT 7,058.

Detail of Venereal Diseases.	Number of Admissions.	Ratio per 1,000 of Average Annual Strength.	
Primary syphilis - - - - -	26	3.7	} 3.8
Ulcer of penis - - - - -	1	1	
Secondary syphilis - - - - -	34	4.8	
Gonorrhoea - - - - -	61	8.6	} 12.6
Other venereal diseases - - - - -	27	3.8	
			Inflammation, inguinal glands - 7
			Orchitis - - - - - 13
			Epididymitis - - - - - 3
			Stricture of urethra - - - 4
			Herpes praeputialis - - - 1
			27

MADRAS ARMY.

AVERAGE ANNUAL STRENGTH PRESENT 25,963.

Detail of Venereal Diseases.	Number of Admissions.	Ratio per 1,000 of Average Annual Strength.	
Primary syphilis - - - - -	229	8.8	} 13.5
Ulcer of penis - - - - -	121	4.7	
Secondary syphilis - - - - -	274	10.6	
Gonorrhoea - - - - -	318	12.2	} 21.5
Other venereal diseases - - - - -	240	9.2	
			Inflammation, inguinal glands - 75
			Suppuration, inguinal glands - 71
			Warts - - - - - 5
			Orchitis - - - - - 59
			Epididymitis - - - - - 3
			Inflammation of glans penis - 1
			Stricture of the urethra - - 8
			Herpes praeputialis - - - 1
			Phimosis - - - - - 6
			Paraphimosis - - - - - 3
			Periostitis, circumscribed - - 8
			240

INDIA.

AVERAGE ANNUAL STRENGTH PRESENT 127,355.

Detail of Venereal Diseases.	Number of Admissions.	Ratio per 1,000 of Average Annual Strength.	
Primary syphilis - - - - -	1,166	9.2	} 14.1
Ulcer of penis - - - - -	635	5.0	
Secondary syphilis - - - - -	1,001	7.9	
Gonorrhoea - - - - -	1,440	11.3	} 17.6
Other venereal diseases - - - - -	800	6.3	
			Inflammation, inguinal glands - 297
			Suppuration, inguinal glands - 125
			Warts - - - - - 117
			Orchitis - - - - - 138
			Epididymitis - - - - - 17
			Inflammation of glands penis - 6
			Stricture of urethra - - - 26
			Herpes praeputialis - - - 9
			Phimosis - - - - - 13
			Paraphimosis - - - - - 10
			Condyloma - - - - - 5
			Periostitis, circumscribed - - 37
			800

MILITARY DESPATCH from Secretary of State to Government of India
(No. 25); dated 1 March 1894.

My Lord,

HAVING considered in Council your predecessor's Military Despatch, No. 244, of 8th November, 1893, forwarding the statistics of venereal disease among British and Native troops in India for the year 1892, I caused a copy of it to be sent to the Army Sanitary Commission. A copy of their Memorandum on the subject, and of a letter from this office in reference thereto, is now enclosed for your information.

2. You will observe that the Commission do not concur in the opinion of your medical advisers as to the benefit to be derived from a system of compulsory lock hospitals. The conclusion at which they arrive is that this system has, in India, proved a failure, and that its re-institution cannot consequently be advocated on sanitary grounds. Their reasons for this opinion are fully given in the Memorandum, and need not be repeated here.

3. Their views are, I think, to some extent supported by the statistics to which the Commander-in-Chief in India refers in paragraph 12 of Surgeon-Major-General Bradshaw's letter of 16th October 1893 (Enclosure No. 1 of your Despatch). His Excellency points out that whereas in 1873 the venereal admission-rate of British troops was 166·7 per 1,000, it has risen in 1892 to 409·9.

4. This is no doubt a remarkable increase. If, however, the period from 1873 to 1892 be broken up into two parts, it will be seen that the rate in 1883 was 270·3, an increase over that of 1873 of about 62 per cent., the system having been in full force in this period. The increase in 1892 over the rate of 1883 is only 51 per cent. That is, the increase was greater in the protected than in the unprotected or partially protected period. It is evident that these rates of admission are affected by many causes besides the working of lock hospitals and of the regulations regarding prostitution framed under the Cantonment Acts.

5. The Army Sanitary Commission state briefly what they consider to be the best practicable means of diminishing the prevalence of venereal disease, and their suggestions will doubtless be considered by your Government.

6. I request that I may be furnished with a report on the question raised in paragraph 13 of their Memorandum, as to the causes of the marked contrast between the British and Native soldier in respect of liability to venereal disease.

I have, &c.
(signed) Kimberley.

ENCLOSURES to above.

Enclosure No. 1.

MEMORANDUM by the Army Sanitary Commission on the Statistics of Venereal Disease among British and Native Troops in India for the year 1892, forwarded with Letter from Military Secretary, No. 11,546, dated 11 December 1893.

THESE papers may be taken as a continuation of those on which we remarked in our Memorandum dated 30th August 1893. They add the facts of another year, and, although we have already expressed an opinion on the whole question, it appears desirable that we should discuss it again in the light of the new facts available.

That venereal diseases prevail among European soldiers in India to such an extent as to constitute a most serious cause of inefficiency in the Army is a fact which admits of no question and the grave character of which can hardly be exaggerated. The bare statement that throughout India in 1892 no less than 28,000 European soldiers were admitted into hospital suffering from one or other of the many forms of venereal disease, and that the time spent under treatment by each of these cases averaged 29.01 days, is sufficient to illustrate, in a very few words, the magnitude of the evil which has to be dealt with.

2. But while there is no doubt whatever as to the vast extent of this evil, there is great difference of opinion as to what may or can be done to check it. Many people treat the whole matter as if both the cause and the remedy were very simple. The lock hospitals, they say, have been abolished, and hence venereal diseases prevail; re-establish these hospitals and this prevalence will be checked; hundreds of soldiers who now fill the hospitals will then be doing their duty and, instead of labouring under a disease which they may very likely transmit to their children, they will then be healthy and in due time the fathers of healthy families.

3. If these opinions were correct we should not hesitate to urge that the lock hospital system should be re-established in India without delay, and that it should be carried out with unremitting care and attention; but unfortunately the facts do not support such opinions.

* It existed for the 18 years 1867 to 1884. In 1885 certain of the lock hospitals were closed as an experimental measure, but were reopened in the early part of 1887, and the system was again in full force till September 1888, when it was altogether done away with.

The lock hospital system was in force throughout Indian cantonments for many years.* It was one of the first matters affecting the health of the British soldier in India which engaged the attention of the special Sanitary Department created

in that country in 1864. The rules for the prevention of venereal diseases were prepared with great care, and every effort was made to administer them with success. Every year a report of each lock hospital was submitted to the Sanitary Department, and year after year suggestions were made and acted on for rendering the system more efficient. In every cantonment a special sub-committee was formed whose duty it was to look to the working of the rules, to propose improvements, and generally to see that both the civil and military authorities, who were alike concerned, should pull together with that energy and co-operation which were essential.

4. When the rules were first promulgated the Sanitary Department was sanguine that venereal diseases, which always occupied such a prominent place as a cause of sickness and invaliding among European soldiers in India, would be reduced to a mere fraction of what they had been, and even after years of unsuccessful result it was still hoped that with increased care and greater stringency the desired end might yet be attained. But there can be no question that the outcome was failure.

5. For this unexpected issue three causes seem to be mainly responsible. First, there was the difficulty of being able to tell when a woman of the prostitute class is incapable of causing disease. The opinion so commonly held that this can be easily determined on examination is one of those popular errors which need correction. It may be argued that the retention of a certain number of diseased women in hospital must, *pro tanto*, reduce the number of men affected and so have a certain salutary influence; but, on the other hand, a large reduction in the number of prostitutes might make the few remaining outside greater sources of danger than they otherwise would have been. This, however, is not a matter to be decided by mere theoretical considerations. We can deal only with the facts, and there was ample evidence in the course of the Indian Lock Hospital experience to show that a woman's passing the periodical examination was no guarantee that she might not communicate disease.

6. But there was another and widely operative difficulty which was encountered in the administration of the rules, and that was that many of the women with whom the soldiers consorted were never on the register, and, therefore, under no surveillance whatever. In every Indian cantonment after

dusk

dusk the vicinity of the European lines is haunted by women of the lowest and poorest class who, though not prostitutes by profession, are willing to prostitute themselves for even a smaller sum than is claimed by the regular courtesan. To bring these women under registration and periodical examination was found to be impracticable.

7. To add to the above-named reasons, which seemed, in some measure at least, to account for the unsatisfactory results, there was still another, and that was that the rules were directed exclusively to the condition of the women. They had no reference to the condition of the men, and there can be little doubt, especially where the number of women available was small, either because many were in hospital or because of other reasons, that the condition of men also constituted an element in the problem.

8. We have said that the hopes of reducing venereal disease among the troops, by means of lock hospitals which were formed by the Sanitary Department in India, were not realised. Not only did these hospitals fail to effect a reduction in the ratio of venereal cases among European troops, but, as it happens, these diseases increased during the term of years in which they were in full operation. On this point we may refer to our memorandum on the Report of the Sanitary Commissioner with the Government of India for 1889.

9. This untoward result was doubtless due to other causes which were operating over these years, and notably to the short-service system, involving an increase of young men, and a reduction in the proportion of those who were married. How far these causes tended to defeat the good which these lock hospitals might have achieved cannot be determined. The problem may to some extent, however, be judged of by the results of the experiment made by the Government of India when in certain cantonments the lock hospitals were closed, and the venereal statistics in them were afterwards compared with the statistics of other places in which the operation of such hospitals was continuous. Such a comparison was made in the memorandum by Surgeon-Major-General Bradshaw which we received from the India Office and commented on in our memorandum dated the 30th August 1893. It is not necessary here to refer to these statistics further than to repeat that, according to the most favourable construction that could be put on the figures, the general result in favour of the cantonments with continuous lock hospitals was a reduction of the admissions into hospital from venereal diseases to the extent of only one-sixth part.

10. The facts, so far as we can ascertain them, lead us to the conclusion that a compulsory lock hospital system in India had proved a failure, and that its re-institution cannot consequently be advocated on sanitary grounds. In stating this conclusion we may add that we are merely repeating the opinion which the Army Sanitary Commission have uniformly held, that venereal diseases in the Army of India could not be repressed by such restrictive measures, and in support of this statement we may refer to the memoranda on the Indian Sanitary Reports which have issued from this Office for many years. We believe that the best practicable means of diminishing the prevalence of these diseases is to be found in establishing a system of voluntary lock hospitals, and in providing the soldier, as far as possible, with healthy occupation and recreation.

11. But we entirely concur in the suggestion contained in the Military Despatch from the Government of India that the authorities should have power, as in the case of other infectious diseases, to expel from cantonments women "when they are known to be diseased and refuse to submit to treatment in hospital." We would also strongly advocate that the power of commanding officers should be as much enlarged as practicable in the direction of diminishing the temptations to young soldiers, by preventing women, for example, from coming about the lines after dusk, and also in putting places out of bounds where soldiers are believed to have contracted disease. Commanding officers should also be urged to encourage in every way all forms of athletic amusement, as physical fatigue acts as a deterrent to sexual indulgence.

12. Although the German system is unsuited to India, where the circumstances

stances are very different from what they are in Europe, a full account of the working of that system, and of the extent of venereal disease in the German Army might contain some suggestions of practical value, and we should therefore be glad to be favoured with a copy of Dr. Roe's report to which reference is made in these papers, and of any other reports from which the needful information can be obtained.

We may remark that statistical returns from the Army Medical Department, showing the amount of venereal disease in the Army at home during the period when the Contagious Diseases Acts were in force as compared with the period since their abolition, do not show that any more favourable results obtained during the time the Acts were in operation. On this point evidence will be found in the statement appended. The inference which may be drawn from the figures of that statement would seem to be that the Acts exercised to some extent a deterrent and restraining influence on illicit prostitution on the part of certain classes of the population in this country, from their being apprehensive of police observation, rather than that their operation influenced the prevalence of these diseases, for, as a matter of fact, the ratio of admissions per 1,000 has decreased since the Acts have been abolished.

13. The small amount of venereal disease in the Native Army of India is no new experience, but has been known as a matter of annual occurrence. We are not aware that any inquiry has ever been made as to the cause of this marked contrast between European and Native soldiers, and we would suggest that some such inquiry might be instituted. The points which seem to invite special attention are, whether Native soldiers, who as a rule have not their families with them, consort with strange women to the same extent as European soldiers, and, if so, whether they consort with the same class of women as the British soldier. It may be that in the case of Native soldiers religion, habits, diet, especially as regards the use of meat, alcohol, and opium, have some influence, and it is desirable that these points should be investigated.

14. We are glad to note that in all three Presidencies there was a diminution of secondary syphilis among European troops in India in 1892 as compared with 1891. This may probably have been due to the marked diminution of venereal diseases in 1891 as compared with 1890. To this fall in the venereal ratio in 1891 no reference is made either in these or the previous papers on the same subject. The absence of this reference makes the returns for 1892 appear somewhat more unfavourable in relation to those of other years than they really are. For the last five years the general venereal ratios, as given in the table of enclosure marked B., stand thus:—

	Admissions into Hospital from Venereal Diseases per 1,000 of Strength.
1888	370.6
1889	481.5
1890	503.5
1891	400.7
1892	409.9

It is true that 1892 shows an increase of nine cases per 1,000 over 1891, but the ratio of 1892 is still nearly one hundred per 1,000 less than it was in 1890. The rules issued under the Cantonment Act of 1889, which concern, among other things, the establishment of what were known as the Voluntary hospitals, seem to have appeared on 21st December 1889, so that if the reduction in venereal diseases in 1891 is to be ascribed to them it is strange that they should have had no influence in 1890.

War Office, 25 January 1894.

Enclosure in No. 1.

TABLE showing the Admission and Constantly Sick Rates for Venereal Affections in the United Kingdom during the 12 Years, 1881-1892.

Year.	Ratio per 1,000.		Remarks.
	Admitted.	Constantly Sick.	
1881 -	245.5	10.87	C. D. Acts in force. C. D. Acts partially repealed in May. C. D. Acts repealed in March.
1882 -	246.0	10.86	
1883 -	260.0	18.64	
1884 -	270.7	20.14	
1885 -	275.4	19.84	
1886 -	267.1	19.29	
1887 -	262.9	19.10	
1888 -	224.5	18.19	
1889 -	212.1	16.96	
1890 -	212.4	17.07	
1891 -	187.4	15.84	
1892 -	201.2	16.46	

Army Medical Department,
18 December 1893.

Enclosure No. 2.

LETTER from India Office to Army Sanitary Commission; dated
1 March 1894.

Sir,

I AM desired by the Secretary of State for India in Council to acknowledge the receipt of your letter of 25th January, with enclosure, and to request that you will be so good as to convey to the Army Sanitary Commission the thanks of the Earl of Kimberley for the Memorandum which they have furnished to him on the statistics of venereal disease among British and Native troops in India for 1892.

With reference to paragraph 12 of this Memorandum, I am to forward, for the information of the Commission, copy of a Despatch to the Government of India, enclosing Dr. Roe's report, which describes in paragraph 6 the system in force in Germany for controlling prostitution.

The Government of India will be asked for a report, to be communicated to the Army Sanitary Commission in due course, as to the causes which may account for the marked contrast between the British and Native armies, in respect to their liability to venereal disease, noticed in paragraph 13 of the Memorandum.

With reference to the remark in paragraph 14, that the rules issued under the Cantonment Act of 1889 seem to have appeared on 21st December 1889, so that if the reduction in venereal diseases in 1891 is to be ascribed to them, it is strange that they should have had no influence in 1890, I am directed to forward copy of a Despatch from the Government of India, dated 14th July

1891,* in the enclosure to which it is explained that these rules did not take practical effect until near the close of 1890, and could not therefore be productive of any material benefit during that year.

I am, &c.
(signed) *Horace Walpole.*

MILITARY DESPATCH from Secretary of State to Government of India (No. 26);
dated 1 March 1894.

My Lord,

I HAVE considered in Council Lord Lansdowne's Despatch, No. 232, of the 1st November 1893, relative to the report of the Committee appointed by me to inquire into the rules, regulations, and practice in Indian Cantonments with regard to prostitution and the treatment of venereal disease.

2. In my telegram of the 29th September 1893 I informed you that the majority of the Committee recommended legislation as the only effective method of preventing practices inconsistent with the Resolution of the House of Commons of the 5th June 1888, that I was disposed to concur in this view, but that the proposal required careful examination. You now forward drafts of alternative Bills, with draft amendments to the rules of 1890, prepared rather with the object of showing in what manner effect might be given by legislation to the opinions apparently entertained by the majority of the Committee, than as proposals which you think worthy of practical adoption.

3. Before proceeding to consider these drafts, I may at once assure your Excellency that I am quite satisfied that it was the intention of the Government of India to carry out the Resolution of the 5th June 1888, both in the letter and in the spirit. The action taken to comply with the Resolution is detailed in Lord Lansdowne's Despatch No. 148, of 11th July 1893, and, so far as executive orders could effect this object, the instructions issued leave little to be desired. It was only because I found that the evidence taken by the Committee showed that these orders had not proved sufficient, that I was disposed to concur with the majority of the Committee that legislation would be necessary.

4. In October 1891, in consequence of the receipt of a protest from the General Assembly of the Free Church of Scotland, your Government requested the Commander-in-Chief to cause inquiries to be made as to whether the military authorities were keeping strictly within the terms of the Cantonment Act, and the rules approved by the Secretary of State; and whether anything that could be fairly described as "official purveying for immorality" was countenanced. The views of the Government of India were subsequently explained more fully in a demi-official letter, of 10th March 1892, from your Secretary in the Military Department to the Quartermaster-General in India.

5. The reply of the Commander-in-Chief was that there was no foundation whatever for considering that the military authorities were not keeping strictly within the Act and the rules, that there was no compulsion beyond what was authorised by the rules, and that there was nothing which could be described as "official purveying for immorality." His Excellency strongly repudiated what he considered to be most unfounded allegations.

6. Notwithstanding this emphatic denial, it appears from the evidence of the American ladies, and of Mr. J. H. Bell, who visited India in 1891-92 and in 1892-93 respectively, that certain practices were then in force which came within the prohibition issued by your Government. General Lord Roberts, who was Commander-in-Chief in India during the whole period to which these inquiries relate, after considering that evidence and the report of the Special Commission appointed by your Government, has frankly admitted that the statements of these ladies are, in the main, correct. The report of the Special Commission appointed by your Government, and the supplementary reports forwarded therewith, confirm this admission, though in some instances they modify the impression which the evidence of those ladies conveyed.

7. As your Government are now considering the action to be taken in respect of the officers who contravened your orders, I will not now enter upon the question as to who was responsible for the non-observance of those orders, and also for not keeping you correctly informed as to the actual condition of affairs in certain cantonments.

8. On

8. On a careful review of the evidence and reports, I am satisfied that the orders issued by your Government have in some instances been disobeyed, and that practices which were allowed under the old system, but which are clearly inconsistent with those orders and with the Resolution of the House of Commons, have been continued until a comparatively recent date. There may be room for difference of opinion as to the extent to which this occurred, but it must be remembered that these reports deal only with 10 cantonments, and it is probable that similar practices were allowed in some of the other cantonments of all three Presidencies, which were not included in the late inquiries. Having regard, therefore, to the failure of executive action to carry out the intentions of your Government, I have no alternative but to conclude that the only effective method of preventing a recurrence of such practices is by means of legislation.

9. I forward herewith a Memorandum showing the way in which I wish this to be effected, and I request that, subject to any observations which your Government may desire to make, and which can be communicated to me by telegraph, you will proceed with the necessary legislation as soon as possible.

10. The new Act, and new rules framed under the Cantonment Act of 1889, should not only be notified in the Gazette of India and in local Gazettes, but also be posted up in some public place or places in every cantonment.

11. Lastly, to avoid the possibility of any future misconception of orders, I request that your Government will issue a Resolution explaining the policy of the new Act and rules, and prohibiting all practices, as distinguished from rules or regulations, inconsistent with that policy.

I am, &c.
(signed) Kimberley.

ENCLOSURE in above.

MEMORANDUM.

ADOPT (subject to the following alterations) Drafts I. and IV., forwarded with Despatch from the Government of India, No. 232, of 1st November 1893.

Draft I.

After the words "venereal disease" in Section 2, add the words "or is or is not fit for prostitution"; after the word "prostitutes" add the words "or sanctioning the practice of prostitution."

Another section should be added imposing a moderate fine, say one hundred rupees, with a short term of imprisonment in case of default, on any public servant subjecting any woman to compulsory examination for any of the purposes specified in Section 2, and providing suitable means for enforcing the penalty.

Draft IV.

Paragraph 5.—For the words "any infectious or contagious disorder" in line 5, substitute "cholera, small pox, diphtheria, or typhoid fever," and for the words "such disorder as aforesaid" in lines 11 and 12 substitute "of the above-mentioned disorders."

Paragraph 7.—For the words "infectious or contagious disorder" in lines 5 and 6 substitute "of the disorders mentioned in paragraph 5."

Paragraph 10 of Draft IV. should cancel not only the Notification 617, of 4th July 1890, but all rules previously issued which are inconsistent with the new regulations.

It may be held by the legal advisers of the Government of India that it is doubtful whether Section 26 of the Act of 1889 confers sufficient power to repeal existing cantonment rules made under previous Acts. If there is any doubt on the point, care should be taken to remove the difficulty by appropriate words in the legislation now proposed.

The Draft Rule subjoined to Draft IV., providing that no prostitutes shall be permitted to reside in any regimental bazaar, should also be published as proposed.

TELEGRAM from Viceroy to Secretary of State; dated 17 May 1894.

YOUR Military Despatch, No. 26, of 1st March. Draft Rules as amended cannot be accepted finally, and instructions contained in paragraph 11 of Despatch be carried out, without consideration of other points, about which Despatch will follow by next mail. It will be objectionable for Bill to be passed at Simla, but it will be introduced at first sitting, and its further stages proceeded with in due course. This will allow for your consideration of the representations we propose to make in regard to Rules.

MILITARY DESPATCH from Government of India to Secretary of State for India (No. 85); dated 29 May 1894.

Sir,

We have the honour to acknowledge the receipt of Lord Kimberley's Military Despatch, No. 26, of the 1st March 1894 (M—11203-93), in reply to our No. 232 of the 1st November 1893, and of his Lordship's Military Despatch, No. 25, of the 1st March 1894 (M—939), forwarding a Memorandum by the Army Sanitary Commission on the statistics of venereal disease among British and native troops in India for the year 1892.

2. With the first-named Despatch Lord Kimberley forwarded a Memorandum showing the way in which he wished legislation to be effected to prevent practices inconsistent with the Resolution of the House of Commons of the 5th June 1888, and with the orders issued by the Government of India to carry out that Resolution, and instructed us, subject to any observations which we might desire to make, and which could be communicated to him by telegraph, to proceed with the necessary legislation as soon as possible.

3. We are prepared to introduce into the Legislative Council at its first sitting at Simla a Bill in the terms of Draft 1, forwarded with our Despatch, No. 232, of 1st November 1893, as amended by Lord Kimberley's Memorandum, but we consider that as this legislation is of a highly important character, and may affect the health of civil as well as military inhabitants of cantonments, and as it creates a new penal offence for public servants, it will be necessary that it should be published in the "Gazettes," and referred to local Governments for opinion in the usual way, before being passed into law, and that it should not be finally dealt with at Simla, but should be reserved to be brought up in the Legislative Council in Calcutta.

4. In the Memorandum accompanying his Despatch Lord Kimberley makes certain alterations in the Draft Rules submitted by us, the effect of which alterations is to exclude venereal disease from the category of those infectious or contagious disorders, sufferers from which may be required to attend at a cantonment hospital and remain there until cured of such disorder, under penalty of removal from the cantonment. We venture respectfully to point out to you that this change in the rules goes beyond the Resolution of the House of Commons, which was directed only against the compulsory examination of women, and licensing and regulating prostitution in India.

5. In his Military Despatch, No. 25, of the 1st March 1894, Lord Kimberley says, "The Army Sanitary Commission state briefly what they consider to be the best practicable means of diminishing the prevalence of venereal disease, and their suggestions will doubtless be considered by your Government." These suggestions are contained in paragraph 11 of the Sanitary Commission's Memorandum. So far as they relate to granting powers to

to commanding officers in the direction of diminishing the temptations to young soldiers, and putting places out of bounds where soldiers are believed to have contracted disease, his Excellency the Commander-in-Chief has been requested to consult commanding officers on this subject, and such instructions will be issued as after receiving their suggestions may appear desirable for attaining the ends in view. But we must invite your attention to the fact that the first remark of the Army Sanitary Commission in this paragraph is to the following effect: "We entirely concur in the suggestions contained in the military Despatch from the Government of India, that the authorities should have power, as in the case of other infectious diseases, to expel from cantonments women when they are known to be diseased and refuse to submit to treatment in hospital." And we must point out that the alterations which Lord Kimberley desired us to make in the draft rules submitted by us are directly opposed to this recommendation, and would take away from the authorities that power which they now possess, and which the Army Sanitary Commission expresses its opinion that they should continue to possess.

6. We would therefore respectfully ask you to again consider whether it is desirable that the draft rules submitted by us should be amended as proposed by Lord Kimberley. We have only to say that we, in accord with the Army Sanitary Commission, consider it of vital importance to the health not only of the soldier, but of all inhabitants of cantonments, that any person suffering from any infectious or contagious disease, whether venereal or other, should be removed from the cantonment, unless such person shall voluntarily place himself or herself under proper treatment in a hospital. If the proposed amendments to the rules be insisted upon, we consider that it will be necessary for cantonment authorities to exclude from cantonments, under the provisions contained in Section 26 (23) of the Cantonments Act of 1889, any person who, in their opinion, is a dangerous source from which infection or contagion will spread, without giving any reason. The alternative to examination of the women, the enforcement of which, directly or indirectly, we fully admit must be prevented, is that the authorities charged with the preservation of the health of cantonments should have discretion as to the class of persons allowed to remain in them.

7. Finally, Lord Kimberley requested to be furnished with a report as to the causes of the marked contrast between the British and Native soldier in respect of liability to venereal disease. That difference may be accounted for in the following ways:—

(1.) After clothing and feeding himself, the Native soldier has little margin out of Rs. 7 a month.

(2.) Most of the Native soldiers have wives, either with the regiment or at their own homes. They are very good in remitting money to their families, even for the support of their aged and unemployed relations; consequently they have little money to spend.

(3.) As natives of the country, they are in closer relation with the people, whereby they are saved from much of the evil to which sexual intercourse with prostitutes alone exposes the unmarried British soldier.

(4.) Caste obligations tend most strongly to prevent promiscuous cohabitation. The high caste soldier would lose status if discovered with a low caste woman.

(5.) Native soldiers are not fed so highly as the British soldiers, and they are rarely excited or made reckless by drink.

We have, &c
 (signed) *Elgin.*
G. S. White.
A. E. Miller.
H. Brackenbury.
C. B. Pritchard.
J. Westland.
A. P. MacDonnell.

LEGISLATIVE DESPATCH from Government of India to Secretary of State for India (No. 24) ; dated 24 July 1894.

Sir,

WITH reference to the correspondence ending with our Military Despatch, No. 85, dated the 29th May last, we have the honour to forward herewith a copy of the Bill noted in the margin, which was introduced in the Council of the Governor General on the 12th instant.

2. A copy of the Statement of Objects and Reasons and of an extract from the Abstract of Proceedings of the meeting of the Council held on the 12th instant also accompanies.

We have, &c.
(signed) *Elgin.*
Geo. S. White.
Alex. Edw. Miller.
H. Brackenbury.
C. B. Pritchard.
J. Westland.
A. P. MacDonnell.

ENCLOSURES to above.

Enclosure No. 1.

A BILL to amend the Cantonments Act, 1889.

WHEREAS it is expedient to amend the Cantonments Act, 1889; It is hereby enacted as follows :

1. (1) This Act may be called the Cantonments Act Amendment Act, 1894.
Title, extent and commencement.

(2) It extends to the whole of British India;

and

(3) It shall come into force at once.

2. To Section 26 of the Cantonments Act, 1889, the following shall be added, namely :—

“ Provided that no such rule shall contain any regulation enjoining or permitting any compulsory or periodical examination of any woman by medical officers or others for the purpose of ascertaining whether she is or is not suffering from any venereal disease, or is or is not fit for prostitution, or any regulation for the licensing or registration of prostitutes, or sanctioning the practice of prostitution, in any cantonment.”

3. After the last-mentioned section the following section shall be inserted :—

“ 26A. Any public servant who shall subject any woman to compulsory examination for any of the purposes mentioned in the proviso to Section 26 shall be liable, on conviction thereof in a summary way before the Cantonment Magistrate, to fine which may extend to one hundred rupees, or to such imprisonment in default of payment thereof as is provided by the Indian Penal Code, Section 67.”

Insertion of new section after Section 26 of Act XIII. of 1889.

Penalty for subjecting a woman to compulsory examination.

Enclosure No. 2.

STATEMENT of Objects and Reasons.

ON the 26th July 1888, the Government of India, in compliance with a Despatch from the Secretary of State, dated the 14th June 1888, issued certain orders with a view of putting an end to the registration and compulsory examination of prostitutes in cantonments. It has been discovered that these orders have not in all cases proved effectual for the purpose, and the Secretary of State in Council has directed that the Bill to which this Statement is annexed should be introduced in the Legislative Council for the purpose of prohibiting under penalties such examination for the future. The Bill is submitted accordingly, in compliance with the directions of Her Majesty's Government.

10 July 1894. *Alex. Edw. Miller.*

Enclosure No. 3.

EXTRACT from the Abstract of the Proceedings of the Council of the Governor General of India, assembled for the purpose of making Laws and Regulations under the provisions of the Indian Councils Acts, 1861 and 1892 (24 & 25 Vict. c. 67, and 55 & 56 Vict. c. 14).

The Council met at Viceregal Lodge, Simla, on Thursday, the 12th July 1894.

CANTONMENTS ACT, 1889, AMENDMENT BILL.

The Honourable Sir Alexander Miller also moved for leave to introduce a Bill to amend the Cantonments Act, 1889. He said: "I have very little indeed to say upon this Bill. It is a Bill which has been introduced by direction of Her Majesty's Government in order to comply, if this Legislative Council should think fit to do so, with the requirements of the majority of the Commission which sat on the question of the practice of the examination of prostitutes in cantonments. That Commission reported by a majority of three to two that legislation was necessary in order to carry out the Resolution of the House of Commons on that subject, and the result of that decision is that Her Majesty's Government have expressed a wish that this particular Bill, which has been practically, though not formally, drawn in England, should be introduced for the consideration of the Legislative Council."

His Honour the Lieutenant Governor said: "We have not had any statement of what the provisions of the Bill are; so I think it is better that we should reserve any remarks which we have to make on it."

The Honourable Sir Alexander Miller said:—"If his Honour the Lieutenant Governor wishes, I will state what the provisions of the Bill are; but I purposely did not do so because I have explained the circumstances under which it is proposed to introduce the Bill, and I have no desire to express any opinion either way as to the advisability of its provisions."

The Honourable Sir Antony MacDonnell: "Are we to understand that this Bill is to be taken up in Simla?"

His Excellency the President: "I understood not."

The Honourable Sir Antony MacDonnell: "I ask the question with reference to what his Honour has said. If the Bill is not taken up in Simla, he will not have an opportunity of expressing his views on it. For my own part I think it would be very undesirable that it should be taken up in Simla."

The Honourable Sir Alexander Miller: "I think it necessary that a Bill of this kind, if introduced, should be circulated to Local Governments and Administrations. When that is done, his Honour will have an opportunity in another capacity of expressing his opinion on it."

The motion was put and agreed to.

The Honourable Sir Alexander Miller also introduced the Bill.

The Honourable Sir Alexander Miller also moved that the Bill and Statement of Objects and Reasons be published in the "Gazette of India" in English, and

in the local official Gazettes in English and in such other languages as the Local Governments think fit.

The motion was put and agreed to.

MILITARY DESPATCH from Secretary of State to Government of India,
No. 137; dated 29 November 1894.

My Lord,

I HAVE considered in Council your Excellency's Despatch, No. 85, of the 29th May 1894, relative to the legislation to be undertaken by your Government for the purpose of preventing a recurrence of practices inconsistent with the Resolution of the House of Commons of the 5th June 1888. That Resolution, which was passed unanimously, is as follows:—"That, in the opinion of this House, any mere suspension of measures for the compulsory examination of women, and for licensing and regulating prostitution in India, is insufficient, and the legislation which enjoins, authorises, or permits such measures ought to be repealed." You represent that the effect of the alterations made by Lord Kimberley in the draft rules submitted by you is to exclude venereal diseases from the category of those infectious or contagious disorders, sufferers from which may be required, under penalty of removal from the cantonment, to attend at, and remain in, a cantonment hospital until cured of such disorder, and you point out that this change in the rule goes beyond the Resolution of the House of Commons, which was directed only against the compulsory examination of women, and licensing and regulating prostitution in India.

2. In reply, I have to observe that the change was made advisedly because of the failure of the original rules to ensure compliance with the orders of your Government, and with the intentions of the House of Commons, and because, in Lord Kimberley's opinion, the draft rules submitted with Lord Lansdowne's Despatch No. 232 of 1893 would have been equally inefficacious to secure the desired result. There is an obvious difference, on which I need not enlarge, between venereal diseases and the diseases ordinarily classed as infectious or contagious, which are the subject of legislation in the interests of the public health in this and other countries. It is on account of this difference that the former have never been included in the same category as the diseases to which such Acts as the Public Health Act or the Infectious Disease (Notification) Act are applicable in this country, and Her Majesty's Government were unable to assent to their being treated on any different principle in India.

3. In paragraph 5 of your Despatch, you quote an extract from a report by the Army Sanitary Commission, to the effect that they "entirely concur in the suggestions contained in the Military Despatch from the Government of India that the authorities should have power, as in the case of other infectious diseases, to expel from cantonments women when they are known to be diseased and refuse to submit to treatment in hospital." You add that the alterations in the rules which Lord Kimberley desired you to make are directly opposed to this recommendation, and would take away from the authorities that power which they now possess, and which your Government, in accord with the Army Sanitary Commission, consider they should continue to possess.

4. I have already indicated why venereal diseases cannot be dealt with in the same way as the diseases ordinarily classed as infectious or contagious, and for the same reason Lord Kimberley decided that persons suffering from the former could not properly be brought under the rules to be made under Section 26 (21) of the Cantonment Act of 1889, for the purpose of preventing the spread of infectious or contagious disorders within a cantonment. Neither the Army Sanitary Commission nor your Government explain in what way it is proposed to ascertain that any woman is suffering from venereal disease, though this is manifestly the first point to be settled before she could be expelled from cantonments. The draft rules forwarded with Lord Lansdowne's Despatch 232 of 1893 are obviously open to the objection that without personal examination, which would in effect be compulsory, though not periodical, the existence of the disease could not be certified, and that they would therefore lead to a recurrence of practices inconsistent with the decision of the House of Commons

Commons and with the opinion of your Government that the enforcement, directly or indirectly, of the examination of the women, must be prevented. On the other hand, the expulsion of women from cantonments on uncertified reports might lead to serious abuses; and would subject not only prostitutes, but other females, to oppression and extortion at the hands of the police or other agents employed on this duty.

5. Finally, your Government arrive at the conclusion that if the proposed amendment to the rules be insisted upon, it will be necessary for the cantonment authorities to exclude from cantonments, under Section 26 (23) of the Act of 1889, without giving any reason, any person who, in their opinion, is a dangerous source from which infection or contagion will spread. Your view is that the alternative to examination of the women, the enforcement of which, directly or indirectly, you fully admit must be prevented, is "that the authorities charged with the preservation of the health of cantonments should have discretion as to the class of persons allowed to remain in them."

6. I am unable to concur in this view. If it is the intention of your Government that this power of exclusion should be exercised only in individual cases, at the discretion of the cantonment authorities, I could not, for the reasons already given in this Despatch, accord my sanction to any rules which would have this effect. If, on the other hand, the intention is to exclude all prostitutes from cantonments, then I think that before having recourse to so extreme a measure, the enforcement of which would be attended with many difficulties, your Government should carefully consider (1) the possibility of putting it into execution and (2) its probable results in diminishing the prevalence of venereal disease.

7. Your Excellency is aware that Lord Kimberley's Despatch of the 1st of March 1894 was written after a very full and careful consideration of the whole subject, and that it conveyed to you the views of Her Majesty's Government as to the measures which were absolutely required to carry out the Resolution of the House of Commons. I have now given my best attention to the arguments contained in your Letter; but I find myself, nevertheless, compelled to concur in Lord Kimberley's opinion that no action which falls short of what he enjoined will be sufficient for the purpose in view.

I am, &c.
(signed) *Henry H. Fowler.*

TELEGRAM from Viceroy to Secretary of State; dated 3 January 1895.

It was decided in Council to-day, after long discussion, to send you the following Telegram:—Confidential. We are of opinion that Cantonments Act Amendment Bill will almost certainly be wrecked if Clause 3 is insisted upon. Legal opinions received are unanimous that offence aimed at is already penalised by Section 354 of Penal Code. Medical opinion strongly against the clause, as slur upon profession, and creating incentive to bringing of false charges by prostitutes, which by their nature would be difficult to disprove. Public opinion excited. If third clause is dropped, we believe that Bill will pass without difficulty, and strongly urge that course.

TELEGRAM from Viceroy to Secretary of State; dated 9 January 1895.

FOLLOWING Resolution was unanimously adopted by unofficial members of Indian Medical Congress on 29th December: "That the unofficial members of this Congress desire earnestly to represent to the proper authorities in India and at home the mischief likely to result from the proposed Cantonment Act Amendment Bill, especially in so far as the third clause is concerned, which proposes penal legislation aimed at public medical servants, and implies that they cannot be trusted to carry out loyally and promptly the orders of Government on this subject.

TELEGRAM from Secretary of State to Viceroy; 22nd January 1895.

YOUR telegram 3rd instant. As you are satisfied that Clause 3 adds nothing to the cogency of the existing law, and is, therefore, unnecessary, I leave to your discretion to deal with Clause 3 as you think best.

TELEGRAM from Viceroy to Secretary of State; 25 January 1895.

Confidential. Cantonments Bill. We announced that Clause 3 would, with your consent, be omitted. Reference to Committee thereupon adopted unopposed.

LEGISLATIVE DESPATCH from Government of India (No. 2); dated 16 January 1895.

Sir,

IN continuation of our Legislative Despatch, No. 24, dated the 24th July Printed Papers, Nos. 1 to 14. 1894, we have the honour to forward herewith copies of the opinions we have received on the Bill to amend the Cantonments Act, 1889.

We have, &c.
(signed) *Elgin.*
Geo. S. White.
Alex. Edw. Miller.
H. Brackenbury.
C. B. Pritchard.
J. Westland.
A. P. MacDonnell.

ENCLOSURES IN ABOVE.

No. 1.

From Officiating Registrar, High Court, Calcutta, to Secretary to Government of India, Legislative Department (No. 1727); dated 6 August 1894.

I AM directed to acknowledge the receipt of Mr. Macpherson's Letter, No. 1365, dated the 16th ultimo, and in reply to inform you that the Judges have no observations to make on the provisions of the Bill to amend the Cantonments Act, 1889, forwarded herewith.

I have, &c.
(signed) *T. W. Richardson.*

No. 2.

From Chief Commissioner, Coorg, to Secretary to Government of India, Legislative Department (No. 1440—102—92); dated 13 August 1894.

IN acknowledging the receipt of your Letter, No. 1361, dated the 16th July last, forwarding for opinion a Bill to amend the Cantonments Act, 1889, I have the honour to state that, as there are no cantonments in Coorg, it does not appear necessary for me to record an opinion on the provisions of the Bill.

2. The Bill has been published in English in the Coorg District Gazette of the 1st instant. The date of publication of the Kanarese translation of the same will be intimated in due course.

I have, &c.
(signed) *P. D. Henderson, Colonel.*

No. 3.

From Officiating Secretary to Chief Commissioner, Assam, to Secretary to Government of India, Legislative Department (No. 81-L.L.—5261-J.); dated 18 August 1894.

I AM directed to acknowledge the receipt of Mr. Macpherson's Letter, No. 1360, dated the 16th July 1894, asking for an expression of the Chief Commissioner's opinion on the provisions of the Bill to amend the Cantonments Act, 1889.

2. In reply, I am to say that the Officiating Chief Commissioner has not thought it necessary to consult any district officers or other persons, as the matter is not one on which any additional light could be thrown by local opinions, so far as this Province is concerned. There are no cantonments in Assam in which European troops are stationed, and no rules have at any time been in force in the Province for the regulation of prostitution.

3. The Officiating Chief Commissioner has no remarks to offer on the substantive provision in Section 2 of the Bill, as to the policy and desirability of which the Government of India must be better informed than this Administration. He is, however, of opinion that Section 3 of the Bill is objectionable, inasmuch as it proceeds on the principle that officers of Government require to be threatened with criminal penalties before they can be trusted to comply with a plain direction of the law. This course is not ordinarily followed in legal enactments, and the Officiating Chief Commissioner would be sorry to see such a principle adopted by the Legislature. Mr. Lyall can conceive nothing more likely than this to lower the credit and injure the *morale* of the public service.

4. The Bill and the Statement of Objects and Reasons were published in English and in Bengali, in the "Assam Gazette" of the 28th July and 11th August 1894 respectively.

(signed) P. G. Melitus.

No. 4.

From Agent to Governor General in Baluchistan to Secretary to Government of India, Legislative Department (No. 922-Z.); dated 22 August 1894.

I HAVE the honour to acknowledge the receipt of your Letter, No. 1363, dated the 16th July 1894, asking for an expression of my opinion on the provisions of a Bill to amend the Cantonments Act, 1889.

2. In reply, I beg to state that I entirely agree with the provisions of the Bill, which appear to me to be all that are necessary to meet the object in view.

(signed) J. Browne, Major-General.

No. 5.

From Chief Commissioner, Ajmere-Merwara, to Secretary to Government of India, Legislative Department (No. 23-C.); dated 27 August 1894.

I HAVE the honour to reply to Mr. Macpherson's Letter, No. 1362, dated the 16th ultimo, forwarding, for opinion, a Bill to amend the Cantonments Act, 1889, with a view to prevent the registration or compulsory or periodical examination of prostitutes.

2. I agree with the Commissioner, Ajmere, and the officers consulted by him, that the Bill sufficiently secures the object at which it aims. I understand

stand that no opinion is required from me as to the wisdom of the measure which has been dictated by Her Majesty's Government.

3. The addition of Section 26 A. to Act XIII. of 1889 will apparently necessitate the substitution of the words "Section 26" for the words "the last foregoing section" in Clauses (1), (2) and (4) of Section 27 of the Act.

(signed) *G. H. Trevor*, Colonel.

No. 6.

From Officiating Chief Secretary to Chief Commissioner, Burma, to Secretary to Government of India, Legislative Department (No. 246-5-C-36); dated 7 September 1894.

I AM directed to acknowledge the receipt of the papers forwarded with your Letter, No. 1359, dated 16th July 1894, and to report that the Bill to amend the Cantonments Act, 1889, with the Statement of Objects and Reasons, was published in English in the "Burma Gazette" on the 4th August 1894. It was not thought necessary to publish it in any other language.

2. I am to submit copies of the letters cited in the margin containing the opinions of officers consulted on the subject of the proposed Bill. The Chief Commissioner does not suppose that any expression of opinion is required as to expediency of the issue of the orders which this Bill has been framed to enforce. Without, therefore, expressing any opinion on that point, the Chief Commissioner desires to say that Section 2 seems to be appropriate and necessary for the proposed purpose; but that the section proposed to be added to the Cantonments Act by Section 3 is open to grave objection. It is not necessary, and it may open the door to vexatious charges against public servants. There is no reason to suppose that any such provision is needed, or that public servants in India require to be made to obey the law by fear of a paltry fine of Rs. 100. The Chief Commissioner recommends that Section 3 should be omitted from the Bill, if enacted.

(signed) *H. Thirkell White*.

From Commissioner, Pegu Division, to Chief Secretary to Chief Commissioner, Burma (No. 520, -10-L.); dated 30 August 1894.

In reply to your Letter, No. 434-5-C-36., dated the 10th August 1894, I have the honour to report that I think the Bill to amend the Cantonments Act is well adapted to effect the object stated, an object the expediency of which is, I think, very doubtful.

From Commissioner, Tenasserim Division, to Chief Secretary to Commissioner, Burma (No. 4513-122-C.); dated 22 August 1894.

In reply to your Letter, No. 434-5-C-36, dated the 10th August 1894, I have the honour to say that in my opinion the Bill is a bad Bill, as if it becomes law it can only do harm, and that unless it is imperatively necessary to pass such a law it ought not to be passed.

2. I can add nothing to the arguments against it used by those who with most knowledge oppose the principle of non-interference in these matters and would regulate what must exist and do all that can be done to lessen its evils.

From Commissioner, Northern Division, to Chief Secretary to Chief Commissioner, Burma (No. 517—47); dated 18 August 1894.

WITH reference to your Military, No. 434—5 C. 36, dated 10th August, I have the honour to state that, in my opinion, the Bill is sufficient to provide for the purposes for which it is intended, and I have no criticism to offer concerning it.

From Commissioner, Southern Division, to Chief Secretary to Chief Commissioner, Burma (No. 3933—16 K.); dated 18 August 1894.

IN reply to your Military Department Letter, No. 434—5 C. 36, dated 10th instant, I have the honour to state that the proposed addition to Section 26 appears suitable to give effect to what I understand to be the orders of Her Majesty's Government.

I have had little experience of cantonments, and do not feel qualified to give an opinion on the soundness or otherwise of the Government policy.

As to Section 26 A., it appears to me unnecessary and also degrading to the character of the public servants who must be referred to. There are several sections of the Penal Code which would be applicable to a public servant as well as any other person who violated his duty, or without authority subjected a woman to compulsory examination.

From Commissioner, Eastern Division, to Chief Secretary to Chief Commissioner, Burma (No. 3069—1 L. 5); dated 15 August 1894.

IN reply to your letter, Military Department, No. 434—5 C. 36, dated 10th August 1894, I have the honour to submit my opinion on the provisions of the Bill to amend the Cantonments Act, 1889.

2. The havoc caused by venereal diseases, not only among our troops, but also among Burmans, whom we are bound to protect, is notorious. This havoc is not only notorious, but it is notoriously on the increase. This subject is not a savoury one, but of late years it is being continually forced upon one's reluctant observation in every town, and almost in every village in this country.

3. In a well-regulated village Burman elders will not allow women who practise prostitution to reside; an instance of this kind came before me yesterday, and the non-regulation of Burmese prostitutes is contrary to the customs and wishes of the people.

4. The powers already possessed have proved inadequate to protect the people against this dreadful scourge, and the Bill now under consideration will reduce even these inadequate powers. Were the people of the cantonments of this division to be consulted there would be a plebiscite against this Bill.

From the Inspector General of Jails with Civil Medical Administration, to Chief Secretary to Chief Commissioner, Burma (No. 4625—66 M.); dated 20 August 1894.

IN reply to your letter, No. 434—5 C. 36, dated 10th instant, I have the honour to state that the draft Bill to amend the Cantonments Act, 1889, received therewith, will, in my opinion, if enacted, effect the object in view. The penalty, Section 26 A., which it is proposed to add, seems to me altogether unnecessary.

No. 7.

From Secretary for Berar to Resident, Hyderabad, to Secretary to Government of India, Legislative Department (No. 292); dated 10 September 1894.

I AM directed to acknowledge the receipt of your letter No. 1364, dated 16th July 1894, forwarding, for the Resident's opinion and the opinions of such selected officers and other persons as he may think fit to consult on the subject, a Bill to amend the Cantonments Act, 1889, with Statement of objects and reasons.

In reply, I am to forward a copy of letter, No. 2438, dated the 8th ultimo, from the Cantonment Magistrate of Secunderabad, on the subject, and to say that the Resident does not desire to offer any opinion on the proposed Bill, except that the procedure under the Draft Section 3 of the Bill should not, viewing the status of the public servants likely to fall within its scope, and the grave consequences to them of the institution of any criminal proceedings, be summary.

(signed) *A. Tucker.*

From Cantonment Magistrate, Secunderabad, to First Assistant Resident, Hyderabad (No. 2438); dated 8 August 1894.

I HAVE the honour to acknowledge receipt of the papers forwarded under your endorsement, No. 2580, dated 30th ultimo.

I am of opinion that the Bill to amend the Cantonments Act, 1889, if passed, should result in effectually putting an end to the registration and compulsory examination of prostitutes in cantonments, and thus fulfil the object for which it is intended.

2. I would suggest, however, that the penalties provided in paragraph 3 of the Bill may result in achieving an object which the Government does not intend.

In order to secure themselves from false prosecutions there will be a tendency for medical officers to refuse to examine prostitutes, or women suspected of being prostitutes, who may voluntarily offer themselves for examination in order to be cured of a painful disease.

(signed) *E. S. Masters, Major.*

No. 8.

From *A. L. Saunders, Esq.*, Second Secretary to Chief Commissioner, Central Provinces, to Secretary to Government of India, Legislative Department (No. 6561); dated 20 September 1894.

I AM directed to acknowledge the receipt of your letter, No. 1358, dated 16th July last, forwarding six copies of a Bill to amend the Cantonments Act, 1889, with Statement of objects and reasons, and asking for an expression of the Chief Commissioner's opinion on the provisions of the Bill, and for the opinions of selected officers and other persons on the subject. The Chief Commissioner has consulted Commissioners of Divisions and selected Deputy Commissioners, and I am to reply as follows:—

2. With regard to Section 2 of the Bill, the Chief Commissioner thinks it desirable that it should be made clear that this section does not interfere with the power, under Section 26 (20) of the Cantonments Act, to require prostitutes to live only in certain quarters of a cantonment. This power is very necessary

in the interests of public decency and order, and the question has been raised whether the amendment proposed does not prohibit its exercise.

3. The words in Section 3 of the Bill "on conviction in a summary way before the Cantonment Magistrate" seem open to criticism. Cantonment Magistrates often are not competent under the Code of Criminal Procedure to exercise summary powers. It seems undesirable to confine jurisdiction over such cases to a single Magistrate, who may even be said to be the authority aimed at by this penal legislation; for the practices prohibited could hardly have taken place without his connivance. It would, the Chief Commissioner thinks, be better simply to prescribe the penalty and leave the procedure to be regulated by the ordinary law.

4. The Bill and Statement were published in English in the "Central Provinces Gazette" of the 21st July last, and in Hindi in the "Gazette" of the 12th instant.

(signed) *C. E. B. Critchley,*
for Second Secretary.

No. 9.

From the Secretary to Government, North-Western Provinces and Oudh, to the Secretary to the Government of India, Legislative Department; dated Naini Tal, 1 October 1894.

Sir,

In reply to your No. 1356, dated the 16th July 1894, forwarding copies of a

* Letter No. ⁵⁴⁸⁸ XXIII.—110—3, dated the 7th August 1894, from the Commissioner of the Fyzabad Division.

Letter No. ¹¹²⁵⁹ XV.—(1)—39, dated the 7th August 1894, from the Commissioner of the Agra Division.

Letter No. 2355, dated the 8th August 1894, from the Registrar, High Court of Judicature, North-Western Provinces.

Letter No. ⁸⁸⁰⁰ XIII.—142, dated the 9th August 1894, from the Commissioner of the Benares Division.

Letter No. ⁸⁸³² XXIII.—243, dated the 11th August 1894, from the Commissioner of the Lucknow Division.

Letter No. ⁹⁰⁹² 339, dated the 11th August 1894, from the Commissioner of the Allahabad Division.

Letter No. ¹⁸⁶⁵ XIV.—43, dated the 17th August 1894, from the Commissioner of the Rohilkhand Division.

Letter No. ¹⁰⁸⁵⁵ XVII.—144, dated the 31st August 1894, from the Commissioner of the Meerut Division.

Letter No. ⁵⁷⁹⁶ XVI.—2—55, dated the 23rd August 1894, from the Commissioner of the Kumaon Division.

Letter No. 1637, dated the 4th September 1892, from the Judicial Commissioner of Oudh.

tenant-Governor and Chief Commissioner.

2. The Government of India has not expressly consulted this Government in regard to the principle underlying the Bill, but the subject is incidentally referred to in the papers enclosed. The Lieutenant-Governor and Chief Commissioner fully concurs in the opinion of the officers consulted, which unanimously condemns the prohibition of the examination of prostitutes with a view to prevent disease, more especially when the examination is voluntarily submitted to by the women themselves.

3. It has, however, it is understood, been finally decided by the Secretary of State and the Government of India that periodical medical examination of prostitutes is to be definitely forbidden, and clear and explicit executive orders have already been issued on the subject. The legislation now proposed appears to the Lieutenant-Governor and Chief Commissioner superfluous. The provisions

of Section 2 apply only to the Governor-General in Council and restrain him in future from issuing rules on a subject on which the Governor General in Council has already decided that no rules shall be issued. Section 3 is equally unnecessary. In the absence of legal authority, such as could only be conferred by rules which the Governor-General in Council has decided not to issue, the compulsory examination of a woman is an offence under Section 354 of the Indian Penal Code, and as such punishable with imprisonment of either description which may extend to two years. The addition of the words "or to such imprisonment, &c.," is even more distinctly unnecessary, as the application of Section 67 of the Indian Penal Code is secured by Section 5 of the General Clauses Act.

4. If the Government of India consider it obligatory upon them to legislate in order to give additional sanction to an executive order to which obedience can be enforced, then the Bill under consideration is sufficient in the Lieutenant-Governor's opinion to accomplish that object. But Sir Charles Crosthwaite is opposed to the passing of this Bill—(1) because the principle underlying the Bill is bad; (2) because it is unnecessary; (3) because it is insulting both to the Government of India and its servants to declare that threats of fine and imprisonment are needed to secure loyal obedience to district executive orders. The notion that legislation will render the present orders on the subject immutable is idle. In the absence of some extraordinary advance in the science of preventive medicine, humanity and necessity will compel their repeal.

5. I am further to report that the Bill has been published in the "North-Western Provinces and Oudh English Gazette" of the 21st July 1894, and in the "Urdu Gazette" of the 25th August 1894.

I have, &c.
(signed) *D. C. Baillie*,
Secretary to Government, North-Western
Provinces and Oudh.

From Colonel *F. Currie*, Commissioner Fyzabad Division, to Secretary to Government, North-West Provinces and Oudh.

No. ⁵⁴⁸⁸~~XXIII-1103~~; dated 7 August 1894.

Sir,

IN reply to your No. ¹¹⁹²~~XXII-9380~~; dated 1st instant, I have the honour to state that, so far as legislating on this subject goes, we have been doing this for the past 30 years, with the result at present that out of an army of 80,000 Europeans we have some 30,000 in hospital daily with venereal. The present Bill will certainly not mend matters: where it is not utterly useless, it will be harmful.

2. Personally I do not agree with the majority of three that legislation is necessary, but with the minority of two that no legislation is necessary. The less said about the present Bill, fattered by morbid married faddists and sexless unprofessional sisters, the better.

3. The subject (the remedy for the present evil?) is a big one, as the evil is a big one, not only thousands of men temporarily laid up in hospital, but thousands and thousands cast on the world to propagate disease to unborn generations. The only remedy I can suggest is long service for India; marriage allowed; these troops located in different hill stations and Kashmir, and brought down to the plains for camps of exercise each year from November to April. This would save in Home charges, and constantly having a small army of new drafts and time-expired men afloat; and make the soldiers as safe as the faddists themselves, not by legislation, but by natural process; and what is more to the purpose, save unborn generations from inherited disease and suffering.

From *W. E. Neale*, Esq., Commissioner, Agra Division, to Secretary to Government, North-West Provinces and Oudh.

No. $\frac{11252}{XV-105}$; dated 7 August 1894.

Sir,

IN reply to your No. $\frac{1186}{XII-900}$, dated the 1st instant, forwarding for an expression of opinion Bill to amend the Cantonments Act, 1889, with Statement of Objects and Reasons, I have the honour to state that in my opinion the amendments in question are effectual for the purpose intended; but that I do not approve of that purpose. This latter, however, I need not discuss, being a matter already decided.

From *J. W. Hose*, Esq., Registrar, High Court of Judicature, North-West Province, to Secretary to Government, North-West Provinces and Oudh.

No. 2355; dated Allahabad, 8 August 1894.

Sir,

I AM directed to acknowledge the receipt of G. O. No. $\frac{1128}{XII-9220}$, dated 1st instant, forwarding for the Court's opinion a draft Bill to amend the Cantonments Act, 1889.

2. In reply, I am to say that the Honourable the Chief Justice, Mr. Justice Blair, and Mr. Justice Burkitt are entirely opposed to the principle of this legislation, but are of opinion that the Bill is correctly drafted. Mr. Justice Knox and Mr. Justice Banerji have no remarks to offer.

From *H. F. Evans*, Esq., Commissioner, Benares Division, to Secretary to Government, North-West Provinces and Oudh.

No. $\frac{8300}{XIII-149}$; dated 9 August 1894.

Sir,

IN reply to your No. $\frac{1189}{XII-9480}$, dated 1st August 1894, asking for my opinion on the provisions of the Bill to amend the Cantonments Act, 1889, I have the honour to state that I can see no objection to the proposed addition to Section 26 of the Cantonments Act as long as such examinations are forbidden.

2. With regard to the new section which it is proposed to insert after Section 26, it seems to me that the provisions of the Penal Code, with the punishments it provides for wrongful restraint, assault, and criminal force, are sufficient to meet the case of any such examination if made without any justification, and that if that examination were made under the plea of authority so as to render the Penal Code inapplicable, the punishment to which the offending public servant should be subjected should be departmental in character—a punishment which would, in most cases, be far more serious in its nature than the infliction of a fine.

From *J. S. Mackintosh*, Esq., Commissioner, Lucknow Division, to Secretary to Government, North-West Provinces and Oudh.

No. $\frac{8322}{XXIII-243}$; dated 11 August 1894.

Sir,

IN my opinion the Bill to amend the Cantonments Act enclosed in G. O. No. $\frac{1191}{XII-9380}$, dated 1st August 1894, carries out the Secretary of State's directions. I presume that opinions on the principle of the Bill are not wanted, otherwise I would submit that the object of the Bill would be much more easily obtained by executive order than by legislation. The matter is one lying entirely within the province of the executive Government, and executive orders are more likely to be attended to than Acts passed by the Legislature.

From *G. R. C. Williams*, E-q., Commissioner, Allahabad Division, to Secretary to Government, North-West Provinces and Oudh.

No. ⁶⁰⁹²₃₃₀; dated 11 August 1894.

Sir,

IN answer to your No. ¹¹⁸⁸_{XIV-3850} dated 1st instant, giving cover to a copy of a Bill to amend the Cantonments Act, 1889, together with a Statement of Objects and Reasons, I have the honour to state that the Bill seems to me to be open to the strongest adverse criticism.

2. The form of the reference precludes any discussion in the abstract about the question of the compulsory examination of prostitutes in cantonments on its merits, but I would most respectfully point out that Section 26 of the Cantonments Act, as it stands, nowhere renders it incumbent on the Government of India to pass a rule for the purpose, and therefore requires no amendment. I am consequently unable to understand why that Government should be called upon to practically penalize itself on the apparent assumption that if this precaution be not taken, it might otherwise feel tempted to pass, or rather revive, such a rule—a rule in the absence of which, be it observed, the commission of the act contemplated is already an offence under Section 354 of the Indian Penal Code.

3. As to the part of Bill which is intended to prohibit any regulation for the licensing or registration, &c., of prostitutes in cantonments, all I can say is, that if this becomes law, then our efforts for the protection of the British soldier from the consequences of his occasional immorality will be in a great measure paralyzed.

4. For these reasons I deprecate the adoption of the proposed measure, which appears to me extremely impolitic.

From *H. F. D'O. Moule*, Esq., Commissioner, Rohilkhand Division, to Secretary to Government, North-West Provinces and Oudh.

No. ⁶⁸⁸_{XIV-4}; dated 17 August 1894.

Sir,

IN reply to your No. 1187 of 1st instant, I have the honour to observe that the "compulsory" examination of women is rightly prohibited. Such prostitutes as object to examination should, of course, have the option of leaving cantonments.

2. But the remaining provisions of the addition to Section 26 appear to me to be objectionable. And, I think, both as a Government servant and as a taxpayer, that it is deplorable that the Government of India should be asked to pass a measure which must and will impair to a considerable extent the efficiency of the British army.

From *A. H. Harrington*, Esq., Commissioner, Meerut Division, to Secretary to Government, North-West Provinces and Oudh.

No. ¹⁰⁴⁸⁸_{XVII-14}; dated 31 August 1894.

Sir,

IN compliance with G. O. No. ¹¹⁸⁶_{XIV-3850} dated 1st August, I have the honour to state that after consulting the Magistrate of Meerut (Mr. T. R. Wyer, c.s.), copy of whose opinion is enclosed, I consider with him that the Bill to amend the Cantonments Act, 1869, will secure the object in view.

2. As, however, it is understood that a new Cantonments Act is about to be enacted, it might be more convenient to incorporate the provisions of the Bill in the new Act than to pass an Act which will have to be repealed almost as soon as it is passed.

From *T. R. Wyer*, Esq., Magistrate of Meerut, to Commissioner, Meerut Division.

No. ¹⁹⁰¹XVII; dated 10 August 1894.

Sir,

In reply to your No. ⁸⁸⁵⁶XVII-146, of the 9th instant, I have the honour to state that in my opinion the draft Bill will secure what is believed to be the aims and objects of the home authorities. It is useless to protest against the policy which has dictated the Bill, nor, I imagine, is any opinion called for on this point.

2. The enclosures of your letter under reply are returned, as requested.

From Colonel *E. E. Grigg*, Officiating Commissioner, Kumaun Division, to Secretary to Government, North West Provinces and Oudh.

No. ⁵⁷⁹⁶XVI-245; dated Naini Tal, 23 August 1894.

Sir,

WITH reference to your No. ¹¹⁹⁰XII-3376, dated 1st instant, I have the honour to submit copies of correspondence marginally noted. It is admitted by all the officers consulted that the system of registration and inspection of prostitutes should be restored; and with this view I concur. The opponents to this system are persons residing in the British Isles, who are, I believe, in absolute ignorance of the social status of the class of women who in India resort to prostitution as a means of livelihood. This class is mainly composed of persons of the caste of páturya, or prostitute. This professional caste is not regarded by natives of the East as dishonourable. It is, in their eyes, as much a trade as that of a barbái, lohár, &c. I have even come across zamindárs of the páturya caste, who, whilst keeping their wives in the parda, send their daughters forth to earn a living as prostitutes. It is a hereditary profession which in India has existed from time immemorial. This being so, I fail to see why the persons plying this profession within our cantonments should not conform to certain regulations, which, after all, are as beneficial to them as to the persons who resort to them. In support of this argument I would observe that the Government has considered it desirable, in the interest of the public, to legislate in matters where danger or infection may follow the pursuit of certain trades within certain localities. The only argument which can be advanced against applying rules to the prevention of the spread of disease by these women is one based solely on sentiment.

2. It is many years since I held the post of Cantonment Magistrate, and then the lock hospital system was in full swing, and I do not remember having heard complaints against it. No doubt the system was open to improvement, and I think, if it is to be reverted to, the old rules should be modified.

3. It is not only our European troops that we have to think of, but also our native army. I would particularly invite attention to Major Pulley's description of the state to which the 1st Battalion 3rd Gurkhas were reduced before Colonel Bishop introduced certain regulations to ameliorate matters.

4. It is evident that in the hill cantonments the necessity for registration, &c. of prostitutes is more marked than in the plains, owing to the filthy, dirty habits of the hill people. There can, however, be no question as to legislation on this subject being necessary for the prevention of a disease which is sapping the strength of our army, and rendering a large proportion of it absolutely unfit for active service, thereby throwing a heavy additional burden on the finances of India, which are already strained to the utmost.

From *F. Giles*, Esq., Deputy Commissioner, Naini Tal, to Commissioner,
Kumaun Division.

Docket No. 3796; dated 11 August 1894.

IN reply to his revolver No. ⁵⁴⁴~~XVI-344~~, dated 6th August 1894, the provisions of the Bill seem well calculated to fulfil the object for which they are designed.

2. Some 21 years' experience, of which more than half has been gathered in districts containing cantonments, leads undersigned to the opinion that non-regulation of prostitution in cantonments is likely to impair the efficiency of the army, promote the vice it is intended to check, and encourage the spread, while it prevents the curative treatment, of venereal diseases among women who prostitute themselves.

3. As long as prostitution is regulated the soldier has little temptation to make advances to women outside cantonments, but in the case of the large cantonment of Ránikhet the abolition of regulations was followed by complaints from villagers that their women were solicited. Petitions on the subject were filed, and will be found in the offices of the Deputy Commissioner, Almora, and the Cantonment Magistrate, Ránikhet. No doubt the character of some regiments in this respect is worse than that of others, but the complaints were entirely due to this cause.

4. In one case undersigned sentenced to several years' imprisonment a soldier who assaulted a village woman of good character, and the evidence taken with the complaints that were received pointed to the conclusion that sexual immorality, when no longer focussed in the comparatively healthy regulated prostitutes' quarter, spread over an area beyond the cantonments. At the same time the regimental hospital returns showed that disease increased as much among the soldiers as the area in which prostitution was practised extended. Since medical care could not be afforded to diseased women under no control, the civil population must have suffered also from propagation of venereal disease.

From *J. V. Sturt*, Esq., Deputy Commissioner, Almora, to Commissioner,
Kumaun Division.

No. ⁵²¹~~XVII-1-10~~; dated 18 August 1894.

Sir,

WITH reference to your No. ⁵⁴⁴~~XVI-344~~, dated 6th August 1894, enclosing a draft Bill amending the Cantonments Act of 1889, with statement of objects and reasons, for expression of opinion, I have the honour to state that I have always regarded the rules for registration and compulsory examination of prostitutes in cantonments as a most essential measure. Native women were at first disinclined to submit to any medical examination, as being repulsive to their feelings; but after a time this natural modesty was overcome, and very little was thought of the matter.

In my opinion it would have been far better for the public, and to the army in particular, if some modification had been made, and the examination of prostitutes conducted through the medium of their own sex, instead of putting a complete stop to such a necessary and indispensable precaution, which the Bill will no doubt do.

I would invite special attention to the letter from the Cantonment Magistrate of Almora, and to add that I fully concur in the spirit of Major Pulley's remarks. That the army will suffer physically cannot be doubted. Your letter with enclosure was received on the 12th and sent on the following day to the Cantonment Magistrate, Ránikhet, and was passed by him to the Deputy Commissioner, Garhwál, on the 15th instant.

The opinions of the Cantonment Magistrates of Ránikhet and Almora are herewith enclosed in original.

From Major *J. P. W. Spankie*, Cantonment Magistrate, Ránikhet, to Deputy
Commissioner, Almora.

No. ⁸⁰⁶~~XVI~~; dated 15 August 1894.

Sir,

With reference to your No. ⁷⁸⁸~~XVII-1-9~~, dated 12th instant, forwarding Commissioner's No. ⁵⁴⁴~~XVI-2-56~~ and its annexures, which have been duly copied and passed on to the Deputy Commissioner, Garhwál, I have the honour to state that in my opinion the proposed Bill is all that is required. The addition of Section 26A, applicable as it is to public servants only, appears hardly necessary, especially in view of the measures which the military authorities propose to take with reference to the abolition of cantonment hospitals, as set forth in recent Quartermaster General's circulars on the subject. It seems, however, that the Government of India have no option in the matter of framing a penal clause of some kind.

It would be useless to offer any remarks on the subject of the proposed legislation, the question having already been virtually decided by Her Majesty's Government, and the deplorable result arising from the present method of dealing with it having been repeatedly brought to notice by the military authorities and the medical officers of the Army in India.

From Major *C. Pulley*, Cantonment Magistrate, Almora, to Deputy
Commissioner, Almora.

Docket No. ²⁴~~O.M.~~; dated 14 August 1894.

HAS the honour to acknowledge receipt of Deputy Commissioner's No. ⁷⁸⁸~~XVII-1-9~~, dated 13th instant, with enclosures, herewith returned as requested. There are no European troops at this station, and the provisions of the Cantonments Act referred to have been enforced. There is no lock hospital, or, so far as undersigned is aware, any supervision or examination of prostitutes residing in the Almora city. Syphilis is very prevalent throughout Kumaun, and a few years ago the admissions into hospital from the Gurkha Battalion were abnormally high; indeed it may be said that the battalion as a body was infected to such a degree that it was open to doubt as to whether it could be said to be fit to take the field.

Regimental measures adopted by Colonel Bishop have in a very marked degree lessened the ravages of the disease, and the battalion, certainly men who have joined this corps during the past five or six years, are comparatively free. It has been stated, and facts bear out the statement, that the disease was propagated more by the village women, wood and grass cutters, than by the professional prostitutes in the bazar, and with whom the men consorted less than they did with the women of the district and adjacent hamlets.

Any very effective system of examination would under these circumstances have been most difficult, apart from the determination on the part of the civil authorities to protect the morals of the Kumaun women. Anyone acquainted with the standard of morality as recognised in Kumaun would possibly incline to the belief that the absence of any morality is the characteristic of the people, and that to shock the innate modesty of a hill woman of the class I have referred to would require some originality on the part of those contemplating such an outrage.

As to the desirability when possible of subjecting, at all events, known prostitutes to a periodical medical examination, there should be no doubt. The false sentiment started by so-called ladies who have unsexed themselves to champion
a cause

a cause with which under the guise of social purity they seek to identify themselves should be set aside. and the grave practical result of the present state of affairs met and legislated for ; and I fancy no one would more gratefully appreciate measures that would ensure alleviation of suffering and misery than the unfortunate women themselves, who, it should be remembered, are not prostitutes by seduction, but hereditarily, and trained to the trade from early childhood.

No. 1637, dated Lucknow, 4 September 1894.

From *J. Deas*, Esq., Officiating Judicial Commissioner of Oudh, to Secretary to Government, North-Western Provinces and Oudh.

Sir,—In reply to your letter No. ¹¹⁸⁴/_{XII—988C}, dated 1st August 1894, I have the honour to state that the provisions of the Bill to amend the Cantonment Act, 1889, are in my opinion sufficient to secure the object of the legislation which the Secretary of State in Council has directed to be undertaken. The last portion of Section 26A, namely, “or to such imprisonment in default of payment thereof as is provided by the Indian Penal Code, Section 67,” appears to me to be unnecessary in view of the provisions of Section 5 of “The General Clauses Act, 1868.”

2. From the Statement of Objects and Reasons I infer that I am not called upon to express an opinion as to the policy of the proposed legislation.

No. 10.

(Home—Judicial.)

From *R. E. Younghusband*, Esq., Officiating Junior Secretary to Government, Punjab and its Dependencies, to the Secretary to the Government of India, Legislative Department.

Sir,

Simla, 26 September 1894.

I AM directed to acknowledge the receipt of your No. 1357, dated 16th July 1894, forwarding for opinion copies of a Bill relating to the examination of prostitutes in cantonments, and to submit copies of the opinions recorded on it by the judges of the Chief Court.

2. The Lieutenant Governor, I am to say, has under the existing law nothing to do with the branch of cantonment administration to which this Bill relates, and he does not feel called upon to express any opinion on the questions that have arisen as to the examination of prostitutes ; but, apart altogether from the merits of those questions, he thinks that this Bill is open to serious objection.

3. Its second section seems to him, from the point of view of practical legislation, absolutely unnecessary ; for even if it were to be held that Section 26 of the Cantonments Act confers a power to make regulations of the sort referred to, it would be manifestly absurd to suggest that after all that has occurred any Governor General in Council would dare to make regulations of that sort.

4. Section 3, which I am to observe is open to objection from the draftsman's point of view owing to the vagueness of the word “compulsory,” is also in His Honor's opinion absolutely unnecessary and useless for the purposes of legislation. It seems to him here, again, that after all that has occurred it is absurd to suggest that any officer in future would be so carried away by his zeal, real or mistaken, for the welfare of the British soldier as to set up a system of examination of prostitutes in defiance of the stringent orders that have now been issued by the Government of India ; and if he did so he would be subject to, and we may be quite sure would be made to suffer, official punishments of so severe a nature—perhaps involving the loss of his career in life—that to add to them a fine of 100 rupees seems perfectly ridiculous.

5. The

5. The Bill therefore, unless we make assumptions as to the future conduct of the Government of India which no reasonable person can make, appears to his Honor altogether unnecessary and nugatory from a legislative point of view, and that being so, there seems to his Honor to be a considerable danger under all the circumstances of the case that it will commonly be regarded as a measure introduced not for any of the practical purposes of legislation, but with other motives and objects which, having regard to the constitution and functions of the Governor General's Legislative Council, would make it open to serious objection in point of principle.

6. Sir Dennis Fitzpatrick, I am to say, will be prepared to explain his views more fully if desired; but, as he believes that it has been finally determined to pass a Bill of this description, and that nothing he could say would alter that determination, he forbears to trouble the Government of India with any further observations; indeed, he would have allowed the Bill to pass without remark were it not that, having been so many years Secretary in the Legislative Department and having taken a large, though humble, part in settling the principles on which work is now done in the Legislative Council, he feels that some expression of opinion from him is called for.

I have, &c.

(signed) *R. E. Younghusband,*

Officiating Junior Secretary to Government, Punjab.

No. 8722 G., dated Lahore, 31 August 1894.

From *A. E. Martineau, Esq., c.s.,* Officiating Registrar, Chief Court, Punjab,
to the Officiating Junior Secretary to Government, Punjab.

WITH reference to your endorsement No. 865, dated the 23rd July last, Home—Judicial, forwarding for the opinions of the judges copies of a Bill to amend the Cantonments Act, 1889, I am desired to forward copies of the remarks recorded by Messrs. Stogdon and Channing, Judges, and to state that Messrs. Rivaz and Chatterji, Judges, have no remarks to offer on the proposed measure.

(signed) *A. E. Martineau,* Officiating Registrar.

Opinions on the Bill to amend the Cantonments Act, 1889.

THE Bill seems sufficient for the purpose intended. I do not understand that any opinion is called for regarding the propriety of the proposed enactment. If such an opinion is required, I am altogether opposed to it, as I consider that prostitutes in cantonments and towns should be registered, licensed and subjected to periodical examination, either by medical officers or duly qualified women.

(signed) *A. W. Stogdon,*
Judge.

26 July 1894.

I do not wish to express any opinion as to the advisability of this proposed enactment. It seems to me sufficient to secure the desired result.

(signed) *F. C. Channing,*

27 July 1894.

Judge.

No. 11.

LETTER from the Chief Secretary to the Government of Fort St. George to the Secretary to the Government of India, Legislative Department.

Sir,

I AM directed to communicate to you the views of this Government, his Excellency the Commander in Chief, the Honourable the Judges of the High Court, and the Surgeon General, on the Bill to amend the Cantonments Act, 1889, which accompanied Mr. Macpherson's letter, dated 16th July 1894, No. 1353.

2. For reasons into which it is unnecessary to enter here His Excellency the Governor in Council is not prepared to admit that the object of the proposed legislation is right, but for the attainment of that object the provisions of the Bill seem suitable. I am, however, to invite attention to the remarks of the Honourable the Judges of the High Court, and especially to those of the Honourable Mr. Justice Parker, which are herewith forwarded. Mr. Justice Parker observes that the offence referred to in Section 3 of the Bill is punishable under the existing law, and that it is unusual to make the breach of executive orders criminally punishable, and he suggests that no prosecution under the proposed Section 26A ought to be entertained unless it be instituted under the orders of the Governor General in Council or a Local Government.

3. The Bill and the Statement of Objects and Reasons were published in English in the "Fort St. George Gazette" of the 31st July last.

I have, &c.

(signed) J. F. Price, Chief Secretary.

Ootacamund, 28 September 1894.

Government of Madras, Judicial Department.

Read—again the following paper :—

G.O., dated 27 September 1894, No. 1842, Judicial.

Abstract.—Communicating for opinion to the Surgeon General and the Military Department Bill to amend the Cantonments Act, 1889, with Statement of Objects and Reasons.

Read—also the following papers :—

From Surgeon-Major-General C. Sibthorpe, Surgeon General with the Government of Madras, to the Chief Secretary to Government, dated Calicut, 8 August 1894, No. 210 T.

WITH reference to your endorsement, No. 1842, dated 27th July 1894, calling for an expression of my opinion on the proposed Bill to amend the Cantonments Act, 1889, I note that it has been sent out by the Secretary of State in Council for introduction, and can only say that I consider it is a pity that such an enactment should be considered advisable.

G.O., dated 30 August 1894, No. 5377, Military.

Read—the following papers :—

G.O., dated 27 July 1894, No. 1842, Judicial.

To the Quartermaster General, dated 3 August 1894, No. 4833.

From the Quartermaster General, dated 24 August 1894, No. 1519 B.

IN returning Reference Order, No. 4833, dated 3rd instant, I have the honour, by direction of the Commander in Chief, to state that his Excellency has no remarks to make.

Order,—dated 30 August 1894, No. 5,377, Military.

THE foregoing letter from the Quartermaster General will be communicated to the Judicial Department with the remark that the provisions of the Bill seem suitable to meet the object in view.

(True Extract.)

(signed) *D. J. S. McLeod*, Colonel,

To the Judicial Department. Officiating Secretary to Government.
 „ Quartermaster General.

From *H. W. Foster, Esq.*, Registrar of the High Court of Judicature, Appellate Side, Madras, to the Chief Secretary to Government, dated Madras, 24 September 1894, No. 2,757.

WITH reference to your letter, dated the 13th instant, reference No. 1,845, Judicial, forwarding, for the opinion of the High Court, a Bill to amend the Cantonments Act, 1889, I am directed to forward a transcript of the minutes recorded by the Honourable the Chief Justice and Justices Sir T. Muttusami Aiyar, Parker, and Best, and to state that the Honourable Mr. Justice Shephard has no observations to offer.

ENCLOSURE.

Minutes.

The Chief Justice.—I believe that these proposed amendments of the Cantonments Act in India will cause the death or disablement of increased numbers of young British soldiers from one of the most loathsome diseases known. It will in nowise lessen the number of prostitutes or better the condition of those unfortunate creatures. If a prostitute is willing to be periodically examined, I see no reason why she should not be so examined. Prostitutes are necessary evils in this country as in all others. It is impossible to prevent the soldiers in the cantonments from occasionally consorting with them, and it appears to me to be the duty of the Governor General in Council to make reasonable regulations to endeavour to prevent the soldiers being disabled by associating with prostitutes suffering from disease. It is not suggested that his Excellency the Governor General in Council has made any rules that are objectionable; indeed, in the "Statement of Objects and Reasons" it is asserted that the Government of India has issued orders with a view of putting an end to the registration and compulsory examination of prostitutes in cantonments. What can be the reason then for the introduction of this Bill?

Section 3 of the Bill is unnecessary; if a prostitute is examined against her will, an assault is committed on her, and the person who so examines her can be punished under the Indian Penal Code.

I would advise that this Bill be rejected.

Justice Sir T. Muttusami Aiyar.—I see no objection to the proposed legislation. I have always disapproved of legislation for the registration and compulsory examination of prostitutes as a measure incompatible with the requirements of sound legislative policy.

Mr. Justice Parker.—In the "Statement of Objects and Reasons" it is alleged that the Government of India, under the directions of the Secretary of State, issued certain orders in 1888 for the purpose of putting an end to the registration and compulsory examination of prostitutes in cantonments, and that these orders have not been effectual. For the purpose of rendering these orders effective, this Bill has been introduced.

Section 2 prohibits the Governor General in Council from making any rules enjoining or permitting compulsory or periodical examination of any woman by medical officers for the purpose of ascertaining whether she is suffering from venereal disease or is or is not fit for prostitution, &c.

And Section 3 imposes a criminal penalty upon any public servant who shall subject any woman to compulsory examination for the purpose mentioned in the proviso to Section 26.

It appears to me that both these sections are wholly unnecessary. Section 26 Act XIII. of 1889, places the power of making rules in the hands of the Governor General in Council. It is not alleged in the "Statement of Objects and Reasons" that the Government of India has been making rules at variance with the directions given by the Secretary of State, and that the interference of the legislature is necessary to prevent the Governor General in Council from making such rules. On the contrary, the sole reason for the Bill is stated to be the neglect of certain officers of the Government of India to carry out executive orders.

Section 2 would therefore appear unnecessary; while as to Section 3, I may point out that any person subjecting a woman to compulsory examination for any of the above purposes is already punishable under the Indian Penal Code, Section 354. As this section provides for a more severe penalty than that now proposed, it would appear that the existing law is sufficient.

It is not alleged in the "Statement of Objects and Reasons" that the existing law has proved insufficient, and I would point out that it is quite unusual to make the breach of executive orders criminally punishable. It is not alleged that the Government of India has found itself unable to enforce obedience from its own executive officers. Such officers, if disobedient, are liable to be dealt with departmentally; and it does not appear consistent with sound principles of legislation to make mere departmental irregularities subject to criminal penalties. Nor is it wise to enact criminal penalties for breach of executive orders when those orders are far from commanding general assent and approbation.

On these grounds I would recommend that the Bill should be dropped.

But if the legislature is convinced of the necessity of legislation either for the purpose of preventing the Government of India from making rules at variance with the directions of the Secretary of State or in order to ensure obedience from the executive officers of the Government of India, I would suggest the addition of a proviso to Section 26 (a) to the effect that no prosecution shall be entertained under that section unless it be instituted under the orders of the Governor General in Council or of a Local Government. A woman aggrieved has already her remedy under the Indian Penal Code, and it is fair to require that the offence of disobedience shall only be punished criminally on the complaint of the authority disobeyed. Such a proviso is consistent with all previous legislation in India, and would tend to avert mischief to which the Act might otherwise give rise.

Mr. Justice Best.—I am of opinion that the proposed legislation is anything but desirable. It is, I believe, a concession to certain well-meaning people who have, however, no practical experience of the working of the Act. I would rather listen to the advice of those who have had such experience, and they are, I believe, unanimous in thinking that the registration and compulsory examination of prostitutes in cantonments is necessary in the interests of our army of young soldiers.

I see nothing unjust or harsh in requiring such women to register themselves and submit to examination. They can avoid so doing by ceasing to follow the profession of prostitution. While they continue to earn their living by such a calling, it is but right that they should submit to regulations framed with the object of preventing the spread of disease. As to the objection that the regulations on the subject amount to a recognition and licensing of vice, it seems to me that as the vice exists it must be recognised, and it is the duty of Government to do what it can to prevent our soldiers being incapacitated by or unduly punished for youthful indiscretions.

ORDER, dated 28 September 1894, No. 2361, Judicial.

The following letter will be despatch to the Government of India.

[Here enter No. 2362, dated 28 September 1894.]

(True Extract.)

(signed) J. F. Price, Chief Secretary.

No. 12.

From C. W. Bolton, Esq., Officiating Secretary to the Government of Bengal,
to the Secretary to the Government of India, Legislative Department.

Sir,

I AM directed to acknowledge the receipt of your letter, No. 1355, dated the 16th July 1894, with which you forwarded, for the opinion of the Lieutenant Governor, and of such selected officers and other persons as his honour might think fit to consult, a Bill to amend the Cantonment Act of 1889, together with the statement of objects and reasons.

2. In reply I am to submit, for the information of the Government of India, copies of the communications noted in the margin, which contain the opinions of the officers consulted in the matter. The Government of India apparently do not desire

1. Letter, No. 89 M., dated 25th August 1894, from the Commissioner of Chota Nagpur, and its Enclosure.

2. Letter, No. 525 G., dated 26th August 1894, from the Commissioner of Patna.

3. Letter, No. 208 M., dated 23rd August 1894, from the Commissioner of Orissa.

4. Letter, No. 451 Jct., dated the 29th August 1894, from the Commissioner of Rajshahi, and its Enclosure.

5. Letter, No. 104 J., dated the 5th September 1894, from the Commissioner of the Presidency Division.

an expression of opinion on the principle or policy of the measure, but the Lieutenant Governor considers it his duty to record his protest against the principle involved in the third section of the Bill. It may be right to prohibit compulsory examination of women:

that is a question on which there is a wide diversity of opinion. But supposing it to be forbidden, the Government should be content with punishing any of its servants who may transgress the rule by its executive authority. No man would transgress it except through ignorance, or in the conscientious belief that he is doing his duty; and it will be a new and disastrous precedent in our legislation if such an act is turned into a criminal offence.

3. As regards the provisions of the Bill, I am to observe that there are two passages in Section 2, which seem to his Honour to go beyond the mandate of the Secretary of State, viz., the words "or permitting" in the second line of the proviso and "or sanctioning the practice of prostitution" in the ninth line. As to the former, the Lieutenant Governor considers that no objection should be taken to a woman voluntarily submitting herself to examination; to forbid this would imply refusing to treat her for the disease and thus closing the hospitals to a large class of sufferers. The second phrase is too vague for use in legislation, and the prohibition might also be inoperative, as it is followed by no sanction (the new Section 26 A. not containing any penalty for sanctioning the practice of prostitution).

4. The Lieutenant Governor agrees in the suggestion of the late Cantonment Magistrate of Barrackpore that cases under Section 26 A. should be heard only by a Cantonment Magistrate exercising first-class powers, as the persons to be tried would be public servants. If the Cantonment Magistrate be too young and inexperienced to be vested with such powers, the case should be tried by the District Magistrate.

I ha &c.

(signed)

C. W. Bolton,
Officiating Secretary to the Government of Bengal.

(No. 89 M., dated Ranchi, 25 August 1894).

From *W. H. Grimley*, Esq., Commissioner of the Chota Nagpur Division, to the Secretary to the Government of Bengal, Municipal Department.

IN reference to your No. 2959 Med., dated 25th July 1894, inviting an expression of my opinion on the provisions of the Bill to amend the Cantonments Act, 1889, I have the honour to state that the wording of the Bill appears to be sufficient and suitable for securing the object intended. As regards the principle of the Bill, the question appears to have passed beyond the pale of discussion, and, as I understand, I am not called upon to state any views regarding the expediency or otherwise of the measure; but Colonel Gordon, whom I consulted as having had some experience of soldiers' life and cantonments, understands the matter differently, and has expressed his views, which are emphatically against the Bill, in a letter, a copy of which I enclose.

(No. 1010 Cr., dated Ranchi, 10 August 1894).

From Lieutenant Colonel *A. Evans Gordon*, Deputy Commissioner of Lohardaga, to the Commissioner of the Chota Nagpur Division.

I HAVE the honour to acknowledge your Memorandum, No. 75 M., dated 2nd August 1894, giving cover to Government of Bengal No. 2959 Medical, dated 25th July 1894, which latter forwards for opinion a Bill to amend the Cantonments Act, 1889, with statements of objects and reasons. I have been requested to return the original papers with the report. I gather that such report is intended to state my opinion as regards the advisability or expediency of the legislation contemplated.

2. It seems to me, however, that the policy which initiated this legislation has already been definitely determined upon by the Secretary of State for India as long ago as the year 1888, for it is stated in the objects and reasons of the present Bill that on the 26th of July 1888, *i.e.*, more than six years ago, the Government of India, in compliance with a Despatch from the Secretary of State, dated 14th June 1888, issued certain orders with a view of putting an end to the registration and compulsory examination of prostitutes in cantonments. This being the present position of the matter regarding which report is required, I cannot suppose that anything that may now be advanced opposing the proposed measure can possibly militate in the direction of any reconsideration of the policy determined upon. At the same time, as a former Cantonment Magistrate myself, and as having had during my tenure of that office an intimate insight into the working of the lock-hospital system, I am glad to have this opportunity, late though it comes, of stating my opinion on the subject.

3. The object with which the lock-hospital system in cantonments was introduced was the preservation of our soldiery from venereal disease, and this object was, as far as was possible, attained. The object of the present counter and retrograde legislation is not so clear, but it must be taken to be simply a concession to the sentimental, prudish and utterly unpractical notions held by a certain class or clique of people who seem to have acquired sufficient strength to impose their views regarding this matter upon the then Secretary of State for India. The question must naturally force itself upon those who bring unprejudiced thought to bear, whether the objects which led to the legislation, or those which are leading to its reversal, are of the greater importance. It has been admitted even by the most violent adherents of the sentimental party that the compulsory registration and periodical examination of prostitutes practising their trades in cantonments afforded an inestimable safeguard for our soldiers in India against venereal disease, and that to withdraw these sanitary precautions has been followed by an inestimable increase of venereal disease among the English soldiers in this country. Further, it cannot but be admitted by every one alike that prostitution amongst women and the indulgence of the sexual desire

desire amongst men, must exist and always will exist, whether recognised or ignored, and it appears to me quite incomprehensible how our rulers can follow a policy fatal to our Army, simply because of certain pharisaical and sentimental notions held by persons whose minds are incapable of anything but a selfish and criminally hypocritical desire not for the public weal, but for cheap notoriety for themselves.

4. The proposal before us is by the insertion of a few words into an Act to seal the warrant of disease and death for thousands upon thousands of English soldiers in India, and that this should be done under colour of a public morality is a sarcasm so prodigious as to be quite beyond the grasp of my intelligence.

5. The above remarks will, I think, sufficiently convey my individual opinion, although on a subject of such vital importance I would feel it my duty to write at much greater length, were it not for the belief expressed in the beginning of this letter that all opinions now given will be *ex post facto* and therefore useless.

No. 525 G., dated Bankipore, 26 August 1894.

From *H. Lutman-Johnson*, Esq., Officiating Commissioner of the Patna Division, to the Secretary to the Government of Bengal, Municipal Department.

I HAVE the honour to acknowledge the receipt of your memorandum No. 2961 Medical, dated 25th ultimo, asking for an opinion on the provisions of the Bill to amend the Cantonment Act, 1889, and in reply beg to state that statistics prove that, where there is a periodical examination of public women, a diminution of venereal disease results. I cannot therefore express approval of the Bill. I may, however, admit that it gives effect to the wishes of Her Majesty's Government.

No. 208 M., dated Cuttack, 23 August 1894.

From *H. G. Cooke*, Esq., Officiating Commissioner of the Orissa Division, to the Secretary to the Government of Bengal, Municipal Department.

WITH reference to your No. 2963 Medical, dated the 25th July 1894, on the subject of a Bill to amend the Cantonments Bill, 1889, I have the honour to report that I requested the Magistrate of Cuttack, who has experience of the Cuttack Cantonments, to favour me with his views on the Bill. He, in reply, states that he has no remark to make on the Bill.

2. I have considered the provisions of the Bill with the Statement of Objects and Reasons, and am of opinion that the Bill seems calculated to attain the object for which it was designed.

No. 451 Jct., dated Darjeeling, 29 August 1894.

From *P. Nolan*, Esq., Commissioner of the Rajshahi Division, to the Secretary to the Government of Bengal, Municipal Department.

WITH reference to Mr. Temple's endorsement No. 2962, dated 25th July 1894, forwarding a copy of the Bill to amend the Cantonments Act, 1889, for an expression of my opinion on the provisions thereof, I have the honour to forward herewith a copy of letter No. 707 J., dated 9th August 1894, from Mr. Greer, Deputy Commissioner of Darjeeling, and to state that I agree that the provision in the Bill against "sanctioning the practice of prostitution" has not the precision which should always characterise a Bill imposing penalties: there are few phrases as to the meaning of which more discussion has been carried on. Some magistrates may hold that a Government servant cannot incur a penalty for "sanctioning," unless he definitely approves; others may hold, with a certain section of the public, that an immoral, but not illegal, practice is sanctioned when it is acknowledged and regulated.

No. 707 J., dated Darjeeling, 9 August 1894.

From *R. T. Greer*, Esq., Deputy Commissioner of Darjeeling, to the Commissioner of the Rajshahi Division.

WITH reference to your No. 231 J., dated the 4th August 1894, I have the honour to return the enclosures received herewith, and to state that there appears to be nothing improper in "the registration of prostitution." They will continue to be an unavoidable evil in our bazars, and it is a mistaken policy to hinder the military authorities when endeavouring to keep a check on the trade.

2. The expression "sanctioning the practice of prostitution" is much too comprehensive and vague.

No. 104 J.J., dated Calcutta, 5 September 1894.

From *H. C. Williams*, Esq., Officiating Commissioner of the Presidency Division, to the Secretary to the Government of Bengal, Municipal Department.

WITH reference to Government Order No. 2960 Medical, dated the 25th July 1894, forwarding a Bill to amend the Cantonment Act, 1889, I have the honour to state that I have no remarks to offer on the provisions of the Bill. The amended Act has to be passed under the orders of the Secretary of State, and it seems unnecessary to put forward the obvious objections there are to the amendments proposed. Lieutenant Marson, Cantonment Magistrate of Barrackpore, would insist on the Cantonment Magistrate in Section 26A being invested with first-class powers, or, if he has not such powers, the conviction should be before the magistrate of the district.

No. 13.

No. 7712 of 1894.

From the Honourable Mr. *G. W. Vidal*, i.c.s., Acting Chief Secretary to Government of Bombay, to the Secretary to the Government of India, Legislative Department.

Sir,

17 November 1894.

I AM directed to acknowledge the receipt of your letter No. 1354, dated the 16th of July 1894, forwarding a Bill to amend the Cantonments Act 1889, with a Statement of Objects and Reasons, and requesting that the opinion of the Governor in Council, the Honourable the Judges of the High Court, and of such selected officers and other persons as this Government might think fit to consult, might be communicated to the Government of India.

2. In reply, I am to state that, in addition to the High Court, copies of

The Honourable the Advocate-General.
The Remembrancer of Legal Affairs.
The Commissioner in Sindh.
The Commissioner, Northern Division.
The Commissioner, Central Division.
The Commissioner, Southern Division.
The Judicial Commissioner in Sindh.
The Surgeon-General with the Government of Bombay.
The District Magistrate, Poona.
The District Magistrate, Belgaum.
The District Magistrate, Ahmedabad.

the Bill, with the Statement of Objects and Reasons, were forwarded to the officers marginally noted, and I am to transmit herewith, for the

information of the Government of India, copies of the opinions received.

3. Without venturing to discuss the policy of a Bill which has been introduced under the orders of the Secretary of State, I am to communicate the following observations for the consideration of the Government of India:—

In

In view of Section 26 of Act XIII. of 1889, under Clause (21) of which the Government of India is empowered to make rules for preventing the spread of infectious or contagious disorders within a cantonment and the appointment and regulation of hospitals or other places within or without a cantonment for the reception and treatment of persons suffering from any disease, the Governor in Council considers that the end sought to be attained by the Bill might be obtained without legislation. It would be sufficient apparently for the Secretary of State (as suggested by the District Magistrate of Poona in his letter, No. 7652, dated 28th August 1894) to convey an intimation of the views of Her Majesty's Government as to any question of policy connected with the working of Act XIII. of 1889, so that the Government of India might not frame rules in contravention of those views, in which case there would be no risk of the compulsory examination of prostitutes becoming legalised under any rule made under Section 26 (21) of the Act, and if such examination were not legalised, the existing law as contained in Section 354 of the Indian Penal Code would apparently protect prostitutes sufficiently.

Should, however, legislation be decided upon, Section 3 of the Bill would at all events seem to be unnecessary. If the orders originally issued for putting an end to the registration and compulsory examination of prostitutes in cantonments have not in all cases proved effectual for the purpose, inquiry has elicited the fact that their imperfect application resulted not from wilful disobedience, but rather from inadequate appreciation of the intention and wishes of Government, which are now clearly stated in Section 2 of the Bill. So far as this Government are aware, it is a most unusual procedure to provide in an Act for the legal punishment of an officer of Government. The Army Act sufficiently provides for disobedience to lawful commands by an officer of the Army, but were Section 3 of the Bill to become law, it would apparently result in any medical officer being liable to be charged before a Cantonment Magistrate by any woman with having subjected her to a compulsory examination, and though the charge might be false, and the medical Officer might be able to prove it to be so, the Governor in Council is of opinion that the position is not one in which an officer of Her Majesty's Army should be placed.

It appears to the Governor in Council that the words "compulsory" and "periodical" should be defined in the Bill. Many things have to be done in hospitals to patients against their will, where they are ignorant, and it seems necessary that where examination in a hospital is to be made penal no room whatever should be left for doubt as to what is meant by the qualifying terms referred to above.

4. With reference to paragraph 2 of your letter under reply, I am to state that the Bill and the Statement of Objects and Reasons were published in the "Bombay Government Gazette" in English on 19th July, and in Maráthi, Gujaráti and Kánarese on the 16th August 1894.

I have, &c.

(signed) G. W. Vidal,

Acting Chief Secretary to Government.

LETTER from the Prothonotary and Registrar, O. J., H.M.'s High Court, Bombay, to the Secretary to Government, Judicial Department, Bombay, No. 232, dated 11 August 1894.

In reply to your letter, No. 5406, dated 3rd August, I have the honour to inform you that the Bill* has been circulated to the Judges sitting on the Original Civil Jurisdiction, and they have recorded no minutes thereon.

* To amend the Cantonments Act, 1889.

LETTER from the Honourable Mr. *H. Batty*, Remembrancer of Legal Affairs, to the Secretary to Government, Judicial Department, No. 1192, dated 13 August 1894.

THE policy of the Bill which accompanied Government Resolution, No. 5404, Judicial Department, dated 3rd August 1894, and which is intended to amend the Cantonments Act, 1889, appears to have been directed by Her Majesty's Government and to be beyond discussion.

2. But having regard to Sub-section (21) of Section 26 of the Cantonments Act, 1889, and to No. 4 of the rules framed thereunder and published by Government of India G. O., No. 617, dated 4th July 1890, it would seem that, if that rule is not *ultra vires*, the only result will be that any woman of whom the medical officer certifies that he *supposes* her to be suffering from a contagious disorder may, if she refuses to go to or remain at the hospital, be required to remove at 24 hours' notice from a cantonment under penalty of Rs. 50 without examination, unless she voluntarily submits to it.

Republished at "Bombay Government Gazette" for 1890, Part I., page 653.

3. Whether examination induced by fear of these penalties could be deemed voluntary, may be open to question, and that question might perhaps be set at rest by a more definite wording of the proposed proviso to Section 26 of the Cantonments Act, 1889.

4. The words "or periodical" in the proviso seem unnecessary, unless it is intended to prohibit periodical examination even when assented to by the woman examined.

5. Apparently registration of prostitutes who consent thereto, though it cannot be enjoined or permitted by rules, would not be illegal under the proposed amendment.

LETTER from *R. D. Sethna*, Esq., Registrar, High Court, Appellate Side, Bombay, to the Honourable Mr. *W. Lee-Warner*, c.s.i., Secretary to Government, Judicial Department, Bombay, No. 1752, dated 15 August 1894.

I AM directed to acknowledge the receipt of your letter, No. 5405 of the 3rd instant, forwarding copy of a letter from the Government of India, Legislative Department, No. 1354, dated the 16th ultimo, and of a Bill to amend the Cantonments Act, 1889, together with a Statement of Objects and Reasons, and requesting that Government may be favoured with the opinion of the Honourable the Chief Justice and Judges on the provisions of the Bill.

2. In reply I am directed to forward the accompanying copy of a minute on the provisions of the Bill recorded by the Honourable Mr. Justice Jardine.

MINUTE recorded by the Honourable Mr. Justice *Jardine* on the Bill to amend Cantonments Act, 1889.

1. As it appears from the Statement of Objects and Reasons that the Government of India say nothing in favour of the proposed legislation, I refrain from discussing the policy thereof.

2. It places an obstacle in the way of procuring evidence in such cases of cheating under the Indian Penal Code as are mentioned in *Queen-Empress versus Rakma*, I.L.R., 11 Bom. 59.

3. If the bodies of prostitutes are to be saved from medical examinations, I would draw attention to the practice of medical examinations in cases where a woman is suspected or accused of child murder or concealment of birth or where she

she complains of rape or indecent assault, or where the police suspect such an offence to have been committed on her. In a case where the accused was charged with defamation by saying that a woman had become pregnant by adultery, and asked the Court to have her body medically examined, our High Court held that the refusal of the application was right, there being no law empowering the Courts to order such an examination. *Agnew versus Jobson*, 13 Cox C.C., 625, was referred to—*Imperatrix versus Pudmon*, Cr. Rul. 33 of 11th July 1889.

7 August 1894. (signed) *John Jardine*.

LETTER from the Collector and District Magistrate, Belgaum District, to the Secretary to Government, Judicial Department, Bombay, No. 5152, dated the 17th August 1894.

In reference to Government Resolution, Judicial, No. 5404, of 3rd instant, I have the honour to report that the present relaxation of the rules, regulating the registration and examination of prostitutes, has afforded the needful experience from which a fair judgment may be formed of the certain effect of the Bill when it becomes law. I understand that the proposed change has already been anticipated by the executive order. The concord of official opinion on this subject is complete. The policy, to which the Bill is to give effect, is vehemently denounced as disastrous to all affected by it, even the women themselves, as removing the sole check hitherto imposed on much preventible sickness and death; and as unloosing a direful scourge to run its course without let or hindrance.

MEMORANDUM from the Commissioner, Southern Division, No. P—1277, dated the 22nd August 1894.

Forwarded to Government.

2. THE Government Resolution referred to in the District Magistrate's letter has not been communicated to this office.

LETTER from the Judicial Commissioner in Sind to the Secretary to Government, Judicial Department, Bombay, No. 1638, dated the 20th August 1894.

I HAVE the honour to forward the report called for in Government Resolution No. 5404, of the 3rd instant. Apparently Government has decided that the proposed amendment of the law must be made, because of instructions from home, and in that case all that has to be said is that the draft Bill provides for the proposed object so far as it goes.

2. The subject is a much disputed one, figures and arguments being produced to prove (1) that registration and supervision, besides being effectual in preventing the wide spread of serious disease, are a kindness to the sufferers of both sexes, while other figures and arguments are employed to show (2) the opposite, and that the regulation of prostitution is both immoral as encouraging vice, and is useless as a preventive against disease. Believing, as I do, that reasonable registration may considerably check disease and produce good effects on sufferers of both sexes, and that it can be so regulated as not to be a simple incitement to immorality, I am decidedly against the proposed Bill, but I feel it is useless to argue the question. At the same time, I think a section or clause might clearly reserve the right to order the removal from cantonment limits of any one proved to be a diseased prostitute, and the right of ordering the examination of any woman reasonably supposed to be a prostitute with a view to deciding whether her removal should be so ordered. This would avoid

the holding of periodical examinations, and could not be reasonably said to be done with a view to letting the woman continue to follow her trade, but would be done with a view simply to order her removal, if diseased. It would be easy to frame safeguards preventing the abuse of the rule, which would differ from those formerly made as to attendance in hospitals. Removal and not cure would be the object, leaving the woman, if diseased, to find a cure (if she wished to do so) in private or to attend the usual hospitals as an out-patient or an in-patient of her own accord.

LETTER from the Acting District Magistrate, Ahmedabad, to the Secretary to Government, Judicial Department, Bombay, No. 2507, dated the 23rd August 1894.

I HAVE the honour to report on the subject of Government Resolution No. 5404, of the 3rd August 1894.

2. I forward a report of the Cantonment Magistrate, together with a statement showing the number of admissions to hospital for venereal diseases, and the total strength of British troops for four years under the old system and under the new system.

3. I understand that under the old system prostitutes were regularly licensed, and any woman could be examined on suspicion or be called on to leave the cantonments, while persons found to be following the calling of prostitution and refusing to submit to the regulations, that is, to be put on the register and undergo periodical examination, were called upon to leave cantonments.

4. Under the rules now in force there is no register of prostitutes, nor is there any means of preventing any person practising prostitution, nor can any one be compelled to submit to examination on mere suspicion; but just as in the case of any other contagious disease so in the case of venereal disease, if the medical officer certifies that a person is suffering from such disease, such person can be compelled either to go to hospital or to leave cantonments; and I understand that the way this works in the case of venereal disease is that if a soldier gives information that he caught venereal disease from a certain woman, that woman is compelled to submit to examination, and if found diseased to go to hospital or quit cantonments.

5. The proposal now is that the most dreadful of all the contagious diseases, if not of all diseases, should be put on a different footing to other contagious diseases; that while persons are not allowed to go about propagating small-pox, nobody shall be prevented from propagating syphilis, a disease infinitely worse than small-pox, since it is liable not only to ruin the constitution of the immediate sufferer, but to produce disease and weakness in generations yet unborn.

6. The only justification for such a proposal would be either that no means for the prevention of venereal disease can be effectual, or that the evils involved in such means are so great as to overbalance altogether the good done.

7. Now the figures for the Ahmedabad cantonment shown in the statement are certainly curious, but I do not think any real arguments can be based upon them. The figures do not distinguish between gonorrhœa and syphilis, nor do they extend over a very long period of time. I might have obtained more instructive statistics, but I presume Government have all the statistical information they require. Moreover, even if it could be proved by figures that the old system was no more effectual than the present system (and I believe the exact opposite is the case), that would be no argument in favour of the proposed Bill, which would do away with all restrictions whatever.

8. A more serious argument against restrictions as regards Ahmedabad is contained in Captain Kreyer's opinion that no regulations can have much effect in the Ahmedabad Cantonment unless they are extended to the city too. With all due deference to Captain Kreyer, whose opinion, though deserving of weight, is not of the same value as that of an officer of British troops would be, I cannot but think that it is the exception, not the rule, when soldiers resort to the city, and that far more recourse is had to the cantonments and the
immediate

immediate neighbourhood of cantonments. The city of Ahmedabad is four miles from cantonments. Moreover, I presume, it would be possible to put the city "out of bounds" if it was found that soldiers went there, and caught venereal disease. As it is, soldiers have to be in barrack by a certain hour in the evening, and the distance of the city from cantonments must, therefore, be a powerful obstacle to recourse being had to it for the purposes contemplated.

9. The opponents of the old system said, I believe, that the regulations for examining women on mere suspicion put a dangerous power in the hands of low class officials; all systems are liable to abuse, and I do not think this evil is to be compared for a moment with the enormous good attained if venereal disease or venereal disease of a serious nature could by regulations be reduced to a minimum, and I believe this has been found to be the case where regulations have been strictly worked.

In the present system, however, as described in paragraph 4, there is no liability to the above stated abuse, venereal disease being treated merely like any other contagious disease.

10. I believe it is said by the opponents of all restrictions that, if you make fornication safe, you render the temptation to commit it greater; while, on the other hand, that it is possible to check it very greatly, if not to prevent it altogether, by inculcating a higher moral standard in the soldiers.

I submit that you should legislate for men as they are and not as they ought to be.

Private soldiers are young men taken from the classes least habituated to exercise self-control—classes who in their natural state marry very early in life. You take such men, you do not allow them to marry, you feed them well—better in most instances than they have been accustomed to be fed—and you give them a sufficient amount of physical work to put them into good condition and no more. It is asking too much to expect that a large majority of such men will exhibit the continence of the cloister.

LETTER from Captain *F. A. C. Kreyer*, Cantonment Magistrate, to the District Magistrate, Ahmedabad, No. 269, dated Amedabad, 15 August, 1894.

REFERRING to your endorsement No. 2,346, dated 8th instant, below Government Resolution No. 5,404 of the 3rd idem, I have the honour to forward herewith—

- (1) Correspondence commencing with Q. M. G.'s No. $\frac{10-104}{703K}$, dated 12th May 1892, and ending with S. S. O.'s No. $\frac{0-1}{8-3-94}$.
- (2) Government Resolution No. 5,153, dated 16th August 1893, with accompaniments (please return when no longer required).

2. I attach a statement of admissions into hospital for four years under both systems. From this it will be seen that the percentage of admissions under the former regulations was actually higher than under the new; but the Ahmedabad Cantonment must be looked at from a particular point of view. No regulations, however stringent and however strictly enforced, can have much effect in this cantonment when there is a large city, so close, not subject to the same conditions.

3. The amended Act seems practically to embody briefly the rules and instructions laid down in the attached circulars, &c., with, however, one important omission. Nothing is said regarding the power of Cantonment Magistrates to remove women from cantonments should they refuse to go to hospital (*vide* G. G. O No. 617, dated 4th July 1890, para. 4). The amended Act prohibits any compulsory or periodical examination of women; the Government Notification provides a punishment in the case of suspected persons refusing to attend for treatment. I fear the consequences will be dire if this wholesome restriction be removed.

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4. There

4. There can be no doubt as to the advisability of some sort of ruling to check the consequences of an unavoidable evil, and the instructions conveyed in Government Resolution No. 5,153 are perhaps sufficient if carried out in their entirety, and provided they be extended to large cities in the vicinities of cantonments.

STATION HOSPITAL, AHMEDABAD.

STATEMENT showing the Number of Admissions into Hospital suffering from Venereal Disease.

OLD SYSTEM.			PRESENT SYSTEM.			Remarks.
Year.	Strength.	Admissions.	Year.	Strength.	Admissions.	
1886 -	264	132	1891 - - -	234	166	Percentage, 1886-1889 - 62.60
1887 -	223	102	1892 - - -	245	101	" 1891 {10-8-04} 56.41
1888 -	289	186	1893 - - -	232	119	" 1891 {10-8-04} 56.41
1889 -	244	208	1894 up to 10th August 1894.	249	146	
1890 -	219	109*				

* The present system came into force in October 1890.

(signed) *G. E. Fooks*, Surgeon-Major, M.S.,
In Medical Charge, Station Hospital, Ahmedabad.

Ahmedabad, 11 August 1894.

LETTER from the Honourable the Advocate General, Bombay, to the Under Secretary to Government, Judicial Department, No. 58, dated the 25th August, 1894.

WITH reference to Government Resolution No. 5404, dated 3rd August, 1894, requesting my opinion on the provisions of the Bill to amend the Cantonments Act, 1889, I have the honour to state that the proposed Bill appears, in my opinion, to carry out the directions of the Secretary of State in Council. I desire to offer no opinion as to the necessity or desirability of introducing and passing the Bill.

LETTER from the District Magistrate, Poona, to the Secretary to Government, Judicial Department, No. 7652, dated the 28th August, 1894.

I HAVE the honour to submit the report called for in Government Resolution No. 5404, dated 3rd instant, on a Bill to amend the Cantonments Act, 1889.

2. I regret that I have no very exact knowledge of the history of this measure, and am, therefore, unable to judge whether there is any real necessity for restricting the power which Section 26 confers upon the chief executive authority in India for regulating certain details of the administration of military cantonments. The statement of objects and reasons does not establish or even allege any such necessity. It shows, on the contrary, that the Government of India, in compliance with a despatch from the Secretary of State, issued orders with a view to putting an end to the registration and compulsory examination of prostitutes in cantonments. It is left to the reader to infer that these orders did not entirely abrogate existing regulations, and were, therefore, ineffectual. For this reason, apparently, the Government of India is to be prevented from making any rules whatever on the subject in future. It is not, however, alleged that the same result could not be secured by an understanding between the Secretary of State and the Government of India. It must occur to many persons that this would be a far better way of dealing with the matter. There are obvious objections of a political nature to the introduction of this proviso into the Indian Statute Book.

3. The

3. The proposed new Section 26A can have no effect as a working provision of law. Prostitutes suffer under the disadvantage that their evidence is regarded with more than common distrust. It is difficult, therefore, to conceive that it should ever be satisfactorily proved that a woman had been examined without her consent. On the other hand a new offence is invented, or rather a new name is given to an offence which is already punishable, and a penalty attached to it which is ludicrously inadequate. If there is no sanction to the compulsory examination of prostitutes, the existing law affords as complete protection to the class as to the public generally. The section will only serve as a standing injunction or menace to the medical profession.

4. I refrain from any discussion of the general policy on which the amendment is based, for the reference from Government does not appear to call for it.

LETTER from the Honourable Mr. *J. Nugent*, i.c.s., Commissioner, S.D., to the Chief Secretary to Government, Judicial Department, No. P.—1528, dated 17 October 1894.

WITH reference to the Under Secretary's letter, No. 6905, dated 13th instant, I have the honour to state, for the information of Government, that the provisions of the Bill to amend the Cantonments Act, 1889, will doubtless accomplish the object they are desired to effect. As that object is to carry out the orders passed by Her Majesty's Government, it is not for me to venture to oppose it. I would merely observe that, in my opinion, the policy adopted is in every sense most disastrous and is fraught with evil to the mainstay of our power in India.

LETTER from *W. Porteous*, Esq., Acting Commissioner, C.D., to the Under Secretary to Government, No. P.—1734, dated 20 October 1894.

I HAVE the honour to acknowledge the receipt of your letter, No. 6905, dated 13th instant, forwarding for my opinion copy of a Bill to amend the Cantonments Act, 1889. As I gather from the Statement of Objects and Reasons annexed to the Bill, that a Bill of the kind has to be passed into law in compliance with the directions of Her Majesty's Government, I assume that I am precluded from making any remarks on the provisions of the Bill. I have no remarks to make on the wording of these provisions.

LETTER from *J. K. Spence*, Esq., i.c.s., Commissioner, N.D., to the Acting Under Secretary to Government, Judicial Department, No. 1347, dated 26 October 1894.

IN reply to your letter, No. 6905, dated 13th instant, forwarding for my opinion a copy of the Bill to amend the Cantonments Act, 1889, I have the honour to state that I have consulted the District Magistrate, Ahmedabad, and the Political Superintendent, Pálanpur, and through them the Cantonment Magistrates of Ahmedabad and Deesa. I find that the District Magistrate has No. 2507 of 21st—
21st August 1894. already submitted a report on the subject, and as he has sent on a copy of it, I have only to say that I quite concur in Mr. Gibbs' views.

2. The Political Superintendent, Pálanpur, and the Cantonment Magistrate, Deesa, are of opinion that the Bill referred to is suitable in every respect.

LETTER from the Surgeon General with the Government of Bombay to the Secretary to Government, Judicial Department, Bombay, No. 8914, dated 31 October 1894.

WITH reference to your letter, No. 6905, of 13th instant, I have the honour to submit the following remarks on the Draft Bill to amend the Cantonments Act, 1889:—

2. In my opinion the result of its passing can only be a most deplorable one, and if that be now possible, I most strongly counsel rather the regulation of the examination of women than its entire abolition. I need not particularise the results to which I allude; they chiefly concern the health of the soldier, and the fitness of the army for active service. These have been fully noticed by others, and have been proved both in the field and in cantonment, and all that seems necessary is to draw attention to the subject.

3. Similar results follow the present system in civil life, though they do not come so prominently under the notice of Government or of the public. And as regards the women themselves, nothing can be worse than the present system, and the Bill, of which the draft is now before me, will perpetuate and accentuate these results.

4. But I presume my opinion is not at present asked on these points. With regard to the provisions of the Draft Bill, I beg to say that, if the system of prohibiting the compulsory examination of women following the calling of a prostitute has been determined on, and it is merely wished to give effect to this determination, I see no objection to the Bill.

5. The Bill apparently does not extend to such persons as may examine women of this class, who may voluntarily present themselves for such examination. There used to be a considerable number of such cases, and I have reason to believe that even in civil life, in the City of Bombay, at all events, many women voluntarily present themselves periodically for examination by medical practitioners.

6. If the Act under report is brought on the Statute book, there should, in my opinion, be a very strict regulation against prostitution in cantonments, and every woman proved to be consorting with soldiers, or following the calling of a prostitute, should at once be turned out of cantonment, or made to find security for her future life and behaviour. A strict regulation of this sort might diminish the bad effects of the prohibitory Act under reference.

MEMORANDUM from *H. E. M. James, Esq., I.C.S., Commissioner in Sind,* to the Secretary to Government, Judicial Department, No. 2158, dated 27 October 1894.

In reply to Government reference, No. 6904, of 13th instant, the Commissioner in Sind has the honour to state that the Bill, as drafted, seems fully calculated to answer the purpose for which it is intended, and the district magistrate of Karachi, whom he has consulted, is of the same opinion.

2. The Commissioner in Sind notices that his opinion is asked for on the provisions of the Bill, and Mr. James understands, therefore (though he is not quite certain) that Government desire to know what he thinks of the proposed measure on its merits. Mr. James, therefore, will proceed to submit his respectful opinion. But if he has misunderstood Government, he requests that what follows may be considered cancelled, as no officer of Government would, except under instructions, venture to criticise a Bill which the Secretary of State himself has ordered to be introduced.

3. On the assumption, then, that he has been ordered to express his opinion, and not otherwise, the Commissioner in Sind begs to say that he considers the Bill is cruel, immoral, and oppressive. It appears also to him inexpedient in the highest interests of the Indian Empire.

4. The

4. The Bill is cruel because it prevents any organised attempt on the part of the British Government to save from horrible diseases the wretched women in whose interests the Commissioner in Sind supposes it to be framed, and the soldiers and others who consort with those women.

5. The Bill is immoral because under the pretence of ignoring vice it encourages crime; that is to say, a breach of Section 269 of the Indian Penal Code, which the old cantonment regulations were designed to prevent.

6. The Bill is oppressive because it interferes with the liberty of the subject by preventing public women from voluntarily submitting themselves from time to time for examination, with a view not only to prevent themselves being the cause of the dissemination of disease, but, if ill, to being cured at an early stage.

7. The Bill is inexpedient in the interests of the Indian Empire, because, if the Commissioner is rightly informed, it tends to render a large proportion of Her Majesty's British and Native soldiers so unfit for service that on a campaign a large proportion would probably have to be invalided and sent back at a very early stage, at a time perhaps when the want of them might imperil the existence of the Indian Empire. Otherwise, as a large proportion of the garrison must in future be counted upon as being always in unsound health, the strength of the garrison must be proportionately increased, and this will involve a heavy expenditure from the Indian Treasury, which it has not the means of meeting.

The Commissioner in Sind will not for an instant think of taking up Government time with his views on the merits or demerits of what is called by the promoters of the Bill "The State Regulation of Vice." He is quite aware that the question has two sides to it, and he has heard that under the old regulations incidents occurred which should have been prevented. He is quite in sympathy with those who dislike heartily seeing any connection between the officers of Government and prostitutes, or any recognition of vice by the State further than is absolutely necessary. But when within his knowledge, in one of the healthiest cantonments in India not far from where he is writing, out of between 200 and 300 soldiers, 20 soldiers are in hospital, of whom 19 are suffering from venereal disease and only one from other causes, when he has himself conversed with the women who used to come to the Karachi Cantonment Hospital, and knows that they would gladly return to the old system if Government permitted it, he cannot but express his opinion that the Bill is foolish and indefensible. It may seem improper and unwise in a Government officer so to express himself in regard to a measure which is practically the wish of a majority of the House of Commons, and which has been introduced by order of the Secretary of State. But the Commissioner ventures to think that it would be equally improper if he did not state his personal views frankly when ordered to do so. Apart from the abstract question of whether a Christian Government or any Government is justified in doing more in regard to prostitution than to punish people who keep disorderly houses, the practical objections raised to the regulation of the courtezans' trade and the inspection of women's persons to prevent the spread of disease are, he understands, first, that oppression of a peculiarly offensive kind might, under cover of regulations, be inflicted either by design or mistake upon virtuous women or upon women who though not virtuous are not public women, and secondly, that official recognition and regulation of prostitution imposes duties upon officers of the Army which are distasteful to the high-minded and demoralising to all, while the taking away of one of the chief terrors of vice coupled with the quasi-sanction given by regulation to it, stimulates immorality and crime in the rank and file. As to the first danger, the Commissioner in Sind believes that it is unreal and that it is unlikely there would be more oppression practised by police in the exercise of their powers in the direction indicated, rather than in the exercise of any of the other powers with which even the Oriental police are necessarily armed. As to the second, only those persons who are acquainted with the administration and morale of the Army are competent to give an opinion upon it, and the Commissioner in Sind, therefore, refrains. But Mr. James cannot but believe that, as a question of practical politics, the great pox can and should be repressed as vigorously in garrison towns as the small-pox. He considers that the safety

of our rule requires it, and that if the duty is entrusted to medical officers, they, from the nature of their profession, can perform it without becoming demoralised. He further believes—but, of course, this is entirely a matter of opinion—that even if comparative immunity from disease offers, as no doubt it would, a stimulus to immorality on the part of some who would otherwise be continent, or to excessive immorality on the part of those who would otherwise indulge in less immoderate immorality, the number of such would be a negligible quantity.

9. It may be contended that nothing in the Bill prevents women voluntarily going to a hospital or dispensary for treatment of venereal disease. But it must be known to every one acquainted with India, that however much they appreciate and desire proper medical aid, they will not, as a rule, come to public hospitals where other diseases are treated, nor is it desirable for other respectable sick people that the two classes should be brought in too close a contact. Therefore segregation and separate treatment are necessary, and if provided, the women will cheerfully comply with the regulations calculated to cure their disease and prevent their communicating it to others.

10. Whatever the views of His Excellency in Council and the Government of India may be, as to the merits of the Bill, the Commissioner in Sind trusts that it will not be passed into law without the protests which he feels certain a large majority of the servants of Government will make against it being laid before the Secretary of State and the House of Commons first. The Commissioner in Sind does not mean to say that the Native Press will disapprove of the Bill: on the contrary, if he is not mistaken, it will be found that the Native Press is almost unanimously in favour of the Bill (so far as they notice it at all), partly because many editors are not very sorry to see the effective force of the British Government in India weakened, partly because any restriction of individual liberties by Government is always opposed by them on principle, and also because the great mass of the editors have, for reasons which the Commissioner need not discuss, a strong personal dislike of the British soldier. The Commissioner, of course, is speaking generally, and has no intention whatever of including all editors in the above category, some being very loyal and able men. Still some of them, he imagines, will dislike the way in which apparently it is sought to enforce the enactment of the Bill, though he does not suppose they will attach very much importance to it.

11. The Commissioner in Sind has written this under the impression (derived from conversations with medical officers, combatant officers and occasional visits to military hospitals), that all forms of venereal disease are bad, and that the effects of even the milder forms are prejudicial to a soldier's efficiency when sent on service. He understands that there are two forms of syphilis, that the worst is not always so common as is generally supposed, and that in some places it is comparatively rare. But either form leaves bad after-effects. Still Mr. James has no personal knowledge of the facts, and his views are founded on information given by others.

12. Mr. James again apologises if he has mistaken his instructions, and offered an opinion which was not wanted.

No. 14.

From President, Indian Medical Congress, to Secretary to Government of India, Legislative Department, dated 31 December 1894.

I HAVE the honour to forward, for consideration of His Excellency the Viceroy in Council and the Right Honourable the Secretary of State, the following copy of a resolution unanimously adopted by the non-official members of the Indian Medical Congress at the concluding general meeting on Saturday, 29th December 1894.

(signed) *Robert Harvey, M.D., Surgeon-Colonel.*

Proposed by Mr. *Simmons*, seconded by Dr. *Moses*, and carried unanimously.

THAT the un-official members of this Congress desire earnestly to represent to the proper authorities in India and at Home the mischiefs likely to result from the proposed Cantonments Act Amendment Bill, especially in so far as the third clause is concerned, which proposes penal legislation aimed at public medical servants, and implies that they cannot be trusted to carry out loyally and promptly the orders of Government on this subject.

LETTER from Officiating Secretary to Government of India (Legislative Department), No. 14, dated 23rd January 1895, to the Permanent Under-Secretary of State for India.

Sir,—In continuation of my letter No. 3, dated the 9th instant, I am directed to forward here-
From President, European and Anglo-Indian Defence Association, No. 532, dated 16th January 1895.—Printed paper No. 15. with copies of the
From President, Indian Medical Congress, dated 31st December 1894.—Printed paper No. 16. papers noted in the
 margin relating to
 the Bill to amend the Cantonments Act, 1889.

I have, &c.

(signed) *J. M. Macpherson*,
 Officiating Secretary to the Government of India.

ENCLOSURES to above.

Enclosure No. 1.

From President, European and Anglo-Indian Defence Association, to Officiating Secretary to Government of India, Legislative Department—(No. 532, dated 16th January 1895).

THE Council of the European and Anglo-Indian Defence Association have had under their consideration Bill No. 9 of 1894, introduced in the Council of the Governor General for the purpose of making Laws and Regulations on the 12th July 1894.

"Gazette of India," 14th July, 1894, Part V., page 109.

2. From the Statement of Objects and Reasons it appears that the Secretary of State in Council had directed that the Bill to which the Statement was annexed should be introduced in the Legislative Council.

Proceedings in Council reported at page 221 of Part VI. of the "Gazette of India" of 31st July 1894.

3. The Honourable Sir A. Miller, the Legal Member, in introducing the Bill, said that it was a Bill which had been introduced in the Council "by direction of Her Majesty's Government, in order to comply, if this Legislative Council should think fit to do so, with the requirements of the majority of the Commission which sat on the question of the examination of prostitutes in cantonments. That Commission reported by a majority of three to two that legislation was necessary in order to carry out the resolution of the House of Commons on that subject, and the result of that decision is that Her Majesty's Government have expressed a wish that this particular Bill, which has been practically, though not formally, drawn in England, should be introduced for the consideration of the Legislative Council."

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4. This Bill was introduced after the discussion in the Legislative Council in March last regarding the proposed amendment of the Tariff Bill by the inclusion of cotton goods.

5. In that debate the theory that it was the duty of the official members, whilst making laws and regulations, to yield passive obedience to orders, was promulgated, and this theory has come, as further developed, to be commonly spoken of as the theory of legislation by mandate.

6. This Council has observed with the gravest apprehension and alarm that this theory has been further developed so as to include the following propositions:—

(a) The House of Commons alone is Parliament.

(b) A resolution of the House of Commons is, so far as the Legislative Council is concerned, of equally binding force with an Act passed by the Queen, Lords, and Commons.

(c) The Secretary of State in Council, though he may in the particular case go against the whole of his Council, is the infallible interpreter of the will of the House of Commons, and passive obedience is due from all members of the Legislative Council, non-official as well as official, to his orders or directions.

7. This Council regrets to find that the speech of his Excellency the Governor General in the Legislative Council on the 27th December 1894, is generally thought to have given countenance to these unconstitutional propositions; but this Council trusts that such was not his Excellency's intention.

8. The Constitutional position of the Legislative Council appears not to depend upon any unwritten law, but to be clearly defined by Statute, and so also is the position in relation to it of the Secretary of State in Council.

By the Statute 3 & 4 Will. IV., c. 85, passed in 1833, the Board of Control, which included the principal Secretaries of State and practically the Cabinet, was constituted (Section 25) to superintend, direct, and control the acts, operations and concerns of the East India Company relating to the government or revenues of the territories or the property vested in the Company, and all grants of salaries, gratuities and allowances and all other payments and charges, with certain exceptions.

By Section 39 the superintendence, direction, and control of the whole civil and military government of India was vested in the Governor General of India in Council.

By Section 43 it was enacted that the Governor General in Council should have practically the same wide power to legislate which was afterwards given by the Indian Councils Act, 1861, which superseded this Act as regards these matters.

By Section 44 the right of veto was in effect vested in the Board of Control and consequent on being disallowed was to be repealed by the Governor General in Council.

By the 16 & 17 Vict., c. 95, s. 22, passed in 1853, "for the better exercise of the powers of making laws and regulations now vested in the Governor General in Council," additional members were added to the Council for that purpose.

By the Act for the Better Government of India, 21 & 22 Vict., c. 106, the power vested in the Court of Directors and the Court of Proprietors and in the Board of Control were in effect vested in the Secretary of State for India in Council.

By the Indian Councils Act, 1861, Section 10, "for the better exercise of the power of making laws and regulations vested in the Governor General in Council," the Governor General was to nominate not less than six or more than

than twelve persons to be members of Council for the purpose of making laws and regulations, only not less than one-half to be non-officials.

Section 20 provides that no law shall have any validity until assented to by the Governor General, or until the assent of Her Majesty thereto through the Secretary of State, is proclaimed by the Governor General.

Section 21. Her Majesty, through the Secretary of State, may disallow any such law, and thereupon, and upon the signification of it by the Governor General, such law becomes null and void.

By Section 22 the Governor General in Council is empowered to make laws and regulations for all persons, places and things, except as therein mentioned.

The constitution of the Legislative Council was again enlarged so lately as 1892, and it may be safely asserted that it was understood that the Council as enlarged was a body vested with the powers which seem to have been conferred by the Indian Councils Act, 1861.

9. This shows clearly that the relative duties of the Legislative Council and the Secretary of State in Council are clear and well defined, depending wholly upon statute law, and that the theory of legislation by mandate never was, and never could have been, contemplated by Parliament in the sense of the Queen, Lords and Commons.

The debate upon the Administrator General's Act in 1855 shows unmistakably that no such theory obtained at that time, and it is difficult to suppose that Parliament, in enlarging the Council in order to meet the local requirements of India from time to time intended that they were to act upon any mandate given to them.

10. The Bill in question consists of three sections only. The first is formal merely. The second provides that the Governor General in Council shall not, under Section 26 of Act 13 of 1889, make any rule of a certain kind. It can hardly be conceived that the Governor General would insist upon making rules contrary to the wishes, or without the assent, of the Secretary of State, and therefore no further enactment can be necessary. This Council considers that to order the Legislative Council of India to pass such a provision is to throw upon it the unconstitutional, invidious, and dangerous task of placing on the Statute Book of this Empire a record that the Government of India has forfeited the confidence of Her Majesty's Government. Anything more derogatory to the honour, dignity, and prestige of the Government of India, anything more directly calculated to weaken the confidence of all classes in India in the Executive, cannot be readily quoted.

11. As regards Section 3 of the Bill, this Council noticed in the newspapers of 31st December 1894, a resolution passed by the unofficial members of the Indian Medical Congress to the following effect:—

“The unofficial members of this Congress desire earnestly to represent to the proper authorities in India and at home the mischief likely to result from the proposed Cantonments Act Amendment Bill, especially in so far as the third clause is concerned, which proposes penal legislation aimed at public medical servants, and implies that they cannot be trusted to carry out loyally and promptly the orders of Government on the subject.”

12. This Council not only support the protest of the Indian Medical Congress, but they go further, and state their conviction that the effect of the section must be to practically forbid the treatment of a most unhappy and most unfortunate class of persons in the hospitals and other places.

13. The section, as it stands, refers to “any public servants.” Now, in cantonments military law prevails as well as the ordinary law as contained in the Penal Code. If a public servant evades or disobeys the instructions lawfully given to him, or is guilty of any offence, he may be removed, dismissed, or brought to trial.

14. The third Section seems to this Council to be a declaration to the people of India that, in the opinion of Her Majesty's Government :—

- (a) The Government of India cannot be trusted to maintain discipline among, or secure obedience from, the public servants of the Queen Empress, and
- (b) That the existing laws in force in India are insufficient to check the public servants of the Government.

15. This Council feels bound to protest against this legislation as uncalled-for, as ill-considered, as derogatory to the prestige of Government, and as embodying an inexcusable and unmerited slur upon Indian public servants.

(signed) *J. N. Stuart.*

A copy of this letter has been forwarded to the Government of Bengal.

Enclosure No. 2.

From President, Indian Medical Congress, to Private Secretary to His Excellency the Viceroy, dated 31 December 1894.

I HAVE the honour to forward, for the consideration of His Excellency the Viceroy, and such action as he may deem necessary, the accompanying resolution* passed by the unanimous vote of the non-official members of the Indian Medical Congress at the concluding general meeting on Saturday, 29th December 1894.

As the resolution calls in question the policy of Government, and as it is contrary to regulation and to political expediency that Government servants should discuss in any corporate or collective capacity the policy or the orders of their superiors, I thought it my duty as President of the Congress to direct all members who are servants of the State to abstain from voting.

The resolution is, therefore, the unanimous opinion of a great body of non-official medical practitioners from all parts of India and of eminent delegates sent by foreign countries, universities and colleges, and of these only.

I feel, however, that I should be wanting in my duty if I did not add an expression of my own absolute agreement as an individual officer with every point in the resolution, and of my belief that that agreement is shared by every medical officer both of the Medical Staff and of the Indian Medical Service.

(signed) *Robert Harvey, M.D.,*
Surgeon-Colonel.

LEGISLATIVE Despatch from Government of India to Secretary of State for India, No. 3, dated 30 January 1895.

Sir,

Calcutta, 30 January 1895.

WITH reference to your telegram of 22nd January, 1895, we have the honour to forward the accompanying minute, dated the 28th idem, which our honourable colleague Sir Alexander Miller has recorded on the legal aspect of Section 3 of the Bill to amend the Cantonments Act, 1889.

We have, &c.

(signed) *Elgin.*
Geo. S. White.
Alex. Edw. Miller.
H. Brackenbury.
C. B. Pritchard.
J. Westland.
A. P. MacDonnell.

Enclosure in above.

Minute.

I THINK it clear that every Act which would or ought to be punishable under Section 3 of the Bill for the amendment of the Cantonments Act now before the Council is already punishable under the Indian Penal Code.

The definition of "criminal force" in Section 350, as explained by Illustration (f) to that section, shows conclusively that any Act by which a woman could be examined without her own consent, would be criminal force, whilst any Act by which she could be frightened into consenting under the impression that she was about to be forced, would be an assault under Section 351.

An assault of any kind is punishable under Section 352, and an assault by any person on a woman "knowing that he will be likely to outrage her modesty" under Section 354; in each case more severely than is proposed in the Bill. Every possible case of compulsory examination is thus covered. It is possible that it may be objected that the Penal Code does not cover the case of "inducement"; but neither does Section 3; and, if the woman can be induced to submit to examination without any such threat as is aimed at in Section 190, the examination must, I think, be considered as voluntarily undergone by her for her own purposes; if so, it would not be any offence to examine her, either under the Penal Code, or the Bill, or in common sense.

Under these circumstances I think Section 3 of the Bill adds nothing to the cogency of the existing law, and may safely be abandoned.

(signed) *Alex. Edw. Miller.*

28 January 1895.

Legislative Despatch from Government of India to Secretary of State for India, No. 10, dated 13 February 1895.

Sir,—IN conformity with the provisions of Section XXI. of the Indian Councils Act 1861,

Act No. V. of 1895, to Amend the Cantonments Act, 1889.

I have the honour to forward herewith an authentic copy of the law noted in the margin, which has been passed by the Council of the Governor General of India for making laws and regulations, and to which I have signified my assent.

2. In accordance with the instructions contained in your predecessor's despatch No. 61, dated 21st December 1869, a copy of the papers noted in

Statement of Objects and Reasons, dated 10th July 1894.

Report of Select Committee, dated 30th January 1895, with the Bill as amended.

Extracts from Abstracts of Proceedings, dated 12th July 1894, and 24th and 31st January, and 7th February 1895.

the margin, relating to the law, accompanies.

I have, &c.

(signed) *Elgin.*

ENCLOSURES to above.

No. 1.

Act No. V. of 1895 (as passed in Council).

A Bill to Amend the Cantonments Act, 1889.

WHEREAS it is expedient to amend the Cantonments Act, 1889; it is hereby enacted as follows:—

Title, extent and commencement. 1. (1) This Act may be called the Cantonments Act Amendment Act, 1895.

(2) It extends to the whole of British India; and

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(3) It

XIII. of 1889.

(3) It shall come into force at once.

Addition to Section 26 of Act XIII. of 1889. 2. To Section 26 of the Cantonments Act, 1889, the following shall be added, namely :—

“Provided that no such rule shall contain any regulation enjoining or permitting any compulsory or periodical examination of any woman by medical officers or others for the purpose of ascertaining whether she is or is not suffering from any venereal disease, or is or is not fit for prostitution, or any regulation for the licensing or special registration of prostitutes, or giving legal sanction to the practice of prostitution, in any cantonment.”

This Bill was passed at a meeting of the Council of the Governor General of India for the purpose of making laws and regulations on the seventh day of February 1895.

(signed) *Elgin*, President.

I assent to this Bill.

(signed) *Elgin*, Viceroy and Governor General.

8 February 1895.

(An authentic copy.)

(signed) *J. M. Macpherson*,
Officiating Secretary to the Government of India,
Legislative Department.

Stages through which the Bill passed.	Date.
Leave given to introduce - - - - -	12 July 1894.
Introduced - - - - -	12 " "
Referred to Select Committee - - - - -	24 January 1895.
Published in Gazette of India - - - - -	14 July 1894.
" " Fort St. George Gazette - - - - -	31 " "
" " Bombay Government Gazette - - - - -	19 " "
" " Marathi - - - - -	16 Aug. "
" " Gujarathi - - - - -	16 " "
" " Kanarese - - - - -	16 " "
" " Calcutta Gazette - - - - -	25 July "
" " Bengali - - - - -	31 " "
" " Hindi - - - - -	7 Aug. "
" " North-Western Provinces and Oudh Government Gazette. - - - - -	21 July "
" " Urdu - - - - -	25 Aug. "
" " Punjab Government Gazette - - - - -	19 July "
" " Urdu - - - - -	23 Aug. "
" " Central Provinces Gazette - - - - -	24 July "
" " Hindi - - - - -	12 Sept. "
" " Burma Gazette - - - - -	4 Aug. "
" " Assam Gazette - - - - -	28 July "
" " Bengali - - - - -	11 Aug. "
" " Coorg District Gazette - - - - -	1 " "
" " Report presented - - - - -	31 Jan. 1895.

No. 2.

Statement of Objects and Reasons.

On the 26th July 1888, the Government of India, in compliance with a despatch from the Secretary of State, dated the 14th June 1888, issued certain orders with a view of putting an end to the registration and compulsory examination of prostitutes in cantonments. It has been discovered that these orders have not in all cases proved effectual for the purpose, and the Secretary of State in Council has directed that the Bill to which this statement is annexed should be introduced in the Legislative Council for the purpose of prohibiting under penalties such examination for the future. The Bill is submitted accordingly, in compliance with the directions of Her Majesty's Government.

10 July 1894.

(signed) *Alex. Edw. Miller*.

No. 3.

Legislative Department.

WE, the undersigned, Members of the Select Committee to which the Bill

- From High Court, Calcutta, No. 1727, dated 6th August 1894 [Paper No. 1].
- From Chief Commissioner, Coorg, No. 1440-102-92, dated 13th August 1894 [Paper No. 2].
- From Chief Commissioner, Assam, No. 81-L. L.-526-1J, dated 18th August 1894 [Paper No. 3].
- From Agent to Governor General in Baluchistan, No. 922-Z, dated 22nd August 1894 [Paper No. 4].
- From Chief Commissioner, Ajmere-Merwara, No. 23-C, dated 27th August 1894 [Paper No. 5].
- From Chief Commissioner, Burma, No. 246-5-C.-36, dated 7th September 1894, and enclosures [Papers No. 6].
- From Resident, Hyderabad, No. 292, dated 10th September 1894, and enclosure [Papers No. 7].
- From Chief Commissioner, Central Provinces, No. 6561, dated 20th September 1894 [Paper No. 8].
- From Government, North-Western Provinces and Oudh, No. 1569, dated 1st October 1894, and enclosure [Paper No. 9].
- From Government, Punjab, No. 940-S, dated 20th September 1894, and enclosures [Papers No. 10].
- From Government, Madras, No. 2362, dated 28th September 1894, and enclosure [Papers No. 11].
- From Government, Bengal, No. 484-T.-M., dated 22nd October 1894, and enclosure [Papers No. 12].
- From Government, Bombay, No. 7712, dated 17th November 1894, and enclosure [Papers No. 13].
- From President, Indian Medical Congress, dated 31st December 1894, and enclosure [Papers No. 14].
- From President, European and Anglo-Indian Defence Association, No. 532, dated 16th January 1895 [Paper No. 15].
- From President, Indian Medical Congress, dated 31st December 1894 [Paper No. 16].

to amend the Cantonments Act, 1889, was referred, have considered the Bill and the Papers noted in the margin, and have now the honour to submit this our Report, with the Bill as amended by us annexed thereto.

2. In Section 1 we have made the formal change of substituting "1895" for "1894."

3. In Section 2 we have inserted

the word "special" before "registration," so as to make it clear that it is not intended to interfere with the general registration of all inhabitants of a cantonment, in which prostitutes would necessarily be included with the others.

4. In the same section we have substituted the words "giving legal sanction to" for the word "sanctioning," with the object of making the expression more definite.

5. We have omitted Section 3 altogether, as we are of opinion that the existing law sufficiently covers the points intended to be covered by that section.

6. The publication ordered by the Council has been made as follows :

In English.

Gazette.	Date.
Gazette of India	14 July 1894.
Fort Saint George Gazette	31 " "
Bombay Government Gazette	19 " "
Calcutta Gazette	25 " "
North-Western Provinces and Oudh Government Gazette	21 " "
Punjab Government Gazette	19 " "
Central Provinces Gazette	21 " "
Burma Gazette	4 August "
Assam Gazette	29 July "
Coorg District Gazette	1 August "

In the Vernaculars.

Province.	Language.	Date.
Bombay - - - - -	Marathi - - -	16 August 1894.
	Gujarathi - - -	16 " "
	Kanarese - - -	16 " "
Bengal - - - - -	Bengali - - -	31 July "
	Hindi - - -	7 August "
North-West Provinces and Oudh -	Urdu - - -	25 " "
Punjab - - - - -	Urdu - - -	23 " "
Central Provinces - - -	Hindi - - -	12 September 1894.
Assam - - - - -	Bengali - - -	11 " "

7. We do not think that the measure has been so altered as to require re-publication, and we recommend that it be passed as now amended.

(signed) *Alex. Edw. Miller.*
C. A. Elliott. "
Henry Brackenbury.
M. M. Roy.
G. H. P. Evans.
F. W. R. Fryer.

30 January 1895.

Enclosure in No. 3.

A Bill to Amend the Cantonments Act, 1889.

WHEREAS it is expedient to amend the Cantonments Act, 1889; it is hereby enacted as follows:—

III. of 1889.

1. (1)—This Act may be called the Cantonments Act Amendment Act, 1895.
 Title, extent and commencement.

(2) It extends to the whole of British India; and

(3) It shall come into force at once.

III. of 1889

2. To Section 26 of the Cantonments Act, 1889, the following shall be added to Section 26 of Act XIII. of 1889. added, namely:—

“Provided that no such rule shall contain any regulation enjoining or permitting any compulsory or periodical examination of any woman by medical officers or others for the purpose of ascertaining whether she is or is not suffering from any venereal disease, or is or is not fit for prostitution, or any regulation for the licensing or *special* registration of prostitutes, or *giving legal sanction* to the practice of prostitution, in any cantonment.”

No. 4.

EXTRACT from the Abstract of the Proceedings of the Council of the Governor General of India, assembled for the purpose of making Laws and Regulations under the provisions of the India Councils Acts, 1861 and 1892 (24 & 25 Vict. c. 67, and 55 & 56 Vict. c. 14).

The Council met at Viceregal Lodge, Simla, on Thursday, the 12th July 1894.

CANTONMENTS ACT, 1889, AMENDMENT BILL.

THE Honourable Sir *Alexander Miller* also moved for leave to introduce a Bill to amend the Cantonments Act, 1889. He said:—“I have very little indeed

indeed to say upon this Bill. It is a Bill which has been introduced by direction of Her Majesty's Government in order to comply, if this Legislative Council should think fit to do so, with the requirements of the majority of the Commission which sat on the question of the practice of the examination of prostitutes in cantonments. That Commission reported by a majority of three to two that legislation was necessary in order to carry out the Resolution of the House of Commons on that subject, and the result of that decision is that Her Majesty's Government have expressed a wish that this particular Bill, which has been practically, though not formally, drawn in England, should be introduced for the consideration of the Legislative Council."

His Honour the *Lieutenant Governor* said:—"We have not had any statement of what the provisions of the Bill are; so I think it is better that we should reserve any remarks which we have to make on it."

The Honourable Sir *Alexander Miller* said:—"If his honour the Lieutenant Governor wishes, I will state what the provisions of the Bill are; but I purposely did not do so because I have explained the circumstances under which it is proposed to introduce the Bill, and I have no desire to express any opinion either way as to the advisability of its provisions."

The Honourable Sir *Antony MacDonnell*:—"Are we to understand that this Bill is to be taken up in Simla?"

His Excellency the *President*:—"I understood not."

The Honourable Sir *Antony MacDonnell*:—"I ask the question with reference to what his honour has said. If the Bill is not taken up in Simla, he will not have an opportunity of expressing his views on it. For my own part I think it would be very undesirable that it should be taken up in Simla."

The Honourable Sir *Alexander Miller*:—"I think it necessary that a Bill of this kind, if introduced, should be circulated to Local Governments and Administrations. When that is done, his honour will have an opportunity in another capacity of expressing his opinion on it."

The motion was put and agreed to.

The Honourable Sir *Alexander Miller* also introduced the Bill.

The Honourable Sir *Alexander Miller* also moved that the Bill and Statement of Objects and Reasons be published in the "Gazette" of India in English, and in the local official Gazettes in English, and in such other languages as the Local Governments think fit.

The motion was put and agreed to.

EXTRACT from the Abstract of the Proceedings of the Council of the Governor General of India, assembled for the purpose of making Laws and Regulations under the provisions of the Indian Councils Acts, 1861 and 1892 (24 & 25 Vict., cap. 67, and 55 & 56 Vict., cap. 14).

The Council met at Government House on Thursday, 24th January 1895.

CANTONMENTS ACT, 1889, AMENDMENT BILL.

THE Honourable Sir *Alexander Miller* moved that the Bill to amend the Cantonments Act, 1889, be referred to a Select Committee, consisting of His Honour the Lieutenant Governor, the Honourable Lieutenant General Sir Henry O. 129.

Brackenbury, the Honourable Mohiny Mohun Roy, the Honourable Sir Griffith Evans, the Honourable Sir Frederick Fryer, and the Mover. He said :—“ It is not necessary that I should say anything with regard either to the provisions of this Bill, the circumstances under which it was introduced, or the controversy to which it has given rise. Every member of the Council must be familiar with all these matters, *usque ad nauseam*. It is however, my duty in making this motion to supplement the information which is already in the possession of the Council by one statement. You are all aware that the objections which have been taken to the Bill have centred mainly around what is known as the third section.

“ It has been represented, and it is no part of my duty at present to express any opinion as to whether it has been rightly or wrongly represented, as imposing an unmerited slur upon an honourable profession; but, at any rate, there has been a very strong expression of public opinion adverse to the proposal contained in that section. The Government of India and Her Majesty's Government in England in deference to that very strong expression of public opinion, after carefully reconsidering the case, have come to the conclusion that the existing law sufficiently covers the points intended to be covered by that section, and that therefore it is unnecessary to press for its enactment. Under these circumstances, if this Council will permit the Bill to be referred to a Select Committee, I will be prepared when the third section comes before the Committee to move its omission from the Bill.”

The Honourable Sir Griffith Evans said :—“ In order to a right understanding of this Bill, and to an intelligent consideration of the question whether it is desirable to refer it to a Select Committee for consideration of details and amendments, it is necessary to consider its history and origin as well as its subject-matter. The appalling fact that out of the European army in India of about 70,000 men there were 28,000 admissions into hospital in 1892 for venereal diseases, and the average period of treatment in each case was for over 29 days, shows how grave the responsibility of this Council is in considering any proposed legislation which may in the slightest degree affect for good or for evil this calamitous state of things. This means that the army of India is rotting. It renders unnecessary any apology on my part for taking up the time of the Council.

“ I will endeavour to trace the origin and history of this Bill from the published Blue-book containing the report of the Committee appointed by the Secretary of State in 1893 to consider this matter, and the questions and answers in Parliament on the subject. Before 1888 there had been in force in India under the Contagious Diseases Act, and statutory rules framed thereunder, a regular system for registration, licensing, and periodical examination of prostitutes, and the army prostitutes were said to have been put under the orders of the various commanding officers, and their examination was compulsory, and enforced by legal penalties. A well-known military circular of 1886 roused public attention in England to this state of affairs. The English Contagious Diseases Acts had been already repealed. Questions were asked in the House of Commons, and in answer to one of those questions Sir John Gorst, on the 8th of March 1888, replied that reports on the Contagious Diseases Act were expected from India, and added—

“ ‘ But the Secretary of State has no power to withdraw the matter from the cognisance of the Legislative Council of the Governor General and the Legislative Councils of Madras and Bombay, to which the duty of making laws for India has been delegated by Parliament.’

“ A debate took place in June, and on the 5th June 1888 it was resolved that ‘ in the opinion of this House any mere suspension of measures for the compulsory examination of women and for licensing and regulating prostitution in India is insufficient, and the legislation which enjoins, authorises or permits such measures ought to be repealed.’ This resolution was communicated by the Secretary of State to the Government of India, and on the 5th September 1888 the Legislative Council repealed the Contagious Act of 1868, and the Cantonments Act of 1889, which had been introduced in 1888, and was passed in October 1889, and rules thereunder were passed in 1890. The Government of India also issued executive orders prohibiting the system and

and practice which had been in operation under the old Acts. After the publication of the proposed rules of 1890, Messrs. Stansfeld and Stuart, two Members of Parliament, addressed a letter to Lord Cross, stating that they did not see any words in the Act limiting or directing the method of exercising the powers, and suggesting that it would be possible under the new rules to set up the old system. In reply, Sir John Gorst, on the 6th of March 1890, said :—

‘I am desired by the Secretary of State for India in Council to reply to your letter of the 14th of February. With regard to your complaint that there are no words in the Act limiting or directing the method of the exercise of the power given by the Act of making rules, it is right in the judgment of the Secretary of State that no such words should be embodied in the text of the Act. The effect of such words would be to make the validity of every order issued under the Act a matter of controversy, depending on the various interpretations of which its language might be held to admit. The Secretary of State prefers to rely on the consideration that the Viceroy, for whose acts the Secretary of State is responsible, will not use the power in the manner you suggest as possible.’

“The rules were accordingly passed unaltered. They were described in the report of the majority of the committee of 1893 as being in themselves compatible either with the old system of compulsory examination or the intended one of voluntary examination. But they were supplemented by numerous orders of the Government of India prohibiting periodical examination of women and compulsory examination. These orders appear, however, in some cases not to have been sufficiently promulgated, and in other cases not to have been understood, and no sufficient steps appear to have been taken by way of supervision to ascertain whether they were in fact being carried out. In 1892 the Free Church of Scotland and other religious bodies, sent in protests to the Home and Indian authorities stating that the old system was being carried out under the new rules. This was denied by the military authorities, they being under the impression that their orders had been properly carried out. But the complaints being reiterated, and an inquiry in India having shown there were grounds for them, a departmental committee was appointed by the Secretary of State on the 20th of April, 1893, ‘to inquire into the rules and regulations in the Indian cantonments and elsewhere in India with regard to prostitutes, and the treatment of venereal diseases, in order to ascertain and report how far they accord with the resolution of the House of Commons of the 5th of June, 1888.’ This Committee consisted of Mr. Russell, the Under Secretary for India, and Messrs. Stansfeld and Wilson, members of Parliament, and Sir Donald Stewart and Sir James Peile, members of the India Council. They were divided in opinion, the majority consisting of Messrs. Russell, Stansfeld and Wilson. In the report of the majority dated 31st August, 1893, it is said :—

‘There ought to have been such a republication of all such orders as would have prevented the resuscitation of the former system. It appears to us that the only effective method of preventing the systematic practices which have been maintained in co-operation with these rules is by means of express legislation.’

“The minority differed, and reported that they considered legislation unnecessary and undesirable for the reasons given in the Secretary of State’s letter of the 6th of March, 1890. They said that there would be prostitution whatever steps might be taken, and that the resolution of 1888 objected only to coercion, that there would be venereal diseases, and that there must be hospitals, either separate buildings or separate wards for the treatment of it, that the periodical and compulsory examination of women had been already prohibited by departmental rules in June, 1892. There was no reason to doubt that, renewed attention having been called to the matter, those rules would be carried out. On the 20th September 1893, in reply to a question asked in the House as to whether it was intended to proceed with early legislation as recommended, the answer was given that it was intended to do so, but that the details would have to be considered and further reports received. On the 23rd of April 1894, Mr. Stansfeld asked a question whether a certain

despatch from India had been received, and what action was about to be taken. The answer given by the Secretary of State for India was as follows :—

‘ A despatch has been received and carefully considered by Lord Kimberley in Council. In his reply, which was sent on the 1st of March last, he informed the Government of India that in his opinion the only effective method of preventing a revival of the old practices inconsistent with their orders and with the resolution passed by the House of Commons on the 5th of June, 1888, was to proceed by way of legislation.’

‘ He requested them to undertake the necessary legislation as soon as possible, and indicated the form in which he wished those effected. To avoid the possibility of any further misconception of orders, he requested the Government of India to issue a resolution explaining the policy of that regulation, and prohibiting all practices as different from rules and regulations inconsistent with this policy.’

“ On the 12th of July 1894, this Bill was introduced into the Legislative Council, and from the Statement of Objects and Reasons it appears that it was introduced in obedience to the direct orders of the Secretary of State. In introducing the Bill, the Legal Member said that it was a Bill which had been introduced—

‘ By direction of Her Majesty’s Government with the object of complying, if the Legislative Council should think fit to do so, with the requirements of the majority of the Commission which sat on the question of the examination in cantonments. That Commission reported by the majority of three to two that legislation was necessary in order to carry out the resolution of the House of Commons on that subject, and the result of that decision is that Her Majesty’s Government has expressed a wish that this Bill, which has been practically, though not formally, drawn in England, should be introduced for the consideration of the Legislative Council.’

“ You will observe that this is a very singular Bill ; it is introduced by a member of the Executive Government for the consideration of this Council, not as having any merits but simply as having been ordered by the Secretary of State for India. It is further to be observed that it goes far beyond the resolution of the House of Commons of the 5th of June, 1888. This resolution was complied with by the repeal of the Acts which authorised or permitted the compulsory system then in vogue. It is to be observed also that the Departmental Committee was not directed to offer any opinion as to what steps should be taken, but only to report upon a question of fact, namely, whether the existing practice was consistent with the resolution of the House of Commons. Their recommendation is apparently officious and entitled to no weight, except to what may attach to the personal opinion of these three gentlemen. As to the merits of the Bill itself, it does not appear to possess any. The operative part of it consists of two sections. As to Section 3, I need say little, as it has been abandoned, but I think I am bound to say that, had it not been abandoned, it would, be very difficult for any member of this Council to approve of it. It is unnecessary, as all compulsory examination not authorised by law is already illegal and an offence under the Penal Code. It would have placed almost insuperable difficulties in the way of medical men treating these women as they ought to be treated for these diseases ; it was a wanton insult to the whole body of medical men in the service of Government, and placed them in much the same position as a criminal tribe for which special penal legislation is necessary. When once the Government of India had become aware of the fact that, owing to defective promulgation, misunderstanding, and want of supervision, their orders had not been carried out by their officials, it becomes clear to everybody who is acquainted with India that there could be no danger of the continuance of this state of things. It is absurd to suppose that the Government of India and the Military Departments are not able to control those who are under them, and the earnestness and *bona fides* of their intention so to control them is not doubted even by the majority of the Committee. I rejoice that the Secretary of State has yielded on this point. I do not doubt he has yielded to strong representations from the Executive Government, and the thanks of all India
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are due to the Executive Government for this. But I do doubt if he would have yielded had he not been confronted by the additional obstacle interposed by the independence of this Council. The Government of India cannot be blamed for introducing the Bill, and leaving it to the Council to adopt or reject. But had this section not been dropped it would have been the clear duty of this Council to reject it, and this duty I doubt not they would have discharged.

"As regards Section 2, this, too, in my opinion is unnecessary for the reasons set out in the letter of the Secretary of State of the 6th of March 1890. It is also objectionable for the reasons set out in the same letter, but I am inclined to think that, notwithstanding it is unnecessary and in some respects objectionable, it may be desirable to pass this section of the Bill with such verbal modifications as may prevent it from going beyond what was resolved on by the House of Commons, accepted by the Government of India, and agreed to by the Legislative Council in 1889, but we must take good care that there are no words in it so vague and wide as to prevent the enactment of such rules under the Cantonments Act as may be necessary for the health of the Army, and as do not involve the revival in any form of the system then condemned.

"It is not desirable that any rules should be passed under the Cantonments Act which should have the effect of giving legal sanction to any portion of the system then condemned. Although the Secretary of State has the absolute executive control, and can therefore see that no rules are passed which could have this effect, yet it appears that, owing to the unfortunate carelessness of the Government of India in enforcing its own orders, an impression has arisen in England that there is a desire or intention in India to revive the old system by means of rules. This impression may give trouble in the House of Commons. It may be allayed by this otherwise unnecessary Bill. As the Secretary of State for India has consented to this unnecessary manacle being placed upon his hands and those of the Governor General in Council—I say upon his hands as well as those of the Governor General in Council, because no objectionable rules could be passed without his sanction—I do not think that it is worth while for this Council to fight over such a measure, provided it can be satisfied that it will work no harm, but will merely embody in legislative form that which has been already agreed to. But there is a heavy responsibility on this Council to see that the words of this section do not go farther than what I have indicated. The responsibility lies upon us, and we cannot avoid it by a reference to any orders from the Secretary of State. The position of this Council is defined by law. It and the Secretary of State are alike the creatures of Statutes passed by the Imperial Parliament, and each has its duties and responsibilities. The Secretary of State has the supreme executive control with all its responsibilities. This Council has entrusted to it the duty of passing such laws as under all the circumstances of the case seem to it best for the interest of India. As regards the position of this Council I adhere to what I have said in the debates which took place last month on the Cotton Excise Bill, and I do not propose to weary the Council by repeating those observations, but I desire to add somewhat to them.

"Before 1853 the legislative power was entrusted to the Governor General and the Executive Council. In 1853 legislative councillors were added, and in 1855 the Council so constituted asserted in no uncertain terms its legislative independence. Subsequently, when the Government of India was taken over directly by Her Majesty's Government, the powers which had been vested in the Board of Control and the Court of Directors were transferred to the Secretary of State in Council, and in 1861 the present Council was constituted by imperial Statute. But there is no indication that it was intended to give the Secretary of State any control over this Council more than was possessed by the old Court of Directors and Board of Control. In the debate in the House of Lords in 1861 the question of the desirability of giving full legislative powers to this Council was discussed, and the contingency of their refusing to pass measures recommended by the Executive Government of India was considered, and the conclusion that was come to by the then Government was that if the Council as constituted did refuse to pass measures introduced by the Government of India, it would be a sign that there was some very grave objection to the

the passing of those measures. The Despatch of Sir Charles Wood of the 9th August 1861 shows the same thing.

"The power of the Council to refuse to pass any measure is not, I understand, denied by anyone, but it is suggested that it is their duty to bow to the opinion of the Secretary of State as to the desirability of the measures introduced. These views I cannot accede to as regards any portion of the Council. This Council must always treat with respect and consideration resolutions of the House of Commons, or expressions of opinions of the Secretary of State in Council or of the Executive Government. But they cannot evade the responsibility of deciding in the end for themselves what course should, in the interests of the country, be pursued. Such decisions must be come to in full consideration of all the circumstances, and of the position of India as regards England, the difficulties which may arise from their action, and the undesirability of unnecessary opposition either to the Secretary of State or the Executive Government. But we must remember also that the Secretary of State, however honest and well-meaning, is only human, and is subject to extreme pressure at times from the exigencies of party warfare. We must also remember that, if India ever becomes a party football, or the sport of faddists in England, the question whether a democracy can govern an Empire will have to be answered in the negative.

"This seems to be undoubtedly the position of the non-official members; but it has been suggested of late that the official additional members are in a different position, and that they ought either to vote in accordance with the wishes of the Executive Government, or resign. This is, so far as I know, an entirely novel doctrine. Over and over again during the many years I have sat in this Council, official members have voted against the Government of India upon important measures, and it has never been suggested to them that they were failing in their duty, or that they ought to resign; nor did they, in fact, resign. Lord Ellenborough, in the debate of 1861, to which I have above referred, said their Lordships would hardly be aware of the entire and absolute independence of the gentlemen of the Civil Service; that they might depend upon it that they could not induce gentlemen of high character and position in the Civil Service to enter the Council if it were once understood that they were always to vote with the Government. There was no independent gentleman in India who would take the appointment on that condition, and they would be compelled to resign their situations. If the Governor General obtained successors to them, they would be persons of an entirely different kind, whose opinions would carry no weight, and who would, in fact, bring discredit on the Council. What was then said of the Civil Service is equally true now.

"This is the view which, so far as I am aware, has always obtained as regards the duties of the official additional members, although no doubt they would naturally and rightly be loth to vote against the Executive Government, unless the gravity of the occasion demanded it, or the strength of their convictions. As regards the position of the Executive Council, that is different. Owing to their dual capacity of being members of the Executive Council and of the Legislative Council, they are frequently placed in a difficult position. It has been said that if they cannot vote with the Executive Government they ought to resign; but I think this is too broad a statement. There is no legislative enactment which could compel them to resign, nor is there any, so far as I am aware, which could justify their dismissal or removal from office on account of their refusing to vote for a measure which has been approved of by the majority of the Executive Council. I quite admit that there may be circumstances in which the difference between a single member of the Executive Council and the majority is so great, with regard to the course to be pursued, that he is wholly unable to work in harmony with his colleagues, and that it might be under the circumstances the right course for him to resign. But there might be other circumstances in which the point of difference was one which, though of great importance, was a narrow—an isolated—one which would not interfere with his working harmoniously with his colleagues as regards their general executive duties in the administration of India. I think it must be left as a matter for determination between an honourable member himself and his colleagues as to what course he should pursue in each particular instance. However it may be when a member of the Executive Council finds himself in a

minority in the Executive Council, that is a perfectly different matter from the position which arises when the Secretary of State issues orders for certain Bills to be passed. It may well happen that the whole of the Executive Council are in accord in their objections to passing such a Bill. It would be, I think, a novel and unconstitutional doctrine to lay down that under those circumstances every member of the Executive Council who could not conscientiously vote as the Secretary of State desired him to do should do so or resign. This is a deliberative body, and no power is given to the Secretary of State to direct the votes of any member of it. In the debate of 1855 on the Administrator General's Bill, it was pointed out by the then Legal Member that, under the law as it then stood, it was a misdemeanour for any official of the honourable company to refuse to obey the orders of the court of directors; but it was pointed out by him that this must relate to executive and not deliberative acts, otherwise it would follow that the judges, being servants of the company, would be liable to an indictment if they do not give judgment in any particular manner which the court of directors might order. This question is one which ought never to arise; it was not, I think, intended that the Secretary of State should usurp the initiative legislation and send out Bills here to be passed. This appears by the proceedings of Parliament in 1853-61. Up to 1874 the Government of India appears to have conducted its administrative legislation without direct reference to the Secretary of State, except on important matters. In 1874 the Secretary of State directed that no measure should be brought out or introduced into this Council without its having been previously submitted to him. Gradually the Secretary of State seems to have been assuming a legislative initiative, which I do not think it was ever intended by the constitution of the Indian Government that he should assume. He has done so by virtue of his supreme executive control, but I think it is in the nature of a usurpation and is unconstitutional, and, if he persists in this course, it will infallibly lead to the straining of the whole machinery of the Government of India. So much as to the position and duty of the Legislative Council and its various component parts.

"As to this particular measure, the responsibility that lies upon us to see that we introduce into the law no words which may prevent the passing, or render doubtful the legality of rules which can be made for the health of the Army, without contravening either the letter or the spirit of what has been already agreed to, is enormous. We should be careful that we do not place any legislative bar to the recommendations of the Army Sanitary Commission being carried out. Common humanity and the efficiency of the army requires this. We must also beware lest we play into the hands of that strange band of fanatics who seem to regard venereal disease as a kind of *sacra lues*, a scourge of God upon incontinence which it is impious to interfere with. The taxpayers of this country too have a right to demand that the efficiency of the Army which it taxes their resources so heavily to maintain is not wantonly sacrificed. In saying this I have no desire to revert to the old compulsory lock-hospital system which the British Army Sanitary Commission has declared to have broken down as a sanitary measure, and which is in other respects objectionable, but only to enforce those precautions which the Sanitary Commission has recommended, and which can be enforced without directly or indirectly reviving the condemned system. I think that very small verbal alterations will be necessary for this purpose, and I am therefore willing that this Bill should be committed to a Select Committee, which will be able to judge what alterations, if any, are necessary to be made.

"We must bear in mind that, so long as we maintain a large European army in India under conditions of enforced celibacy, where only a proportion of them can be given leave to marry, we cannot hope that prostitution will cease in cantonments; for, as the apostle says, and the experience of all ages testifies, "all men have not the gift of continence"; and the examination for the British army inquires only into the health, height and chest measurement and does not include any examination as to their fitness to enter into celibate orders. Yet, once enlisted, celibacy is compulsorily imposed by Government upon the major part of them. Also there is in India a regular caste of hereditary professional prostitutes, an immemorial caste, with their own laws of succession, recognised by our Courts; and it is shown by the evidence taken by the Committee of 1893 that by far the larger proportion of the prostitutes in cantonments belong to this class.

"If for the safety of the Empire and the consideration for its finances England is bound to maintain this state of things, the least we can do in common humanity and justice to the soldiers whom we place in such a position, is to adopt such measures as are possible to mitigate evils arising from diseases which seem at present to be inseparable from prostitution. I hope that in time much may be done to decrease the spread of these diseases by means of women doctors, who have of late been admitted to medical degrees. When there are a sufficient number of medical women to attend to the treatment of the diseases of women, we may hope that much of the difficulty attending the examination of women will be removed.

"The element of shame and degradation which exists when such examination is conducted by men will be removed, and as no women, even prostitutes, can desire to suffer from this dreadful disease, we may hope that they will voluntarily resort in large numbers to hospitals superintended by women, and that women themselves, moved by compassion not only for their sister women, but for the unborn generations of innocent infants at present doomed to hideous disease, will join the men in taking determined steps to check the sacrifices to the Moloch of syphilis. The subject is one of national importance. The disease strikes at the vitality of the race; sooner or later the English nation must deal with it."

The Honourable *Mohini Mohun Roy* said :—" May it please your Excellency, —This little Bill seems to have drawn upon itself a large amount of condemnation. All the Provincial Governments and other Indian authorities who have been consulted, and who have expressed an opinion upon the policy and provisions of the Bill, have denounced it in language more or less strong. There was faint praise for it from a single individual, a Judge of the Madras High Court, who dissented from the Chief Justice and other Judges. With this exception, there was condemnation in every expressed opinion with which I have been furnished. I may now say at once that I share in that opinion and consider the Bill wholly unnecessary and vicious in principle.

"There are only two provisions in it, contained in Sections 2 and 3. The second section proposes to curtail the power and discretion which the Governor General in Council has, under clause (21) of Section 26 of the Cantonments Act, 1889, of making rules to provide for 'the prevention of the spread of infectious or contagious disorders.' Now, is any legislation at all necessary for this purpose? The Governor General in Council need only be told by the Secretary of State for India not to frame rules 'containing any regulation enjoining or permitting any compulsory or periodical examination of any woman by medical officers,' and he will, and he will, have no doubt, loyally abstain from making any such rules. Legislation should never be resorted to except in a case of necessity or clear expediency; and certainly not where the object is easily attainable otherwise. Abstention by mandate is far more simple and suitable than legislation by mandate. The proposed legislation implies that the Governor General in Council may frame objectionable rules under the Cantonments Act, unless his hands are tied up. Now there is no reason to suppose that any Governor General will frame such rules contrary to the express mandate of the Secretary of State, or that full confidence should not be reposed in him where women of a particular description are concerned.

"I would, therefore, humbly suggest that this Bill be dropped. Section 3 of the Bill is abandoned. Nothing remains except to tie up the hands of the Governor General in Council, which can be done better and more simply by mandate than by legislation."

The Honourable Mr. *Playfair* said :—" My Lord, I have waited for the second reading of this Bill with considerable anxiety, and I have listened with much interest to the remarks that have been made by the honourable Member in charge of the Bill. He has relieved the Council, in my opinion, of what might have proved to have been a very undesirable discussion, by withdrawing the third clause of the Bill, and the honourable Member would have completed the feeling of satisfaction that his action has created had he seen his way, on behalf of the Government of India, to withdraw the Bill entirely. My Lord, in addition to the severe criticism that has centred round Section 3, to which the honourable Member in charge of the Bill has referred, I find myself justified in saying that there exists outside of this Council a strong sense of opposition to the second section of the measure, not only because it is considered unnecessary in itself, but also because it seeks to prohibit the Governor General in

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Council from issuing a certain class of rules under the Cantonments Act, the Governor General in Council, as I understand the position, not having made such rules, and having already decided that no such rules shall be made. The action initiated by the present Secretary of State of thrusting Bills of legislation upon this Council marks a new departure that would rob the Council of its recognised constitutional privilege and duty. It is against such an invasion of the constitutional rights and privileges of this Legislative Assembly that I have been requested, my Lord, by the constituents I have the honour to represent in this Council, the Bengal Chamber of Commerce, to enter an emphatic protest. In the present instance the trespass upon the established rights of the Council is aggravated by the nature of the legislative measure put forward. The present proposal has conveyed the idea to the mind of the community that Her Majesty's Government does not trust the Executive of the Government of India. The feeling pervades the community that if this imputation is accepted the prestige and dignity of the Government becomes lowered, and the confidence of all classes in the government of the country is weakened. This spontaneous expression of feeling on the part of the community, my Lord, is only in harmony with the opinion prophesied with remarkable accuracy by Sir William Harcourt so far back as 1879, when from his place in the House of Commons he said it was important to observe that there was one principle admitted by every Secretary of State and assented to by Lord Salisbury in 1876, and it was that, as a general and almost unvarying rule, the initiative in Indian measures, and particularly measures of finance, should belong to the Governors General in Council, that they should not be dictated to from the outside, but that they should come from those who were most likely to be informed about the interests of India. And Sir William Harcourt added that this was necessary for two purposes—to maintain the authority of the Government of India in India, and to maintain the confidence of the people in that Government. These remarks, no doubt received the approval of his audience, as sound common sense. If the action of the Cabinet as interpreted by the Secretary of State for India reflects an alteration on the part of the right honourable gentleman's views, I can only wish, as Lord Salisbury once remarked, that those violent evolutions, which honourable gentlemen in the position of statesmen make of opinions they had previously professed, had for their subject some matter of less importance than Imperial interest, and less liable to be injured by expressions of opinion, than the interests of the Indian Empire.

"I am gratified, my Lord, to discern without doubt from the opinions expressed by the English and Native Press, and by the European and Anglo-Indian Defence Association, a recognised mouthpiece of an influential section of the community, that there is in this country no want of confidence in the intentions of the Government of India to uphold the wishes of Parliament in respect to the control of cantonments, and that the introduction of this Bill has been in consequence condemned by that portion of the people of this country which perhaps my honourable friend, Mr. Lee-Warner, will permit me to describe as articulating public opinion. I trust, therefore, that if the opinion of the entire Council is not now taken by a division upon the question of the constitutional principle involved in the introduction of this Bill, it will be understood that it is because those Members who, like myself, are opposed to the Bill, consider that by the withdrawal of Clause 3, Government will perceive that Clause 2, when modified, as it must certainly be, is not worth retaining. While I am among the first to deplore the recurrence of differences of opinion between the Secretary of State and the Legislative Council of the Government of India, I cannot but feel that if the independence of this Council is to be invaded and defeated by the Secretary of State, and the relationship of its Members to the Secretary of State is to be reduced to the level of Court assessors, whose opinion must be listened to but need not be accepted or allowed any weight in the decision of the case, the sooner the duties and privileges of the Council are defined by a new and revising Act of Parliament the better. As the law at present exists, I understand Members do not occupy such an invidious and false position, and if the law were altered I feel sure Government would experience extreme difficulty in finding non-official Members who would consent to serve."

The Honourable Mr. Lee-Warner said:—"My Lord, the Honourable Mover of this motion refrained from offering any observations upon the provisions of

the Bill at this stage, and had his example been followed, I should also have refrained from making any observations, but the remarks which have been made, added to those of the reports which are before the Council, would leave an impression that all authorities, official and non-official, as well as that great body of opinion, the Press, are unanimous in condemning this Bill as unnecessary and unsound. I am not of that way of thinking, and therefore do not think it would be honest for me to keep silent on this occasion. I should have found it impossible to have voted for the third section of this Bill, but subject to any modifications which may be considered necessary, and which will not destroy the purposes of the Bill, I am in favour of sections 1 and 2. It has been observed that it is 'unnecessary' to legislate because the Government of India in its executive capacity has declared that it does not mean to use the powers which the Legislature has conferred upon it. But I submit that that is no answer. History writes itself in its largest letters on the Statute-book, and if the legal powers that the Governor General now possesses do extend to the regulation of those matters which this Bill proposes to withdraw from his executive authority, I think it cannot be held 'unnecessary' by legislation to remove those powers which have been conferred by legislation. This, then, opens the real question whether the powers that the present law gives are powers which should be possessed, even if they are not used, by the Governor General in Council or not, and here I admit that there is room for difference of opinion; but it has always been my experience in sitting upon cantonment committees, and elsewhere that the powers conferred by the Cantonments Act of 1869 were wholly insufficient. It must always be borne in mind that the cantonment is not a part of the district which is separated from other parts of the district by a Chinese wall. It is a mere arbitrary division, which is marked off very often only by a red line on a map to which the public more often than not have no access, or by a few posts which have sunk below the level of the surrounding country. In Belgaum, for instance, there is an important cantonment which is under the Madras command but situated in the Bombay Presidency. The Native State of Sangli laps it round, and just outside your British Cantonment you have foreign territory into which your regulating powers would have to be introduced if they were to be used with effect for the purposes of the Cantonment. Are the advocates of these laws for compulsory examination of prostitutes prepared to insist that we should urge the Native State to adopt our special legislation and introduce into Sangli the same laws as you require for the Cantonment? Again, in Poona there are two bodies, the city and suburban municipalities, whose roads and jurisdiction run right into each other and in and out of the cantonments. Are you prepared to force on these bodies regulations for the control of prostitutes if they don't approve of them? The fact is, that you cannot undertake this policy of restriction and examination without extending the area of the powers which you now possess, and which are confined to cantonments. I submit, in short, that powers such as those which this Bill withdraws, could not, if they existed, be properly exercised with any completeness or sufficiency in the narrow area of a cantonment, unless legislative power was given to extend them elsewhere. For these reasons it seems to me that these powers, being inadequate, might well be withdrawn. But I go further; though I do not expect others to agree with me. I confess that I do view with some alarm the argument to which reference has been made by my honourable and learned friend that the prostitutes to whom he referred are hereditary castes. Our whole legislation proceeds on the principle that the liberty of the subject is to be preserved, and that you have no right to inflict on the meanest subject a personal degradation. The case is not altered if you are dealing with a caste. Our law has never yet recognised legal disqualifications due to the caste system. We have no right to treat either a caste or individuals as outside the pale of our consideration and the influence of our rule of equality. I confess that I cannot help thinking that those powers which I have not heard defended—I allude to the powers of compulsory examination and perhaps of compulsory registration—have departed to some extent from the ethical and humanising spirit of our legislation in India, and I view with some alarm that departure from the true standard of our legislation. This may appear to you mere sentiment. I only ask the Council to bear with me if I entertain this view as a matter of principle, and it does not agree with their judgment. For these reasons I think that, subject to such changes as may be found necessary, the

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general principles of Sections 1 and 2 might be approved, because they withdraw powers which are incomplete without an extension of them, which this Legislature will not grant, and because they bring us back to the sounder principles of our altruistic legislation.

"I have only one word more to say. The question has been raised regarding the duty of various sections of this Council. I am entirely in agreement on this point with one sentence in the speech of my honourable friend Sir Griffith Evans when he said that it must be left to every member of this Council to decide for himself what line he must follow."

The Honourable Mr. Clogstoun said:—"My Lord, the question before the Council is practically whether legislation shall be taken to ensure for the women of India of all classes, the most debased in evil, or the most exalted, that perfect freedom and security of person which has been extended to the women of England. The necessity of legislating on the point is a matter of doubt as the existing law grants the same rights, but I accept frankly the policy which the legislation embodies, and which is the policy not of the Secretary of State but of the people of England of all parties—a policy which must command the sympathies of the Council. I am unwilling to impose on the women of India any disabilities not imposed on their sisters in England. I think it necessary to add that prostitution is not limited to castes in which the trade is hereditary."

The Honourable Gangadhar Rao Madhav Chitnavis said:—"My Lord, in supporting the motion that the Bill may be referred to a Select Committee, without going into the history of the Bill, so fully and ably elucidated just now by the Honourable Sir Griffith Evans, I may at once express my disapproval of the measure now before the Council. Personally speaking, I have had no experience of the working of the law in cantonments either as it now stands or as it stood before 1888. But I have before me the opinions of a very large number of officials of the Government who, either from personal experience or from information gathered, have almost unanimously arrived at the conclusion that the Bill under discussion, if passed into law, would be cruel, immoral, oppressive and inexpedient. My Lord, I am inclined to share in the opinion that we should legislate for men as they are, and not as they ought to be, and when it is declared that out of an army of 80,000 Europeans, some 30,000 are in hospital daily with venereal, I must at once say that such a state of things could hardly have been due solely to what the promoters of the Bill are pleased to call the State regulation of vice. There is a very cogent truth embodied in the following observations made by the Acting Magistrate of Ahmedabad:—

Private soldiers are young men taken from the classes least habituated to exercise of self-control—classes who in their natural state marry very early in life. You take such men; you do not allow them to marry; you feed them well—better in most instances than they have been accustomed to be fed, and you give them a sufficient amount of physical work to put them into good condition, and no more. It is asking too much to expect that a large majority of such men will exhibit the continence of the cloister."

The evil, therefore, is inherent in the manner in which the army in India is recruited and kept up, and the remedy, if any is to be found, must be sought elsewhere than in any legislation of the present kind.

My Lord, as regards Section 3 of the Bill, I think it was wholly uncalled for, and I am glad to see that steps have been taken to expunge it. I believe that few medical officers would have been so zealous for the welfare of the army as to take, at the risk of loss of their appointments, to the hardly agreeable work of examining diseased women against their will, especially when it had been forbidden both by law and by the executive orders of the Government they serve. The reasons, therefore, which seemed to have suggested Section 3 of the Bill were rather of a theoretical than of a practical nature.

"There is, therefore, not one redeeming feature in the Bill which ought to justify its being passed either in its entirety or in an amended form." At the same time I cannot believe, as has been alleged in certain quarters, that the persons who moved the British House of Commons on this matter were actuated

by no other motive than a 'criminally hypocritical desire for cheap notoriety for themselves.' It is, indeed, quite as wrong to impute any other but the highest motives to these philanthropic persons as it is to say that if a portion of the Native Press, or for the matter of that a portion of the native community, be in favour of the Bill, it will be because they will not be very sorry to see the effective force of the British Government in India weakened. If I remember aright, the Bombay Corporation, amongst the members of which are counted some of the most high-minded Anglo-Indians and natives of the country, advocated some years ago a line of policy similar to that laid down on the Bill before us, and one cannot say that in doing so that Corporation was moved by any such disloyal motives as the desire to see the efficiency of the army impaired. Indeed, the very motives of self-preservation would induce the leaders and representatives of public opinion in this country to wish that the effective force of the British Government in India might be rather strengthened than weakened. Moreover, they are acute enough to see that, as the numerical strength of the army must and will be kept up, they are deeply interested as taxpayers in the control of diseases which add largely to the number of men invalided from year to year. As a matter of fact, I think I am right in saying that the weight of native public opinion as expressed in many influential quarters, and in my province is strongly against the Bill."

The Honourable Mr. *Mehta* said :—"As the principle and general provisions of the Bill are open to discussion on this motion, I should like, my Lord, to offer a few remarks on them before it goes into Committee. In the Statement of Objects and Reasons, prominence is given to the fact that the Bill has been introduced in Council by the direction of the Secretary of State for India. In view of this declaration, it would not be inappropriate or out of place if I venture to indicate briefly the position which I conceive myself to occupy as a member of this Council in proceeding to consider it. In any discussion of this sort, it would be futile not to bear in mind that the constitutional Government of England is not only based on law and statute, but is also controlled by practice, usage, and precedent which have, in numerous direct and indirect ways, often modified, and often over-ridden and gone beyond written and unwritten law; and it must be conceded at once that the supreme and absolute authority for the government of this country vests in Parliament. Even this proposition may be rightly carried further by identifying Parliament in the last resort with the House of Commons. As pointed out by so careful a historian as the late Professor J. R. Green, one of the two constitutional principles discovered and applied by one of the most sagacious of English statesmen, John Pym, has been established by the acknowledgment on all sides since the Reform Bill of 1832 that the 'government of the country is really in the hands of the House of Commons, and can only be carried on by Ministers who represent the majority of that House.' I think this proposition not only indicates the position of the House of Commons as the predominant partner, but also defines both the extent as well as the limitation of the authority and responsibility of the Secretary of State for India as one of the conjoint body of Ministers forming Her Majesty's Government, or that body still unknown to the law, the Cabinet. The House of Commons exercises its predominant authority in the government of this country through its responsible Ministers so long as they possess its confidence, and it cannot be forgotten that, subject to this limitation, the Secretary of State for India has the authority of the House to sustain him and the responsibility to carry out its behests by all lawful means open to him. August as the office of Viceroy is, it cannot be gainsaid that he is not independent of the authority vesting in the House and working through its responsible Ministers. It cannot be otherwise under the system of English constitutionalism, and any co-ordination of authority would be subversive of its most fundamental principles. This subordination is by no means, however, inconsistent with the possession of a large and sometimes preponderating measure of influence which the views, opinions, and recommendations of so highly placed an official cannot fail to command in the final decision of Indian questions. It is said, however, that it involves the loss and derogation of prestige. I confess I fail to understand this argument. The superior authority of the Secretary of State, not to speak of Parliament and the House of Commons, is an incident which has been most vividly and constantly familiar

familiar to the Indian mind, and the appeal from the Government of India to the Secretary of State has been one of the most common of Indian experiences. Not only has it not involved loss of any prestige, but it has not unfrequently given great content and satisfaction. I remember an instance in connection with the Contagious Diseases Acts themselves. Over 10 years ago the Bombay Municipal Corporation declined to contribute to the expenses of a lock hospital, and the Government of Bombay tried to levy it illegally and forcibly, by withholding the amount from its contribution to the cost of the city police. The Corporation appealed to the Government of India in vain. From that decision it appealed to the Secretary of State, and the success of its appeal was and always has been a source of great gratification. So far as the natives of this country are concerned, we must take care not to be carried away by the bait of so tempting a phrase as Home rule. Home rule to us, for a long time to come, can only mean the substitution of the rule of the Anglo-Indian bureaucracy for that of the House of Commons and the Secretary of State as controlled by it. Under either rule the country cannot always be safe against the occasional attacks of powerful interests, but after all it is safer to rest upon the ultimate sense of justice and righteousness of the whole English people, which in the end always asserts its nobility, than upon the uncontrolled tendencies of an officialdom trained in bureaucratic tendencies, and not free from the demoralising prejudices incident to their position in the country.

“But, while fully conceding the supreme authority of the House of Commons and its responsible Ministers, I do not think that that supremacy is in any way inconsistent with the entire and unfettered freedom and independence of this Council within itself and within the scope of its legitimate functions. Its legislative powers are a purely statutory creation, and the question of their interpretation is not complicated by any mysteries of unwritten law of usage and practice. There is nothing in its creative statutes or in the declarations of intention and policy surrounding them to justify the supposition that this Council was designed to be a deliberative body without the power or freedom of deliberation, or of carrying that deliberation into effect. The remedies and safeguards against both paralysis of legislation on the one hand, and of mischievous activity on the other, have not been provided by making it impotent for all free or deliberative action; but they have been carefully constructed in other ways. Against paralysis of legislation the right of Parliament to continue to legislate for India is unreservedly retained; and there is, besides, a power given to the Viceroy to meet cases of urgency by the promulgation of ordinances having the force of law. The abuse of legislative activity has been sought to be safeguarded by the power vested in the Governor General of giving or withholding his assent, and the power of the Crown, signified through the Secretary of State, to disallow any laws made by the Council. The extent of the powers of the Council is besides cut down in various directions under Section 22 of the Act of 1861. Beyond these restrictions, carefully planned, I conceive that there is nothing to prevent any Member of this Council from joining in its free deliberations, and shaping his action according to the best of his independent judgment. It does not follow that practical considerations of prudence and discretion should be banished from his deliberations or his decision: it is, however, a question for his own free judgment to determine how far he should yield in any particular case on a balance of advantages to the dictates of policy and expediency.

“In applying myself to the discussion of the principle and general provisions of this Bill, I venture to think that the fact of the Bill being introduced by the direction of the Secretary of State does not deprive me of the right of free and independent judgment within the walls of this Council. At the same time I do not feel bound to oppose it simply because of that circumstance, irrespective of its own intrinsic merits. So far as regards its underlying principle, it seems to me that it has been recognised by this Legislature when, following the repeal of the English Contagious Diseases Acts in 1886, and in consonance with a Resolution of the House of Commons in that behalf, the Indian Acts were repealed in 1888, with the full concurrence of the Government of India, whose opinion was formed after inquiry. It is well to bear in mind what was said at the time of the passing of the Repeal Bill with regard to the powers under the existing Cantonments Acts. Sir Charles Aitchison, who was in charge of the

Bill, said: "It is proposed to abandon the powers conferred by Clause (7) of Section 27 of the Cantonments Act of 1880 and the corresponding Acts in Madras and Bombay, and to take power to make rules to exclude from cantonments persons suffering from contagious or infectious diseases, and to organise a system of voluntary hospital relief for patients suffering from such diseases. In the meantime, pending the necessary steps preliminary to legislation, the cantonment authorities have received executive orders that the existing rules are to be so worked that there shall be no compulsory examination of women, no registration of women, and no granting of licenses to practise prostitution." The policy of the repeal was thus declared to be entire; and it seems to me that the underlying principle of the Bill before the Council is in consonance with its existing legislation. There is no question of retracing the legislative steps taken in 1888, and the immediate object and principle of the Bill, embodied in Sections 2 and 3, is to provide against a violation of the legislative will of this Council declared in its previous legislation. It seems to me that there is full justification for what is proposed to be done by Section 2. When the new Cantonments Act of 1889 was passed, a mistake which is very common in Indian legislation was made, viz., that of giving indefinite power to the executive authorities to make rules and regulations, even when there were admitted limitations which could be enacted in the Act itself. Assurances and understandings are made to take the place of definite provisions, but it not infrequently happens that they are forgotten or, what is still more dangerous, interpreted in all sorts of wonderful and unexpected ways. The Cantonments Act of 1889 gave Government power to make rules for 'the prevention of the spread of infectious or contagious disorders within a cantonment, and the appointment and regulation of hospitals.' Objections were raised to the dubious character of the section giving this power and the rules made under it. Assurances, as usual, were given that the rules could not be misused or misinterpreted; and all the direct warnings to the contrary were dismissed as unworthy imputations on the loyalty and discipline of public officers. But what has happened in other similar cases happened in this. The rules were flagrantly disobeyed or innocently misconstrued; I believe it has been suggested from a stern sense of duty, but it does not matter so long as the misinterpretation remains an established fact. To my mind, the proposed section is designed to do what ought to have been done in the very first instance in the Cantonments Act. I can see nothing derogatory to the greatness or prestige of the Viceroy in Council in carrying out this object. It is always very much better to do by definite and systematic legislation everything that can be so compassed rather than leave it to be accomplished by the vagaries of individual and uncertain discretion. It is no derogation to the authority of the Viceroy that he should in his Legislative Council give legislative fixity in preference to his doing the work as Viceroy in his smaller Council, when the matter is one in which there is to be left no further room for discretion or variation. From this point of view I venture to regard Section 2 as unobjectionable and proper.

"But looking at the matter from the point of view as I have done, Section 3 does not seem to me to be a desirable or appropriate sequel to Section 2. I at once admit that many of the arguments which have been urged against it are founded on exaggeration. It is absurd to suppose, as has been advanced, that the section would place the safety and security of every medical officer at the mercy of women of doubtful character. Our criminal courts and their special criminal procedure are so constituted that the fear of false charges and false convictions against the class of persons likely to be affected by the section is reduced to the very lowest point, and a cantonment magistrate specially is not likely to err on the side of the prosecution in such a matter. The argument that it is a most unusual procedure to provide in an Act for the legal punishment of an officer of Government is equally futile, for the Indian Penal Code devotes a whole chapter to offences by or relating to public servants, and Section 166 is a comprehensive section devoted to the punishment of public servants for disobeying any direction of the law. It is also not quite correct to say that Section 354 of the Indian Penal Code already covers the offence made punishable by Section 3, for, as outraging the modesty of the assaulted woman is an element of the offence, it is possible to argue before a cantonment magistrate that no prostitute or immodest woman could possess modesty. But

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from the view I have ventured to take of Section 2, namely, that it properly defines within limits consistent with the legislation regarding the repeal of the Contagious Diseases Acts the power to make rules under the Cantonments Act, it follows that it is sufficient to render invalid any rules going beyond the legitimate purpose of the Cantonments Act, and thus withdraws all supposed sanction from Acts which but for those rules would be exposed to the operation of the ordinary penal law. I do not think that prostitutes should have any further protection from compulsion or any other illegal act than what the law affords to other people. It seems to me, therefore, that Section 3 should be omitted from the Bill. I am glad, therefore, to hear the declaration made by the Honourable the Legal Member with regard to that section.

"I should like to add, my Lord, one word as to what I have read in the papers circulated, and I am sorry to say I have heard from the lips of Sir Griffith Evans in Council to-day, regarding the people who are supposed fanatically to have promoted the proposed legislation. Very strong and very harsh language has been showered upon them. But I think it should be borne in mind that the sentiment and feeling actuating these people are only a phase of that puritanical severity of character which has not been a little instrumental in contributing to the freedom, the prosperity, the greatness, and the nobility of the English people."

The Honourable Sir *Antony MacDonnell* said:—"My Lord, I shall not trespass on the patience of the Council for longer than I can possibly avoid; but I am not willing to give a silent vote on this occasion. My honourable friends, Sir Griffith Evans and Mr. Playfair, practically and in effect maintain that this Bill has not come before the Council in a regular and constitutional manner; that it is in fact the product of improper dictation by the Secretary of State; and I understand Mr. Playfair to say that the measure should be entirely dropped. That was the impression which my honourable friends' addresses left on my mind; but I am not prepared to accept their views of the facts as the natural view, nor to subscribe to all their inferences."

"Sir Griffith Evans has given the Council a statement of the genesis of the Bill with which I have little to find fault. But still for the better exposition of my argument I wish to briefly run over the main points in the history of the case. The starting point is the Resolution of the House of Commons of 1888 which has been read here to-day by Sir Griffith Evans. That resolution was accepted by the House of Commons after a full debate without a division, and was unreservedly adopted by Her Majesty's Government. Some honourable Members may regard that resolution with dissatisfaction, but there can be no doubt at all that it expressed the deliberate decision of the House of Commons; and I venture to say that to-day no responsible Member of either House of Parliament would venture to rise in his place and propose that it be rescinded. That resolution, accepted by Her Majesty's Government, was transmitted in due course to the Government of India for enforcement. The immediate effect was the repeal of the Contagious Diseases Acts, and the issue of orders by the Governor-General in Council to enforce the resolution without any reservation. In due time the Government of India was called upon to say whether effect had in practice been given to the Resolution of the House of Commons and the orders of Her Majesty's Government in connection therewith. The reply was that effect had everywhere been given to these orders, and that the system and practice at which the orders were aimed had been everywhere prohibited, and were no longer anywhere in operation. The sequel of the business is known to all. The Government of India had been misled; its confident statement that all the prohibited practices had everywhere ceased was found to be inaccurate, and evidence was produced which undoubtedly showed that the prohibited system was in force to a greater or less extent in some important cantonments at the very time when the Government of India was, with complete honesty of belief, maintaining before the world that the system had everywhere absolutely ceased. The result was a recommendation to Her Majesty's Government by the official committee that as the executive orders of the Government of India had failed of success, as these orders had been disobeyed, and as it was essential to prevent the possibility of such failure in future, legislation was necessary. And Her Majesty's Government, concurring in that view, called on the Government of India to undertake legislation on certain lines. For doing this, for addressing that requisition to the Government of India, the Secretary of State

is charged by my honourable and learned friend with improperly dictating to this Council.

"But, my Lord, the proceedings of the Legislative Department will, I believe, furnish numerous examples of legislation by the Government of India at the instance of the Secretary of State; although, as popular feeling was not aroused in connection with them, we heard nothing then about the Secretary of State's dictation. We hear of it in regard to a measure in connection with which we have made some mistakes and resent being told that we have done so. In point of fact, we in India do not approach this matter entirely without prejudice. We have been placed in a false position by circumstances, over which we ought to have had, but had not, sufficient control; and we are perhaps somewhat unreasonably ready to resent the interference of anybody, even of that high authority who is most competent to set us right with English public opinion on the subject.

"My honourable friend's quarrel with the Secretary of State is that he has required us to take such steps as shall place us in touch with English public opinion, and put our effective control in future beyond the reach of being defeated by design, accident, or chance. But my honourable friend has admitted that in the circumstances the Government of India could not do otherwise than introduce the Bill into this Council. In this I quite agree. It would not have been possible for the Government of India to meet the Secretary of State's requisition with a blank refusal to move in this Council at all. If the Government of India, when called upon by the Secretary of State to legislate, had declined to introduce this measure into the Council, and to take an expression of public opinion upon it in the ordinary way, then the Government of India would, having regard to all that had passed in this connection, been not only wanting in courtesy to Her Majesty's Government, but would have exposed itself to most invidious comments and most unpleasant suspicions. The Government of India, in the circumstances, could not possibly do less than introduce the Bill—I notice that my honourable and learned friend nods acquiescence in that statement. And, as Sir Griffith Evans has said, that introduction happened to be accompanied by a perfectly frank exposition of the situation as it then existed. Since then events have moved, if not with special rapidity, at all events with ample significance. Subjected in the regular constitutional way to public criticism, the Bill has not passed scatheless through the ordeal, and the result is that the Government of India, with the concurrence of the Secretary of State, has decided to drop the third section, to which great objection has been raised.

"Now, these are the broad facts of the case, and on them I would ask honourable Members to conclude that there has been no breach of the privileges of this Council, and no violation of our rights. It is no doubt pleasant that the tedium of our debates should be now and then enlivened by such a speech as we have heard to-day from my honourable and learned friend. But I would ask honourable Members, as practical men, not to permit their judgments to be deflected from the substantial issue. To introduce a measure to the notice of this Council is one thing, to force it upon the unwilling acceptance of the Council is an entirely different thing. Here the main issue is: Has the Secretary of State forced a measure on this Council when the repugnance of the Council and public to it has been made manifest in the legitimate way? The answer is to be found in the declaration which the honourable the Legal Member made at the beginning of this debate; and I therefore do ask the Council not to go behind the record, but to accept that declaration as so far disposing of a question, which has now lost any constitutional importance it ever threatened to possess, in a way which is alike becoming to the dignity and the unquestioned independence of this Council and to the position of the Secretary of State.

"I now come to the second section of the Bill, which the Honourable Mr. Playfair and the Honourable Mohiny Mohun Roy say should be dropped. In regard to the section, I assume for the purposes of the present discussion that we accept as governing our action the principle of the House of Commons' resolution. If we accept that principle as a rule of practice, and this we have done, then let us accept it honestly and unreservedly. If we accept the principle in this sense—and who will say that he accepts it in any other sense?—can it be said that Section 2 of the Bill goes beyond the resolution? It seems to me that it is impossible to say so; and that the section does not more than translate the principles

principles of the resolution into legal language. On what grounds, then, are we asked to refuse to embody in our law a principle which we accept? As I understand the objection, the ground is that the proposed enactment is unnecessary, and that it implies distrust of the Government of India. If so, it is the Governor General in Council (who alone has power to make rules under the Act) that is distrusted; and his best friends might well leave it to him to resent anything that he may feel to be an indignity. His friends need not be more sensitive for his honour than he is himself. But, as I have already explained, the Government of India do not come to the consideration of this matter with a perfectly clear record. They accepted the resolution of the House of Commons, they issued orders that it should be carried into effect, they believed that their orders had been obeyed; and, in all good faith, they reported that the decision of the House had been fully complied with. As a fact, it was not so. In some instances, and in some respects, that decision had not been complied with. So far the worst that can be said of us is that we meant well, but failed to enforce our intentions upon those in whose hands lay the carrying of them into practice. But, if we now do as some of our friends would have us do, shall we not expose ourselves to an infinitely more serious accusation, to a suspicion of our good faith, to a suspicion that touches our honour? If we now hesitate to embody in legal and binding form the principle which we say that we accept, and have endeavoured honestly, if not wholly with success, to act upon, shall we not expose ourselves to the suspicion that our acceptance of it was half-hearted, that our failure to secure compliance with it was not entirely unintentional, and that we now refuse to do anything that may prevent us from evading its operation as soon as the attention recently drawn to the matter shall have subsided? My Lord, I yield to no Member of this Council in my solicitude for its prestige and independence; but I ask even those honourable Members who, unlike myself, think that our dignity has been threatened, whether it is worth while to expose ourselves to the risk of such a suspicion as I have now stated on a mere point of offended dignity. The real truth is that it is in its history that the whole sting of the matter lies. Had the Government of India, as the Honourable Mr. Mehta has said, when framing the Cantonments Act, inserted this section in ordinary course, in pursuance of the Commons' resolution, not a voice would have been raised against it. What our critics now object to is—not what we are asked to do, but being asked to do it. Surely it is unreasonable to object to doing what we should have had no objection to doing of our own motion, merely because we are pressed to do it by an authority external to this Council! If you are going to resent what you consider to have the appearance of dictation from Her Majesty's Government, at least wait to do so till you can honestly object on the merits to what they would have you do. What is proposed to-day is to give the formal sanction of a legislative provision to a principle laid down by the House of Commons and accepted by the Home Government and the Government of India. At present that principle nowhere finds a place in our statute-book. No doubt we may think that its enforcement might be left with safety to the Executive Government. But so might the enforcement of a thousand and one other principles which it is nevertheless thought advisable to invest with the solemnity of a legislative enactment. We now propose to place the operation of this principle beyond the discretion of a changing executive. We wish to have it formally recognised by the Legislature: and thus to ensure that it shall never be set aside by anything less formal than an Act of that same Legislature, done after due notice and public discussion. In view of all that has passed upon this subject, and in view of the great importance which Her Majesty's Government attach to this principle, the wish is surely not an unreasonable one. For these reasons, my Lord, I shall support the Bill as now amended by the omission of the third clause, and shall vote for referring it to a select committee."

The Honourable Lieutenant General Sir *Henry Brackenbury* said:—"So much has already been said to-day that there remains comparatively little for me to add, but there are a few remarks which I think it necessary to make. In the first place, the general tone of the debate from all except official members of Your Excellency's Council has rather contained an assumption that the Secretary of State has been forcing action upon the Government of India in the direction of the abolition of what may be called 'State legislation for vice.'

I shall endeavour, by briefly tracing the history of this, to show that for more than seven years the Secretary of State and the Government of India have been acting in complete accord in this matter, and that, in at least one instance, the initiative has come from the Government of India. There has also, I think, been an assumption that the action at home has been due to a very small party of what have been called English faddists. My honourable friend Sir Griffith Evans spoke of this Government becoming the sport of English faddists or of a band of fanatics. I think, my Lord, that that shows a want of appreciation of what is going on at home. I take it that there are few matters on which there is a stronger feeling than there is on this question of what is called 'State legislation for vice' or 'State protection of vice,' or, as it has otherwise been called, 'official purveying of immorality.' It is not confined in Parliament to the House of Commons, as I shall show presently, and I do not think that there can be anything more significant as to the great force of that body of public opinion than the fact to which my honourable friend Sir Antony MacDonnell has alluded, that the resolution of the House of Commons of 1888 was passed unanimously in the House without a single voice of dissent; and the fact that from that day to this, although numbers of Members of the House of Commons were well aware of, and have had repeatedly brought to their notice, the state of the British army in consequence of venereal disease, not a single one of them has ever got up either to challenge that resolution with a view to getting it done away with, or to move that something should be done to protect the soldier. Having made that remark, I shall now pass on briefly to refer to the history of the matter, bringing out somewhat more in detail than has already been done by my honourable friends, Sir Griffith Evans and Sir Antony MacDonnell, certain points in that history.

"And first I will say that this matter with regard to India did not begin with the resolution of the House of Commons. It began in 1887 in the House of Lords, where the Bishop of Lichfield called attention to the existence of official regulations for the provision of prostitutes in regimental bazars, British and Native. The Secretary of State sent this out to the Government of India; he apprehended that the system was indefensible and must be condemned; and he called for full reports. It was in sending home these reports that there was brought to notice that circular which I think I must read the first paragraph of, unwilling as I am to do so. It was a circular memorandum of June 1886, in which the Quarter Master General stated that His Excellency the Commander in Chief desired him to give prominence to certain points which appeared to be specially deserving of consideration by the military and medical authorities in every command. Amongst these points was the following—

"In the regimental bazars it is necessary to have a sufficient number of women, to take care that they are sufficiently attractive, to provide them with proper houses, and, above all, to insist upon means of ablution being always available."

"In sending this circular home to the Secretary of State, this Government wrote—
"We admit without reserve that the blot upon the present system are so serious as to call for our earnest consideration and for an immediate and thorough revision of existing arrangements."

"They pointed out that—
"Abuses had arisen gradually and unobserved, out of arrangements designed in good faith, and with the single desire to save unborn generations from one of the most terrible of all diseases, to protect the health of our soldiers, and to maintain the efficiency of our army by the mitigation of the evils of prostitution."

"Any one who is opposed to what may be called State provision for immorality must, I think, admit that the Government had, after sending home that circular to the Secretary of State, an exceedingly bad case to start with. A long discussion then commenced, and while that discussion was going on, but previous to the resolution of the House of Commons, the Government practically repealed the Contagious Diseases Act. They wrote home in March 1888, stating that the Government of India had decided to suspend the operation of the Act in the towns of Madras, Bombay, and Bassein (in Lower Burma), the only

only towns in which it was then in operation. The Act had been withdrawn from operation in Calcutta in 1881, and since that date venereal disease had become more prevalent, and also more virulent in character, than it was while the Act was in force. But, in view of public feeling at home and of the decision upon the question at which Parliament had arrived in reference to the United Kingdom, and which had been adopted by the Secretary of State for the Colonies, the Government of India did not consider it any longer desirable to maintain the Contagious Diseases Act in the restricted areas in which it was in force at the time their despatch was being written. Here we have the Government of India taking the initiative, in consequence of what they knew to be the state of public feeling at home.

"There now remained, therefore, only the military cantonments in which there was left any means of controlling venereal disease. In June 1888, the House of Commons passed that resolution which has been read to you, and I must say that I was surprised when I heard my honourable friend Sir Griffith Evans say that there was no resolution of the House of Commons behind this Bill."

"The Honourable Sir Griffith Evans: "I referred to Section 3 of the Bill."

The Honourable Lieutenant General Sir Henry Brackenbury: "I beg the Honourable Member's pardon; I understood him to refer to the Bill itself. Section 2 of the Bill does practically give effect to the resolution of the House of Commons. Well, the Secretary of State sent out that resolution to us, and said:—

"It will, of course, receive at your hands that careful consideration which a resolution of the House of Commons deserves, and I request that its terms may be communicated to the Governments of Madras and Bombay."

"The Government of India immediately forwarded this resolution to the Quarter Master General in India and to the Local Governments, and said:—

"Pending the issue of the revised rules, the Government of India desire that, in view of the recent resolution of the House of Commons on the subject, the existing rules shall be so worked that there shall be no compulsory examination of women, no registration of women, and no granting of licences to practise prostitution."

"And in October 1888, they informed the Secretary of State in a despatch that the practice of allowing the residence of prostitutes within regimental limits had been abolished throughout India, and that all the circulars relating thereto had been cancelled, while, pending the approval of the revised Cantonment Rules, framed under the new Bill which had been introduced into the Legislative Council in October 1888, all compulsory examination of women, all registration of women, and granting of licences to practise prostitution, had been put a stop to, and the hospitals in which prostitutes may be treated were to be worked in future as voluntary institutions. Well, we brought in the new Cantonments Bill on the 1st January 1890. It was brought into force with the approval of the Secretary of State and under it we issued certain rules. Now, I do not think it is necessary for me to read Rule 4, but what I must do is to point out what were the terms of the protest of Messrs. Stansfeld and Stewart, Members of Parliament, against that rule. They said:—

"It seems to us that under this regulation, a prostitute supposed to be diseased may be induced to enter the hospital under the threat of expulsion from the cantonment, and that being once within its walls she may be kept prisoner there for an indefinite time and submitted to a personal examination under the same compulsion."

"Whilst, if she only leaves after the medical officer has pronounced her free from the disease, she may have to resume her vocation within the cantonment upon the certificate of health and with the licence of the authorities."

"We submit to your Lordship that, if our interpretation of the proposed new regulation is correct, they may be used to set up again a system of compulsory examination of prostitutes, and to regulate and license within the cantonment the calling of those prostitutes who submit to periodical examination and to certify and license those who are pronounced to be physically fit."

"The Secretary of State in the most loyal manner then stood up for the Government of India, and said :—

'The Secretary of State cannot see anything in the rules to lend colour to such an insinuation, and he is unwilling to attribute to the Government of India an intention to evade or to allow any of its officers to evade the explicit instructions which he has issued, unless some solid ground can be afforded for such an accusation.'

"In this instance the Secretary of State stood loyally up for us, and declined to admit for a single moment that it could be our intention to do anything contrary to his instructions or to the resolution of the House of Commons. We ourselves wrote to the Secretary of State reminding him that under Rule 4 :—

'Any examination necessary to this end would be made only with the express consent of the person supposed to be suffering from infectious or contagious disease, and that if such person were unwilling to enter hospital he or she would be at liberty to quit the cantonment, and by so doing to escape the necessity of submitting to medical examination or treatment.'

"You will see the importance of Messrs. Stewart and Stansfeld's protest with reference to what I shall bring out directly. The Government of India now abolished separate lock hospitals, and established cantonment general hospitals for the treatment of persons in cantonments of both sexes, and for the treatment of all diseases.

"They laid it down that 'the cantonment hospitals are intended for men and women, indoor and outdoor patients, and for sickness of all kinds. They are not confined to infectious and contagious diseases only.' And they sent instructions to the Commander-in-Chief :—

'That venereal disease is not to be treated by station or regimental authorities in any way differently from any other contagious disease.

'That on a medical authority certifying that a person is suffering, or supposed by such medical officer to be suffering, from a contagious disease, that person has the option of either (i) going to hospital, or (ii) leaving the cantonment; but (iii) such a person cannot be compulsorily sent to hospital.

'That prostitutes are not allowed to reside in regimental bazars, or to accompany regiments on the march.

'That no separate register or list of prostitutes is allowed to be kept in station bazars or any special examination of them to be permitted other than would take place in the case of any other contagious disease; nor any other action tending to convey the idea that they are in any way licensed or countenanced by Government.'

"The matter then stood thus: the Government of India had abolished by executive orders lock hospitals; the residence of prostitutes within regimental limits; prostitutes accompanying troops on the march; compulsory examination of women, or any special examination of them; the granting of licences, and the registration of women. If the orders of Government were obeyed, prostitutes had the same position in cantonments as any other member of the civil community. They had no special privileges and were subject to no special liabilities or penalties.

"At this stage there came out to India two ladies who were delegates of the American 'World's Woman's Christian Temperance Union' and of the 'British Committee for the Abolition of State Regulation of Vice in India, and throughout the British dominions.' They visited ten of the Indian cantonments and made a report. That report found its way to the Secretary of State, and the Secretary of State appointed a Committee of five, of which two were Messrs. Stansfeld and Wilson, Members of Parliament; the other three being Mr. George Russell, Under Secretary of State for India, and Sir Donald Stewart and Sir James Peile, Members of the Indian Council. The Committee took the evidence of the ladies, and the Secretary of State sent that evidence out to the Government of India for report. The Government of India felt that under the circumstances

circumstances the mere report of the military authorities or the report of the Government of India itself to the Secretary of State would be insufficient; that such reports would not carry sufficient weight upon this subject, and accordingly they appointed a Special Commission composed of men, none of whom had ever had anything to do with the working of the Cantonments Act in any way. The Commission consisted of Mr. Ibbetson, of the Punjab Commission, Surgeon Colonel Cleghorn, Inspector General of Civil Hospitals in the Punjab, and a Native gentleman, Moulvie Samiulla Khan. It was in the hot weather; the Secretary of State was pressing us, and these gentlemen only had time to go to three cantonments out of ten visited by the ladies above named. The report which they made I may say to a great extent exonerated the cantonment authorities from any wrong action, but it did not altogether do so. I will read the only portion of the report which tells against the cantonment authorities:—

'The prohibition against the residence of prostitutes in regimental bazars was for some time misinterpreted at Meerut, and has been wholly disregarded at Umballa; the orders forbidding them to accompany regiments on the march or in standing camps have been in numerous instances violated or evaded; and in both cases the permission to so reside or to accompany the regiment has been made conditional upon attendance at periodical examinations, which the women would probably not have attended spontaneously. Periodical examinations of all the women in cantonments have been held until recently at both Meerut and Lucknow; and at the former place the rules of July 1890 have been used to enforce attendance at examination, on penalty of being compelled to leave cantonments.'

"I invite special attention to this last sentence; because it shows that the exact thing had come about which Messrs. Stansfeld and Stewart, in their letter to the Secretary of State, had anticipated would come to pass.

"The report continued:—

'At the latter place' (Lucknow) 'the attendance seems to have been absolutely voluntary, save in so far as it may have been affected by traditions of the former system; but women newly coming into cantonments have been examined by the doctor, under a procedure which to them amounted to an order of the Cantonment Magistrate.'

"We sent home this report to the Secretary of State. The Secretary of State laid it before his Departmental Committee. We sent Mr. Ibbetson and Surgeon Colonel Cleghorn home to give evidence before that Committee. As has been pointed out, the report of the Committee was not unanimous. Three members forming the majority signed the report. The minority, Sir Donald Stewart and Sir James Peile, did not sign the report of the majority, but signed a separate report. The majority of the Departmental Committee reported, amongst other things, that a system of periodical examination, in effect compulsory, had been maintained during various periods extending from 1885 to 1893; that the numerous official orders and regulations, speaking generally, failed to effect the intended abolition of the old system of regulated and licensed prostitution; and that the continuous system of periodical examination and the practices incidental thereto, and the statutory rules, so far as they authorise or permit the same, do not accord with the accepted meaning and intention of the Resolution of the House of Commons. And they said, in the words which Sir Griffith Evans has already quoted,—

'It appears to us that the only effective method of preventing those systematic practices which have thus been maintained in co-operation with those rules is by means of express legislation.'

"The Secretary of State having expressed a similar opinion as to the need for legislation, draft alternate Bills were prepared in India and sent home; and the outcome of this was the Bill now before Council, which is the result of the Secretary of State's decision upon the alternative drafts of the Government of India. Now, in forwarding out to us this report, and in writing to us on this subject, the Secretary of State entirely and completely exonerated the

Government of India from having done anything wrong. He assured the Viceroy that he was—

Quite satisfied that it was the intention of the Government of India to carry out the Resolution of the 8th June 1888, both in the letter and in the spirit. The action taken to comply with the resolution is detailed in Lord Lansdowne's Despatch No. 148, of 11th July 1893, and, so far as executive orders could effect this object, the instructions issued leave little to be desired. It was only because I found that the evidence taken by the Committee showed that these orders had not proved sufficient that I was disposed to concur with the majority of the Committee that legislation would be necessary.

“ And he went on to say that—

“ On a careful review of the evidence and reports, I am satisfied that the orders issued by your Government have, in some instances, been disobeyed, and that practices which were allowed under the old system, but which are clearly inconsistent with those orders and with the Resolution of the House of Commons, have been continued until a comparatively recent date. There may be room for difference of opinion as to the extent to which this occurred, but it must be remembered that these reports deal only with 10 cantonments, and it is probable that similar practices were allowed in some of the other cantonments of all three Presidencies, which were not included in the late inquiries. Having regard, therefore, to the failure of executive action to carry out the intentions of your Government, I have no alternative but to conclude that the only effective method of preventing a recurrence of such practices is by means of legislation.

“ Now, after the above assurances by the Secretary of State, I think that the Government of India may rest perfectly happy in its mind, and need not feel that, if this Bill is passed, there is any loss to their dignity or prestige, or anything derogatory to their honour. The Secretary of State has pointed out most clearly that he considers we have been right from first to last, and that it is because executive orders are not sufficient to give effect to the Resolution of the House of Commons that this legislation is considered necessary.

“ The period which I have thus briefly sketched, extends over the tenure of office of three Secretaries of State—Lord Cross, Lord Kimberley, and Mr. Fowler; and of three Viceroys—Lord Dufferin, Lord Lansdowne, and the present Viceroy.

“ Successive Secretaries of State have considered it right to obey the strong expression of public opinion which has found vent upon this subject; successive Viceroys with their Councils have thought it right to carry out the instructions of Her Majesty's Government; and two successive Commanders in Chief have loyally endeavoured to carry out the instructions of the Government of India.

“ Had the executive orders of successive Commanders in Chief been equally scrupulously obeyed, this Bill would never have been before us. Unfortunately there were men whose zeal outran their discretion; we must give them every credit for the best of motives, for the honest desire to do what in them lay to save the soldier from suffering and disease. But their action has led to this Bill. It is, I think, clear from what the Secretary of State has said that the Bill, though it appears to be so, is not aimed against the Government of India, but against those who have disobeyed the orders of that Government. It is through their mistaken zeal that this Bill and the discussion upon it have come about; that a handle has been given to the belief that the existing Cantonments Act is insufficient, and that the Resolution of the House of Commons must be supported by further legislation.

“ In introducing this Bill the Government of India have given the last proof of their determination to work in accord with Her Majesty's Government, with whom rests the responsibility for the line which has been taken in regard to the abolition of all protective measures against venereal disease.

“ My Lord, I do not know what is in the minds of that strong party at home which is opposed to any protective measures.

“ It

30 "It may be that they think that if this loathsome disease is allowed to run its course in our ranks, the awful horrors of our hospitals, the sight of comrades rotting to death, will so frighten men that they will not dare to indulge their passions. But, even if this be true, at what a price of misery to generations yet unborn, will the end they aim at be gained? It is, however, now too late to discuss the policy. If protective measures for the soldier were to be adhered to, the Secretary of State and the Government of India should have made their stand when first the matter came under discussion in 1887, and the Government of the day should have opposed the Resolution of the House of Commons of 1888. This was not done. I think they must have felt that in face of the Quartermaster General's circular of 1886 they had not a sufficiently clear conscience to enter upon such a campaign.

"They knew the intensely strong feeling at home against 'official purveying of immorality' and the compliance of Her Majesty's Government and the Government of India with the spirit of the Resolution has led on, through a series of executive orders prohibiting all protective measures, to the present Bill, which we may hope closes this unpleasant chapter. The Bill will not, in my opinion, have any operative effect; but I have endeavoured to show that it is the inevitable sequence of a series of previous events.

"The action thus taken must be judged by its future results. It is only right to say that there is great difference of opinion amongst the highest authorities as to the value of protective measures. If the abolition of such measures proves harmless, we can but rejoice; if it leads to conditions, such as some of us fear it will lead to, I have but little doubt that, when this is made clear, the strong sense of the British people will in the long run prevail, and that that which is right will be done."

His Excellency the *Commander in Chief* said:—"My Lord, after what has fallen from some of my honourable colleagues, specially from my honourable and gallant friend Sir Henry Brackenbury, I hope I shall not be misunderstood when, speaking as the representative of the Army, I say that I hail legislation in this case as a relief to the officers of the Army, as it is more likely to lead to thorough and satisfactory examination into each particular case than can be secured under executive order. It is almost impossible for the military executive authorities to watch and answer for the action taken in every particular case by every corps or station, or to be sure that every order is carried out in its entirety. At this Council the military authorities have been blamed; though the references have been kindly and considerably made, yet they have been blamed for reporting that practices had been stopped; which, under the inquisitorial search made at certain cantonments by the ladies referred to by the honourable Military Member, proved to be still existing. If the law of the land fixedly lays down pains and penalties for any definite act in contravention of the well known Resolution of the House of Commons, the means of putting that law into force will be open to all who choose to become its champions; and each individual charge will be sifted with that care and that strong common sense of which I believe our British Courts of all degrees to be the strongest and fairest exponents. I, therefore, my Lord, can conscientiously support the Bill as it has been put before us to-day."

His Honour the *Lieutenant Governor* said:—"I wish to express my satisfaction at the turn which events have taken on this occasion, and, as the senior official additional Member of this Council, to offer my thanks to Your Excellency and Your Excellency's Government for the measures that you have taken to avoid plunging it into a conflict which I believe would have strained the allegiance of official Members of the Government to the breaking point. I wish also to say a very few words in support of the remark made by the Honourable Sir Griffith Evans with regard to the criticism which Section 2 of this Bill should receive in Select Committee. Sir Griffith Evans remarked that he thought there was danger lest it should be allowed to contain such vague and wide words as would prevent the passing of the rules which are necessary for the health of the Army. I share that fear, and the remarks recently made by honourable Members of the Executive Council who have lately spoken have shown still more forcibly what reason there is for fear on this subject. We have before us the words 'compulsory examination,' and it seems to me quite clear

that there should be some understanding as to what the precise meaning of 'compulsory examination' is. The honourable Sir Henry Brackenbury mentioned the case of women who were allowed to live in cantonments on the condition that they should present themselves for examination. Mr. Stansfeld it appears considers this to be compulsory examination. I do not consider it compulsory, but voluntary, examination, and I have no doubt that there will be a considerable conflict of opinion on this subject, a conflict which I trust that the Select Committee, by a more precise definition of the word 'compulsory,' and other similar words, will be able to avoid. We heard mention of a rule being passed that women of this class were not to be allowed to travel with troops on the march. If the order had been that the women were not to be provided with regimental carriage, I could understand it; but how can it be supposed that the regimental authorities are to see that women of this class do not follow a regiment on the march I cannot understand, and I think rules of this kind will be not only out of place and disastrous to the health of the troops, but could not possibly be carried out. We have a phrase in this Section 2 that the rule shall not contain 'any regulation enjoining or permitting any compulsory or periodical examination of any woman.' I admit that there must be no compulsory examination, but it would be perfectly monstrous that any regulation should be made which might have the effect of preventing the voluntary examination of women. And therefore I think that the wording in that respect requires careful consideration. I should like further to say, with regard to the remarks made by my honourable friends Mr. Lee-Warner and Mr. Clogstoun, that I do not understand how they can reconcile their great regard for the liberty of the individual with what seems to me to be even more important and deserving of consideration, the liberty of the public, the protection of the public, I mean, from the ravages of a disastrous disease which can be prevented, which is distinctly contagious, and which ought to be treated, in my opinion, in the same way as small-pox and other contagious diseases, which no regard for the liberty of the individual now prevents nations from interfering with in their regulations for quarantine, and which we should equally protect ourselves against in our regulations for cantonments. I trust, my Lord, that the Select Committee will feel themselves at liberty to pass this section through such a careful examination as may secure us from the continuance of words of this kind and also from such phrases as 'sanctioning the practice of prostitution'—words which are vague and meaningless, and such as should not exist in any legislation which may be passed."

The honourable Sir *Alexander Miller* said:—"I do not know that I have much to say in answer to the numerous speeches which we have heard. I do not propose at this moment to go into any question of the terms of Section 2. There is no motion before the Council that the Bill be not referred to a Select Committee, and under these circumstances I am not desirous of fettering the discretion of the Select Committee as to the terms in which they shall ultimately settle Section 2. If eventually, when the Bill emerges from the Select Committee, Section 2 is not in terms which commend themselves to the majority of this Council, it will be open to any member of the Council to move an amendment when the report is taken into consideration. But in the meantime I should consider any remarks of mine as regards the words of that section as premature. I will only say that if His Honour the Lieutenant Governor would like his name added to the Committee, I have no doubt that the Council will be willing to agree."

His Honour the *Lieutenant Governor* :—"I should be glad if the honourable member would add my name to the Committee."

The honourable Sir *Alexander Miller* continued :—"I propose therefore to add the name of His Honour the Lieutenant Governor to the members of the Select Committee."

"On the other question, I do not intend to say one single word as regards the facts of this particular case. I am quite content to leave the narrative of the facts as you have heard it from other honourable members here. I have no doubt that we all know fairly well what the history of the case is, and I think that it has been put as strongly and as fairly by my honourable friend Sir Antony MacDonnell as it can be possible for any one to put it. But I do desire to say a very few words on certain abstract questions which have arisen in the course of the debate. I had hoped that the announcement which I made

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at the commencement of this discussion would have avoided any necessity for any reference at all to the constitutional powers of this Council, but I am afraid that that hope has not been entirely realised. I think it would be very unnecessary for me to enter into any question as to how far a Resolution of the House of Commons is to be treated as an utterance of Parliament. I think there is a great deal of misapprehension on that point, but it is not material in the present case, because the particular Resolution of the House of Commons with which we are dealing was one which was accepted by Her Majesty's Government as it then existed, accepted by their successors and by the Secretary of State in Council, one as regards which I am perfectly satisfied that any attempt to treat it as non-existent would only result in its being re-affirmed, probably in stronger terms; but however that may be, I think it is an entire misapprehension of the state of the case to suggest that, because a measure has been brought before this Council at the request of Her Majesty's Government, that is either improper dictation on the part of Her Majesty's Government, or a yielding of its independence on the part of this Council. Her Majesty's Government, represented for this purpose by the Secretary of State, fill the double capacity of the old Board of Control and the old Court of Directors. It is matter of common knowledge that many Bills were submitted to the Legislative Council, as it then existed, at the instance of the Court of Directors.

"But I think that even better analogy is to be found in the relations of the two Houses of Congress. No historical parallel is exact, no analogy is perfect in all respects; but to my mind the position of this Council does not greatly differ, as between itself and the Secretary of State—or the Secretary of State in Council, as the case may be—so far as he represents the old Court of Directors, from the position of the House of Representatives at Washington with reference to the Senate. Now, let us suppose that a measure which the Senate was desirous of passing was sent down to the House of Representatives, and let us imagine, merely for the purpose of raising the question, that there was no member in that House who would have brought forward the measure in question if the thing had been left entirely to himself. Is it conceivable that it would be a proper course as regards the courtesy between the two Houses that that measure should not be laid upon the table of the House of Representatives for them to deal with if they thought fit? I venture to think that such an occurrence never has happened and never could happen.

"I venture to think that similarly, in the case of the two Houses of Parliament, a Bill sent down from the Lords would be laid on the table and read a first time in the Lower House as a matter of course, even though there might not be a single member of the House who was desirous of seeing it become law; and I must say that, speaking for myself, whether I approved or disapproved of a measure which the Secretary of State desired to be laid before this Council, whatever course I might think it necessary to take when it came to be debated in Council, I should consider that I was wanting in courtesy to the Secretary of State and in my duty to the Empire at large if I were to interpose any obstacle in the way of submitting that measure to this Council for discussion. Therefore I entirely repudiate the idea that by laying this measure before this Council—even on the hypothesis that I did not desire that it should be so laid—I was in any way derogating from either my own independence or the independence of the Council.

"As regards the position of the Council, the matter is perfectly clear. This Council and the Secretary of State have equally the power of stopping any legislation for India. Unless they both agree, legislation cannot take place, and in that respect this Council is as independent as the Secretary of State, and no more so. Each is so far dependent upon the other that it cannot enforce any legislation without the consent of both. I do not see that that in any way derogates from the position of the Council at large or of its members.

"As regards the vote which each member, official or non-official, is to give, I can only say that I entirely agree with the principle embodied in the remarks which fell from the honourable Mr. Mehta when he said that it was the duty of the

the Council at large, and, therefore, of course, of each member of the Council in particular, to vote in any particular case according to what he considered to be to the balance of advantage in that case. We can seldom get a counsel of perfection. It is absolutely impossible that large bodies of men who have to move together can get on without some difference of opinion. If they are to act in unison, some of them certainly will have to give in to a certain extent to the others, and the object in every case should be to find that *via media* which will give the largest possible advantage with the least disadvantage. I must say that on every occasion on which I have had occasion to give a vote in the Council I have given it on that principle, and on that principle solely. But then you must not consider merely the particular point before you, and what might be the result of an academic discussion of that particular question. You must as practical men look at the consequences of your vote all round, and thereupon give that which you honestly believe will yield the largest amount of advantage. On that principle I am glad to find that there is no opposition to this Bill going into Select Committee, and when it comes out of Select Committee it will be time enough to consider whether or not we have successfully passed all the breakers which at one time seemed to threaten it."

His Excellency the *President* said:—"I understand that there is no opposition to the reference of the Bill to a Select Committee, and therefore, after the full discussion which has taken place, I do not think that I need interpose with regard to the merits of the Bill. Further, as I cannot but think that the introduction of a discussion of great and somewhat abstruse constitutional questions as subsidiary to a measure which in itself excites strong feelings is somewhat inconvenient, and as I myself do not hold the appointment of Professor of Constitutional Law in this Council, I should have said nothing to-day had it not been for the persistent, and I think I may say somewhat unfair, use which has been made of the few remarks which I thought it necessary to offer in the discussion of the Tariff Bill. I know that it is somewhat tempting to take notice of a particular phrase, because it often avoids, or seems to avoid, the necessity of reading tiresome speeches, but it is a dangerous method of arriving at an exact knowledge of the truth. I suppose, for instance, that it would be impossible to deny that 'The Diary of Toby, M.P.' is based on incidents that occur. All that I have to say at present is that when I find headings such as 'Legislation by mandate' made applicable to me in the sense that I have used words impugning the rights and privileges and independence of this Council, I must refer to the remarks I made on that occasion. I said:—

'Far be it from me to deny that it is within the competence of the Council to throw out any measure. It would be its duty so to act if the public weal was endangered. But, as I have endeavoured to point out, the vote of this Council, and, as I maintain, of every individual member of it, is given under the responsibility of doing nothing to dislocate the complicated machinery by which this great Empire is governed.

"I see no reason to withdraw any of the words which I used on the occasion to which I refer, but I claim that these words should be read with the context. I had, as I have said, no intention of delivering a lecture on a constitutional point. What I desired to do, and what I think still was not unsuitable for me to do, was to call attention, in the words of the Honourable Sir Griffith Evans, to the full legislative responsibility which he stated to-day to be the fit and proper corollary of the full legislative authority which he claims. I wish to assure honourable members that I am too proud of being allowed to sit here as a member of this Council not to wish to maintain its credit and prestige in every possible way that it is open to me, and I believe that I do so most effectually by not ignoring the whole of the conditions under which we sit here."

The motion was put and agreed to, the name of His Honour the Lieutenant Governor being added to those forming the Select Committee.

EXTRACT from the Abstract of the Proceedings of the Council of the Governor General of India, assembled for the purpose of making Laws and Regulations under the Provisions of the Indian Councils Acts, 1861 and 1892 (24 & 25 Vict., cap. 67, and 55 & 56 Vict., cap. 14).

The Council met at Government House on Thursday, the 31st January 1895.

* * * * *

REPORTS OF SELECT COMMITTEES.

The Honourable Sir *Alexander Miller* said: "I have to present the following three Reports:—

The Report of the Select Committee on the Bill to amend the Indian Penal Code and Act VI. of 1864;

The Report of the Select Committee on the Bill to amend Sections 366 and 371 of the Code of Criminal Procedure, 1882; and

The Report of the Select Committee on the Bill to amend the Cantonments Act, 1889.

"At the present stage it is unnecessary that I should make any observations on any of them."

TELEGRAM from Viceroy to Secretary of State, dated 23 March 1895.

Our Military Department telegram of 25th January. We have published in "Gazette of India" of 23rd March draft rules under Cantonment Act, 1889, as amended by Lord Kimberley's Despatch, No. 26, of 1st March 1894. They will come into force one month from 23rd March, when resolution will also be issued under Section 27 of Act. Previous publication necessary.

General Order of Government of India, dated 22 March 1895.

(No. 309).

Judicial.

The following draft of rules, which it is proposed to issue under Sections 26 and 27 of the Cantonments Act, 1889, in supersession of the rules published in G. G. O. No. 617, dated the 4th July, 1890, is, as required by Section 27 of that Act, hereby published for the information of persons likely to be affected thereby.

The draft will be taken into consideration on the expiry of one month from the date of this Notification.

Draft Rules.

Under Sections 26 and 27 of the Cantonments Act, 1889 the Governor General in Council is pleased to make the following rules, and to direct that they shall be general for every cantonment in British India:—

1. As many hospitals as may be necessary, within or without the limits of the cantonment, as the cantonment authority with the concurrence of the District Magistrate may determine, shall be maintained at the expense wholly or in part of the cantonment fund.
2. A medical officer, to be appointed in such manner as the local Government may direct, shall be in charge of every such hospital.
3. A person admitted to such a hospital shall be treated gratuitously, and if such person is without means of support and is either a resident of the cantonment or was admitted to the hospital on the request of the

cantonment authority, or of any officer of that authority, shall receive from the cantonment fund such subsistence allowance not being less than the lowest allowance for the time being fixed by the local Government under Section 338 of the Code of Civil Procedure as the cantonment authority may determine.

4. Every such hospital shall have attached to it one or more wards for the treatment of persons suffering from infectious or contagious disorders.
 5. If the medical officer for the time being in charge of any such hospital is informed upon testimony which he believes to be credible that any person living in the cantonment is suffering from cholera, small-pox, diphtheria, or typhoid fever, he may by notice require such person to attend at the hospital at a time to be mentioned in such notice, and if, upon the attendance of such person in pursuance of such notice or otherwise, he shall ascertain that such person is in fact suffering from any of the above-mentioned disorders, he may require such person to remain in the hospital until he shall have been pronounced free from such disorder, or may give such other direction in the matter as may seem to him most expedient for the purpose of preventing the spread of such disorder.
 6. If any person upon whom any such notice as is mentioned in the last preceding rule shall have been served, shall refuse or neglect to attend at the hospital in pursuance of such notice, he shall be deemed to be suffering from such disorder as aforesaid and to have refused to go to the hospital.
 7. If the medical officer for the time being in charge of any such hospital certifies in writing to the commanding officer of the cantonment that any person living in the cantonment is or is deemed to be suffering from any of the disorders mentioned in Rule 5, and that such person has refused or is deemed to have refused to go to the hospital, or that he, having gone to the hospital, has left it while still under the influence of such disorder, and that the continuance of such person in the cantonment is likely to be attended with danger to the health of the other inhabitants of the cantonment, or some of them, the cantonment magistrate may, on the application of such medical officer, order such person to remove from the cantonment within 24 hours, and prohibit such person from remaining in or re-entering it without the written permission of such medical officer.
 8. Save as aforesaid, no person shall be required to attend at or become a patient in any such hospital, nor shall any person under any circumstances be detained in any such hospital against his will, nor shall any person, except at his own request, be examined by any such medical officer as aforesaid, or any other person acting under Government authority, with a view to ascertaining whether he is or is not suffering from any infectious or contagious disease.
 9. If a person having been prohibited under Rule 7 from remaining in or re-entering a cantonment remains in or re-enters the cantonment without such written permission as is mentioned in that rule, such person shall be punished with fine, which may extend to 50 rupees, or with imprisonment for a term which may extend to eight days, for every breach of the said prohibition.
 10. No person known to be a prostitute shall, under any circumstances, be permitted to reside within the limits of any regimental bazar.
-

No. 1910-D.

Government of India—Military Department.

EXTRACT from the Proceedings of the Government of India in the Military Department,—(under date Simla, the 29th April 1895).

READ the following correspondence:—

Despatch to Secretary of State for India, No. 232, Military, dated 1st November 1893.

Despatch from Secretary of State for India, No. 26, Military, dated 1st March 1894.

Despatch to Secretary of State for India, No. 85, Military, dated 29th May 1894.

Despatch from Secretary of State for India, No. 137, Military, dated 29th November 1894.

Observations.—On the 5th of June 1888, the following Resolution was passed in the House of Commons:—“That, in the opinion of this House, any mere suspension of measures for the compulsory examination of women and for licensing and regulating prostitution in India is insufficient, and the legislation which enjoins, authorises, or permits such measures ought to be repealed;” and in a Despatch dated the 14th June 1888, the Secretary of State for India directed that it should receive at the hands of the Governor General in Council the careful consideration which a Resolution of the House of Commons deserves.

2. In compliance with this Despatch, the Governor General in Council issued explicit orders, dated the 26th July 1888, with a view of putting an end to any practice which involved the licensing or registration of prostitutes, or the compulsory examination of women in cantonments.

3. In 1889 the new Cantonments Act was passed, and among other matters it was enacted that the Governor General in Council might make rules to provide for “the prevention of the spread of infectious or contagious disorders within a cantonment, and the appointment and regulation of hospitals or other places within or without a cantonment for the reception and treatment of persons suffering from any disease.”

4. The precise nature of these rules was the subject of discussion between the Secretary of State and the Government of India, and on the 4th July 1890 the Governor General in Council duly made and published certain rules under the Act, providing, amongst other things, for the creation of such general hospitals as might be necessary in cantonments, for the reception and treatment of persons suffering from any diseases, including infectious or contagious diseases, within the cantonment.

5. Notwithstanding the instructions which were from time to time issued in consonance with the orders of 1888, it was found that the practices which had been condemned by the Resolution of the House of Commons, and which had been prohibited by the orders of the Governor General in Council, and by subsequent orders, had not been wholly discontinued in some cantonments; and it was therefore determined to give effect to these orders by legislation.

6. An Act for this purpose was passed by the Governor General in Council on the 7th day of February 1895, and by that Act it is provided that no rule made under the Cantonments Act of 1889 should contain any regulation enjoining or permitting any compulsory or periodical examination of any woman by medical officers or others for the purpose of ascertaining whether she is or is not suffering from any venereal disease, or is or is not fit for prostitution. Similarly, it is provided that no rule should contain any regulation for the licensing or special registration of prostitutes, or for giving legal sanction to the practice of prostitution in any cantonment.

7. It must also be observed that an examination of a woman against her will, if not made under the authority of an enactment or a rule having the force of law, is an assault, and punishable as such under the provisions of the Indian Penal Code; and it should be expressly noticed that the practices to which attention was drawn in the Resolution of the House of Commons are not merely prohibited by executive order, but that no rule can be made under the Cantonments Act which shall directly or indirectly countenance them.

8. Under these circumstances, it is obvious that the rules of 1890 made under the provisions of the Cantonments Act, 1889, require revision, and it has been represented that they do not sufficiently explicitly carry into effect the instructions of the Government of India and the policy of the Resolution of the House of Commons. The Governor General in Council has been pleased therefore to prepare a fresh set of rules under the Cantonments Act of 1889, as amended by the Act V. of 1895, and these rules were published for general information, as required by the Act of 1889, in G. G. O. No. 309, dated 22nd March 1895.

Resolution.—The Governor General in Council directs that the said rules, when finally adopted, be published in the "Gazette of India" and in the local gazettes, and, together with Act V. of 1895, be posted up in such public place or places in every cantonment as the cantonment magistrate may think best suited for giving publicity thereto.

And it is hereby declared that all practices contrary to the said rules or to the policy of the Resolution of the House of Commons are prohibited, and all cantonment officers and other persons concerned are hereby commanded to abstain from all such practices.

Order.—Ordered that a copy of this Resolution be forwarded to the Home Department, the Foreign Department, the Legislative Department, the Chief Secretaries to the Governments of Madras and Bombay, to the Governments of Bengal, the North-Western Provinces and Oudh, and the Punjab, the Chief Commissioners of the Central Provinces, Assam, and Burma, the Resident at Hyderabad, and the Quartermaster General in India.

(signed) *E. H. H. Collen*, Major General,
Secretary to the Government of India.

Copy of the foregoing is forwarded to—

The Home Department for information with reference to Military Department No. 5292-D, dated 31st October 1893, and such action as may be necessary.

The Foreign Department, in continuation of Military Department No. 1489-D., dated 23rd March 1895, for information and communication to the local administrations under that department.

The Legislative Department for information, in continuation of Military Department No. 517-D., dated 29th January 1895.

The Chief Secretaries to the Governments of Madras and Bombay, in continuation of Military Department No. 1488-D., dated 23rd March 1895, for the information of Their Excellencies the Governors in Council and for such action as may be necessary.

The Chief Secretary to the Government of Bengal, Judicial Department, in continuation of Military Department No. 1487-D., dated 23rd March 1895, for the information of the Honourable the Lieutenant Governor, and for such action as may be necessary.

The Chief Secretaries to the Governments of the North-Western Provinces and Oudh, and Punjab, in continuation of Military Department No. 1488-D., dated 23rd March 1895, for the information of the Honourable the Lieutenant Governors, and for such action as may be necessary.

The

The Chief Commissioners of the Central Provinces, Assam and Burma, in continuation of Military Department No. 1488-D., dated 23rd March 1895, for information, and such action as may be necessary.

The Resident at Hyderabad for information.

The Quartermaster General in India, in continuation of Military Department No. 4912-D., dated 13th October 1893, for necessary action under the orders of His Excellency the Commander in Chief in India.

By order,

(signed) *E. H. H. Collen*, Major General,
Secretary to the Government of India.

Military Department, Simla, the 3rd May 1895.

Judicial.

No. 460.—In continuation of the notification of the Government of India in the Military Department, No. 309, dated the 22nd March 1895, and in supersession of the rules published in G. G. O. No. 617, dated the 4th July 1890, and of any rules hitherto issued which are inconsistent with the rules hereby published, the Governor General in Council has been pleased to make the following rules, under Sections 26 and 27 of the Cantonments Act (XIII. of 1889), and to direct that they be put in force in all cantonments in British India:—

1. As many hospitals as may be necessary, within or without the limits of the cantonment, as the cantonment authority, with the concurrence of the district magistrate, may determine, shall be maintained at the expense wholly, or in part, of the cantonment fund.
2. A medical officer, to be appointed in such manner as the local Government may direct, shall be in charge of every such hospital.
3. A person admitted to such a hospital shall be treated gratuitously, and if such person is without means of support, and is either a resident of the cantonment, or was admitted to the hospital on the request of the cantonment authority, or of any officer of that authority, shall receive from the cantonment fund such subsistence allowance, not being less than the lowest allowance for the time being fixed by the local Government under Section 338 of the Code of Civil Procedure, as the cantonment authority may determine.
4. Every such hospital shall have attached to it one or more wards for the treatment of persons suffering from infectious or contagious disorders.
5. If the medical officer for the time being in charge of any such hospital is informed upon testimony, which he believes to be credible, that any person living in the cantonment is suffering from cholera, small-pox, diphtheria, or typhoid fever, he may by notice require such person to attend at the hospital at a time to be mentioned in such notice, and if, upon the attendance of such person in pursuance of such notice, or otherwise, he shall ascertain that such person is in fact suffering from any of the above-mentioned disorders, he may require such person to remain in the hospital until he shall have been pronounced free from such disorder, or may give such other direction in the matter as may seem to him most expedient for the purpose of preventing the spread of such disorder.
6. If any person upon whom any such notice as is mentioned in the last preceding rule shall have been served, shall refuse or neglect to attend at the hospital in pursuance of such notice, he shall be deemed to be suffering from such disorder as aforesaid and to have refused to go to the hospital.

7. If the medical officer for the time being in charge of any such hospital certifies in writing to the commanding officer of the cantonment that any person living in the cantonment is or is deemed to be suffering from any of the disorders mentioned in rule 5, and that such person has refused or is deemed to have refused to go to the hospital, or that he, having gone to the hospital, has left it while still under the influence of such disorder, and that the continuance of such person in the cantonment is likely to be attended with danger to the health of the other inhabitants of the cantonment or some of them, the cantonment magistrate may, on the application of such medical officer, order such person to remove from the cantonment within twenty-four hours, and prohibit such person from remaining in or re-entering it without the written permission of such medical officer.
8. Save as aforesaid, no person shall be required to attend at or become a patient in any such hospital, nor shall any person under any circumstances be detained in any such hospital against his will, nor shall any person, except at his own request, be examined by any such medical officer as aforesaid, or any other person acting under Government authority, with a view to ascertaining whether he is or is not suffering from any infectious or contagious disease.
9. If a person having been prohibited under rule 7 from remaining in or re-entering a cantonment remains in or re-enters the cantonment without such written permission as is mentioned in that rule, such person shall be punished with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to eight days, for every breach of the said prohibition.
10. No person known to be a prostitute shall, under any circumstances, be permitted to reside within the limits of any regimental bazar.

(signed) *E. H. H. Collen*, Major General,
Secretary to the Government of India.

SUMMARY

OF THE

SPEECH

OF THE

SECRETARY OF STATE FOR WAR

WITH REGARD TO THE

RE-ORGANIZATION OF THE ARMY.

④

Presented to Parliament by Command of His Majesty.

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1904.

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(5266)

Summary of the Speech of the Secretary of State for War with regard to the Re-organization of the Army.

I.

It is absolutely necessary to make a change in the organization, composition, and distribution of the Army.

The late war, and the Commission on the War which has recently reported, have made it abundantly clear that the Army in its present form is not suited to the requirements of the country, or adapted for war.

The annual Estimates show that the cost of the Army is excessive.

It appears from the Report of the Commission on the War that the condition of the Army is unsatisfactory, because—

- (1.) There is no evidence to show that the Army we possess is, either in composition or numbers, the Army which is really required to satisfy the peculiar needs of the Empire for the defence of which it is maintained.
- (2.) The Army, such as it is, is not fully and scientifically organized for war; whereas the sole object of an army in a country like ours is to be able to engage in war at the shortest notice, and to emerge successfully as rapidly as possible, we have been maintaining an army in peace time a large portion of which was totally unfit for war, and of which even the effective portion could only be utilized with the help of improvised and previously unconsidered arrangements.
- (3.) All branches of the Army are raised on a system which exaggerates the difficulties that must always attend purely voluntary enlistment, and, both in the Regular and Auxiliary Forces, there exist endless sources of friction which lead to wasteful effort, to bad work, and, in some cases, to discontent and misunderstanding.
- (4.) It is apparent from the figures which appear in the annual Estimates that this Army, imperfectly prepared, wasteful in its methods, and unsatisfactory in its results, is one of the most costly machines ever devised.

If the above statements be true, and if the evils complained of exist, what is the duty of a Minister charged with the administration of the Army and the expenditure of the public money?

His duty is to provide a remedy for the evils that exist. Not a partial, but a complete remedy; not a remedy for one, but for all the evils complained of; not a remedy for want of organization only, but a remedy for over-expenditure as well.

Can such a remedy be found? The answer is, "Yes." It can be found if both parties are prepared to consider the question of the Army outside the arena of party discussion, and if successive Administrations are prepared to agree upon a scheme of reform, and to carry it out consistently and progressively. On no other terms can the Army be reformed and its cost diminished.

Any cure, to be of value, must be appropriate to the disease. It must be a good system in place of a bad one.

It has been stated above, that up to the present time there has been "no evidence to show that the Army we possess is, either as regards its composition or its numbers, the Army which is really required to satisfy the peculiar needs of the Empire for the defence of which it is maintained." That is a dangerous state of things which urgently needs amendment.

Has this state of things been amended? The answer is, that it has been amended, not wholly, but in part. We do not know our true requirements yet, but we see much more clearly than we did.

The Committee of Defence has been instituted. It constitutes the first serious attempt to consider the problems of the Empire as a whole; it brings together the political and the governing elements, the Navy, the Army, India, and the Colonies. It has done little yet because it has not existed for a long time, and the work with which it is charged is very complex, and involves much professional study; but it has made a beginning. It will take many years to complete the work and to arrive at a true comprehension of the needs of the Empire. No one ought to exaggerate what the Committee of Defence has done, or is at present capable of doing, but to have made a beginning at all is an immense step in advance. We do not yet know what are the true military requirements of the Empire, but we have created an institution which will enable us in time to find out what they are.

It has been said that it has not hitherto been made apparent that "the Army, such as it is, is fully and scientifically organized for war." No one who has studied the Report of the Commission on the War, or who has been a student of Army matters, can have any doubt at all on this point.

Has anything been done to improve our position in this respect? The answer is, yes, something has been done. The whole of the War Office organization has been reconstituted in accordance with the recommendations of the Esher Committee. The Intelligence Branch of the War Office has been greatly strengthened. The work of improving the General Staff of the Army is far from being complete, but it has been begun, and that is a point gained.

It has been said that in the opinion of the Army Council, "all branches of the Army are raised on a system which exaggerates the difficulties which must always attend voluntary enlistment, and, both in the Regular and Auxiliary Forces, there exist endless sources of friction, which lead to wasteful effort, to bad work, and, in some cases, to discontent and misunderstanding."

The truth of this proposition requires to be demonstrated, and it can be demonstrated with ease.

Here are some facts bearing upon the question—

THE RELATION OF THE RESERVE TO THE MEN SERVING.

The First Class Infantry Reserve is still a substitute for, and not a supplement to the men serving. In 1899 the proportion of Reservists with the battalions was as high as 52 per cent., and these Reservists had, in many cases, replaced ineffective soldiers to the extent of from 370 to 460 per battalion. There is no reason to believe that, if it were necessary to mobilize at the present time, the condition of things would be altered for the better. On the contrary, it seems probable that while the proportion of men left behind would be at least as great as it was in 1899, the number of Reservists available to fill up the battalions would certainly be less than it was in that year.

ILLUSTRATIONS of the extent to which Reservists were utilized to take the place of men in the ranks on Mobilization in 1899.

	Total embarked.	Reservists.
Field Force (all arms)	47,081	20,589
Infantry—5th Infantry Division	8,087	3,784
7th Infantry Division	7,920	4,250
Brigade Division, R.A., with 5th Division	651	412
Brigade Division, R.A., with 6th Division	646	426

Men available and fit for service, exclusive of Reserve, in the following units:—

	Men available.	Total strength of battery.
81st Battery, R.F.A.	62	170
82nd " "	64	170
86th " "	55	194
87th " "	66	194

	Men available.	Total strength of battalion
1st Bn. York and Lancaster Regiment	390	838
2nd Bn. Middlesex Regiment	521	1,021
2nd Bn. Bedfordshire Regiment	422	902
2nd Bn. Wiltshire Regiment	460	822
1st Bn. Oxfordshire Light Infantry	438	789
2nd Bn. Norfolk Regiment	438	969
1st Bn. East Lancashire Regiment	370	947
2nd Bn. South Wales Borderers	455	1,063
2nd Bn. North Staffordshire Regiment	450	997

THE ABSENCE OF A STRIKING FORCE.

The organization of the Infantry does not provide for any Striking Force available for small expeditions, or for immediate action at the commencement of a war in which mobilization becomes necessary. In 1899 it was impossible to send a single complete Infantry battalion from the Home Establishment to Natal until the whole Army had been mobilized. The Royal Commission has reported that the presence of an extra brigade in Natal, at the beginning of the war, might have changed the fate of the whole campaign. We did not, and could not, send such a brigade in 1899. What was true in 1899 is true now, we cannot send a single complete battalion from the Home Establishment, without calling up the Reserves.

TABLE illustrating the extent to which the places of Men serving will have to be taken by Reservists in the event of Mobilization at the present time. The statement shows the estimated number in the undermentioned battalions who would be left behind in the event of mobilization for active service abroad.

Corps.	Establishment.	Strength of N.C.O.'s and men on 1. 12. 03.	Under 20 years of age on 1. 12. 03.	Under 1 year's service on 1. 12. 03.	Absent and in civil prisons on 1. 12. 03.	Allowing a percentage of 5-16 for sick and medically unfit.*	Total remaining behind.	Number of Reservists required on Mobilisation.
1st Bn. Royal Scots ..	855	667	178	54	6	22	260	593
2nd Bn. Cheshire Regt. ..	855	678	229	28	3	23	283	604
2nd Bn. Royal Sussex Regt.	855	940	240	51	6	33	330	390
1st Bn. Royal Highlanders	861	751	248	57	13	22	340	559
2nd Bn. Durham L.I. ..	855	634	246	99	3	17	365	681
1st Bn. A. & S. Highlanders	861	824	271	83	3	24	381	557

* This percentage is obtained from the 1899 mobilization figures.

THE FREQUENT CALL UPON RESERVISTS.

This evil is a corollary of that just referred to. It is obvious that if no expedition, large or small, can be despatched without calling up Reservists, the condition of men who have left the Colours and have entered civil life, must always remain precarious and unsatisfactory. It is most undesirable, both in the interests of employers and of the Army, that the position of Reservists should remain as uncertain as it now is. The employers can protect themselves by not employing Reservists. There is some reason to fear that they may do so. The soldier cannot protect himself, and his position seems likely to become more intolerable from year to year.

THE THREE YEARS' TERM OF ENLISTMENT.

The whole of the Army is now enlisted, primarily, for 3 years' service. In view of the fact that, if the drafts are to be provided, from 75 to 80 per cent. of the men in all branches must necessarily extend, and that in some branches, notably the Garrison Artillery, the extensions must reach 100 per cent., it is not easy to see how this system can be successfully maintained. It does not appear that, at the time of its adoption, sufficiently exact calculations were made with a view of demonstrating that the system would work satisfactorily, and closer calculations which have since been made, joined with the evidence of the actual extensions hitherto, indicate that the working of the system may easily become disastrous.

The average extensions among the Infantry ought to be at least 75 per cent. At present it is about 12 per cent., in several battalions it is as low as 3 per cent. or 4 per cent., and, in at least one battalion, not a single man has extended during the last month.

WANT OF EMPLOYMENT FOR MEN AFTER DISCHARGE.

One of the great difficulties of enlisting men for a long period of service is that of finding employment for them on their discharge. It is not desirable, in the public interest, to allow many men to serve 21 years for a pension, but undoubtedly, the absence of any certain prospect at the end of a soldier's career with the Colours does prevent many men from enlisting. The present system has a tendency to confine recruiting to men who are either reckless or improvident. It is most desirable, both in the interests of the Army and of the public, that every man enlisting for a long term of service should be practically certain that employment will be found for him at the end of his term, provided he has conducted himself properly while serving.

LINKED BATTALIONS.

Under the existing system the battalions abroad are supplied with drafts from their corresponding linked battalions at home. The working of this scheme depends upon there being exactly the same number of battalions abroad as there are at home. But the doctrine has now become accepted that the Regular Army is primarily maintained for action over sea, hence it has become impossible to expect that there will be the prescribed equality in the future. At present the number of battalions abroad is in excess of that at home, and the result has been to create the greatest confusion in the organization of the Infantry. This interference with the fundamental basis of the existing system has been frequent in the past and must necessarily become permanent in the future. The confusion and inconvenience which are felt now must increase.

THE ABSENCE OF ANY ORGANIZATION FOR IMMATURE SOLDIERS LEFT BEHIND
ON MOBILIZATION.

When the Army was mobilized in 1899-1900, very large numbers of immature soldiers were left behind. The number amounted to many thousands. It soon appeared that there was no organization to meet their case. The boys were without Officers, were not attributed to any existing units, and until they were actually despatched as drafts to the battalions in the field, had practically no military value.

By a practice which cannot but be regarded as altogether illegitimate, no less than 18,000 of these boys who had been left behind as unfit to go to the front with their own battalions, were actually attached to Militia battalions and were eventually sent out to South Africa with those units, which were made up for the most part of men even more unfit than the Line recruits themselves. It is obviously most desirable that such a condition of things should not recur.

REGIMENTAL DEPÔTS.

The existing regimental depôts are the fifth wheel of the coach. They have a certain value as mobilization centres and storehouses but they have no military value whatever. On the contrary, their existence is most detrimental to military efficiency. They are, as a rule, commanded by Officers who expect no further command and therefore lack ambition. The junior Officers attached to them are not, and cannot be, selected because they are peculiarly qualified as instructors of young soldiers.

The routine in the depôts is most depressing, and in some cases quite inadequate. The mixing up of Line and Militia recruits is bad for both forces. The scale on which the depôts are established prevents their being made attractive. They are without bands, they are without proper gymnasia, the recreation rooms are dispiriting and ill-adapted to their purpose; in a word, nothing can be more disheartening than the time spent by a recruit in one of these quite unnecessary depôts. They lack every quality which a good depôt should possess, and they perform no useful function.

THE GUARDS.

It is a recognized part of our system that the Brigade of Guards shall have special privileges and advantages. The principle has long been accepted, and there seems no reason why it should be abandoned. At the present time, however, the Guards have practically ceased to possess any special privilege, and in consequence the Brigade has ceased to attract recruits. The 3 years' service is now common both to the Guards and to the Line. Foreign service is often an attraction, rather than a disadvantage, in the eyes of the soldier. The Guards get no foreign service in peace time. The duties of the Guards are far heavier than those of the Line battalions at home, hence the recruiting for the Guards has fallen off to a very serious degree. It has been found necessary to reduce the establishment of battalions to 650, and there is no certainty that the decline in the recruiting will be arrested at an early date.

THE DISREPUTABLE CONDITION OF THE BARRACKS.

The present system is supposed to be a territorial system, but for the most part this is mere make-believe. The one district in which a territorial Regiment is scarcely ever to be found is its own district. The consequence is that much of the local goodwill which would be extended to a territorial Regiment, if it were a reality, finds no object on which to expend itself.

Under the present system, when an Infantry battalion leaves its barrack in the United Kingdom every man in the battalion knows that, in all human probability, he will never enter that barrack again; he also knows that

whatever may be the state of the barrack he will be charged barrack damages. He perhaps not unnaturally endeavours "to get value for his money," and even if he does not intentionally damage the quarters he is leaving, he takes no pains whatever to make them beautiful or leave them neat. It is nobody's business or interest to contribute towards the comfort of the soldier while he is in a particular barrack; the Regiment is not in its territorial district, and even if it were, its short sojourn there would make it unreasonable for well-wishers in the district to spend their money upon improvements, which would be destined to benefit some Regiment other than that for which they were intended. It is obviously most desirable that this state of things should not continue.

THE SCARCITY OF JUNIOR OFFICERS.

The War Commission has called attention with very great force and justice to the value of the "Professional Officer" in time of war. The resources of the Empire are capable of supplying an almost unlimited number of competent and willing men, but even the best men thus furnished are of comparatively little value unless they are under the orders of thoroughly trained Officers.

Something has already been done by the War Office in the direction of creating a Reserve of Officers, but this Reserve is admittedly inadequate; and though additional proposals are under consideration, no satisfactory progress has yet been made towards obtaining an adequate supply.

THE CONDITION OF THE MILITIA.

The Militia, which has been a force of great importance and value, is rapidly dwindling away. During the last 2 years the falling off in the strength of the Militia has been as follows:—

Numbers wanting to complete establishment:—

1st January, 1902	..	..	..	..	..	21,148
" 1903	..	..	..	..	..	20,596
1st January, 1904	..	..	..	..	..	32,601

There is no sign that the fall will be arrested. Moreover, the Militia is undoubtedly deficient in quality as well as in quantity, and every year the rate of decay is likely to be accelerated, for a battalion which once loses prestige goes rapidly down hill.

The decay in the Militia is the natural and inevitable consequence of the way in which that force has been treated. It has been regarded solely as a convenience for the Line. Line sergeants have employed their time in skimming the cream of the Militia recruits out of the depôts; Militiamen have been encouraged by bounties to leave their battalions for the Line; the Militia battalions have been made a convenient stepping stone for Officers entering the Line, and these Officers have been taught to regard the Militia, not as a force to which they belong, but as one in which they are compelled for a short period to serve.

The Militia is not organized in such a way as to make it of real value for home defence and, under its present constitution, Militia battalions cannot be compelled to go abroad in time of war. As a matter of fact battalions generally volunteer for war service, but the process by which they are induced to do so is unsatisfactory, and their services in the field are not as valuable as they ought to be.

It is essential, therefore, that the question of the Militia should be taken in hand at once, and a method devised by which the Officers and men who now go into the Militia may be utilized for the service of the country, in connection with the territorial and localized Army, in such a way as to develop their capacity to the utmost, to encourage them in their work, and to ensure their efficiency.

THE AUXILIARY FORCES.

The whole question of the Auxiliary Forces merits careful attention, in view of the recent Report of the Royal Commission on the Militia and Volunteers.

The statements made in the Report are most serious. We are told with respect to the Militia—

That "*as regards the Infantry, there is a consensus of opinion both among Militia Officers and those Regular Officers who have had special opportunities of observation, that the average Militia battalion would not be fit to take the field, except after several months' continuous embodiment.*"

That "*the training of the Militia Officer is inadequate to enable him properly to lead troops, and especially incompletely trained troops.*"

That "*the force is imperfectly equipped for war.*"

That "*the Militia in its existing condition is unfit to take the field for the defence of this country.*"

Nor is the account of the Volunteers more satisfactory. We are told—

That "*there is no divisional organization, nor are any arrangements made for the command and staffs of the large masses of Volunteers of the various arms told off to the defence of London, beyond the grouping of the Infantry in brigades.*"

That "*the units of Volunteers are of various establishments and strengths. Such differences render difficult the proper grouping into the larger formations required for service in the field.*"

That "*the Volunteer Field Artillery lacks the requisite training and mobility.*"

That "*the transport equipment and Artillery matériel of the Volunteer Force are far from satisfactory.*"

That "*taking the force as a whole, neither the musketry nor the tactical training of the rank and file would enable it to face, with prospect of success, the troops of a Continental army.*"

That "*an appreciable number of Volunteers classed as efficient are physically unfit for service in a mobile army.*"

That the inequality in the attainments of the Officers "*prevents the Volunteer Force from acquiring the cohesion needed for war.*"

That "*in view of the unequal military education of the Officers, the limited training of the men, and the defects of equipment and organization,*" the Volunteer Force "*is not qualified to take the field against a Regular army.*"

II.

It is absolutely necessary that the state of things here described should cease to exist. The evils which have been enumerated above are clear and specific, so also is the evil of excessive cost.

The Army Estimates for the current year amounted to 28,900,000*l*. This figure was only arrived at in consequence of its being possible to make a diminution in the normal charges for this particular year. This diminution was effected by giving the first supply of the new field gun to India, a measure which was perfectly right in itself, but which will not prevent a heavy additional cost for re-armament coming upon the Estimates in future years.

Then, again, the interest due on the Annuities raised in respect of the Military Works Loan are charged upon Estimates, and the amount under this head increases automatically every year. Next year it will be 182,000*l*. more than it was this year.

Again, the fact that large amounts of stores which were surplus at the close of the South African War were available during the current year, relieved the Estimates; but, in future, it will be necessary to replace stores which had not to be replaced this year.

Again, the Reserve is at present very much depleted. As it grows, more money will have to be devoted to pay the Reservists. In fact, whoever is Minister for War, and whatever system exists, there must be a large automatic increase in Army Estimates, and any actual reduction of Estimates can only begin when this addition is wiped off.

But the country wishes to see this addition wiped off, and a great economy made also. The country is right, but it must be clearly understood that "he who wishes the end wishes the means." It is of no use to say there must be great reductions on Army expenditure, if everybody concerned resolutely refuses to accept any reduction in those items which involve expenditure.

What is it that makes our great Army expenditure necessary? There can be but one answer. It is the number of men we employ.

In the Navy it is the Shipbuilding Vote that is the principal item of cost. In the Army it is the number of men that governs all other Votes. If we want to spend less money we must have fewer men.

Can we spend less money with fewer men? Undoubtedly we can. It is not commonly realized that this country at present maintains no less than 213,010 men, to whom must be added the Army in India, 77,402 men, the Indian Army, 156,870 men, and various Colonial and Foreign Office contingents making a total of 18,233 men. If to these we add the Reserves, 73,597 men, we get the total 539,112.

It must not be forgotten that, in addition to this great number, we also maintain 126,673 men on the peace establishment of the Navy, and the Naval Reserves, amounting to 46,051 men.

Is this enormous number of troops (539,112) necessary?

If the British Fleet be efficient, clearly it is not necessary. The Admiralty are of opinion that, while they cannot guarantee this country against "raids," they can guarantee it against serious invasion. If the Admiralty are right, then we need not maintain an Army for home defence, capable of resisting serious invasion. If the Admiralty are wrong, then no Army we can maintain will be sufficient to protect us from hostile attack. If we have command of the sea, we can prevent any invading army landing. If we have not command of the sea, it will not be necessary for an enemy to land, it can starve us into submission.

It is evident, therefore, that the Army we want is an Army which will enable us to maintain our Empire across the sea in peace and in war, and which will enable us to resist raids at home attempted in the absence of the fleet.

It is to create such an Army that our efforts ought to be directed. Obviously, the Army which we now have is not the one we require, for it includes over 400,000 men who are not bound to go abroad, and the majority of whom are not required for defence at home.

III.

With these facts before us, let us see whether a remedy can be provided for the evils that exist. The following steps are proposed:—

(1.) To divide the Regular Army into two parts, viz., a General-service Army and a Home-service Army.

The General-service Army will serve both abroad and at home in time of peace and in time of war.

The Home-service Army will serve at home in peace, and abroad, if necessary, in time of important war.

The men who serve abroad must enlist for a comparatively long service. The men who serve at home are required to form a Reserve, therefore their service must be short.

GENERAL-SERVICE ESTABLISHMENT.

Under the present linked-battalion system, the Army abroad can only be properly supplied if the number of battalions abroad and at home is the same. But this is an unsound principle.

It has already been shown that we do not require the same number of General-service battalions at home as we do abroad. On the other hand, a certain number of General-service battalions must be maintained at home, in order that the whole of a man's service may not be foreign service.

Nothing was more clearly demonstrated in the last war than the necessity for a Striking Force, that is to say, a small force of all arms ready to proceed to the front at the shortest notice without mobilization.

It is proposed under the new Scheme to establish such a force, which will be complete in all arms, and which will be quartered at Aldershot.

We have now to consider whether the existing battalions of the Regular Army are sufficient in number to provide for ordinary peace service abroad, and to supply the proportion of General-service battalions at home which is necessary to secure a proper circulation and to furnish a "Striking Force." As a matter of fact, the units of the Regular Infantry will suffice for all these requirements and leave a considerable margin over. It is therefore proposed to keep the requisite number of battalions of Regular Infantry for the General service abroad and at home, the term of service being 6 months at a depot, and 8 years and 6 months with the Colours, followed by 3 years in the 1st Class Reserve. This is the term which is actually served by a very large number of men at present in the Army. Recruiting for these battalions will be restricted to men of 19 years of age and upwards.

In order to get rid of the necessity for having a battalion at home for every battalion abroad, it is proposed to establish large depôts. The system of small depôts has been a signal failure; the system of large depôts has been a great success. The Guards, the Royal Artillery, the Royal Marine Artillery, the Royal Marine Light Infantry, the bluejackets and the stokers of the Navy, are all furnished from large depôts. It is, therefore, proposed to establish large depôts for the General-service battalions.

It must not be supposed, however, that this involves the abandonment of the very valuable features of the "Linked-battalion System," which originally commended it to the Army and to the public. The linking of the battalions for the purposes of exchange of Officers and men is good and should be retained. The rigid linking of battalions in pairs, for the purposes of furnishing drafts, will be abandoned.

It will be necessary to provide sufficient battalions to keep up a proper circulation between the battalions abroad and at home. At present there are no less than 87 battalions abroad, but it is to be hoped that in time some of these may be withdrawn. In proportion as they are withdrawn it will be possible to reduce the number of General-service battalions at home. But it will be asked on what principle it is proposed to select the battalions for service abroad, and to fix the number. The answer is, that the number must be determined by the circumstances of the time.

But, as has already been pointed out, whatever arrangement is arrived at, there will be a certain number of Line battalions which will not be required for General service, at home or abroad, in time of peace. What is the proper course to pursue with regard to these battalions? It would be a very unwise thing to

blot out ancient battalions of the Line which have a great and honourable history. Whatever changes may be made, these battalions must be preserved. Clearly no one would wish to see the 100th Royal Canadians or the 93rd Highlanders abolished, and there is no intention whatever of abolishing them. Are there, however, any battalions of the Line which have not this long and distinguished history? The answer is, "Yes." There are 14 battalions which were raised during the last few years, and which form the 3rd and 4th battalions of certain famous regiments. There are also five Garrison battalions which were raised during the late war. It is proposed that these battalions should, in process of time, be absorbed. This will leave us with a certain number of battalions of the Line which are not required, in peace time, for service abroad. What course ought to be taken with regard to these battalions?

HOME-SERVICE ESTABLISHMENT.

These battalions will be utilized for the Home-service Establishment. Excluding the Guards there will be about 40 battalions, more or less, of these, and it is proposed that the term of service in these battalions shall be 2 years with the Colours, including 3 months at a depôt, followed by 6 years in the 1st Class Army Reserve. The men will be recruited from 18 years of age upwards.

The peace strength of these battalions will be 500, of whom 400 will be men serving 2 years at the depôt and with the Colours, and the remaining 100, principally the Staff, will be either General-service men supernumerary to the General-service battalions, or General-service Reservists who have concluded their service with the Colours. There will be 20 Officers permanently attached to each battalion. These will be fully commissioned Officers of the Regular Army, interchangeable with the General-service Officers, and available for service in any part of the world.

The low peace strength of these battalions means a very great expansion on mobilization. The men for this will be furnished by the very large Reserve which will accumulate on the 2 years' service. But Officers are even more important, and the lack of a Reserve of Officers was one of the gravest defects revealed by the South African War. In addition to the 20 Officers permanently with each battalion, there will be attached to each battalion 10 Reserve Officers. These will have had to serve for a fixed period with the Colours, and have passed certain prescribed examinations. They will come up periodically for training, and their position will closely resemble that of the present Militia Officers.

The rank and file of the Home-service Infantry Reservists, together with the Reserve Officers and non-commissioned officers, will be called up for training in the second and fourth year following their discharge from the Colours. This is absolutely essential, in view of the shortness of their service with the Colours. The position of these Reservists is, however, not thereby made less attractive than that of the present 1st Class Army Reserve, for they will be free from the liability of being called out at any moment for war purposes, except in the case of a really great national war.

The Home-service Army is, as far as possible, to be really territorialised. Battalions will serve in their own district, will always have the same barracks assigned to them, and their furthest move in peace will be to the nearest training ground, or to Aldershot or Salisbury Plain, in the case of certain battalions taken in rotation for a period of training.

The Home-service Army thus provided by the surplus battalions of the present Regular Army will, on mobilization, furnish a considerable force for the purpose of reinforcing the General-service Army in a great war overseas; but the force will be none too large for our possible requirements. Moreover, the number of units in the Home-service Army thus established is insufficient to furnish a territorialised unit for each of the existing districts.

The best way of meeting this deficiency would probably be to absorb a certain number of selected Militia battalions into the Home-service territorial army, bringing them up, both as regards Officers and men, to the standard of the other short-service battalions. It would thus be possible to assign to each of the territorial districts one short-service reservist-creating battalion, either Regular or Militia in its origin, which would be the

real military centre of the district. The objects aimed at by Lord Cardwell in his Territorial Scheme, but hitherto only very imperfectly secured, owing to the difficulties connected with the proper distribution and reliefs of the Army, would thus be realized. At the same time a reinforcing Army of some 100,000 men (including the Guards) would be provided for the emergencies of a great war.

But however desirable on general grounds, there are serious practical objections to such a proposal for the absorption of Militia battalions into the Territorial Army, an absorption, which, for financial reasons, would necessitate the reduction or abolition of the remaining Militia battalions, and any such change can only be made with the full concurrence of Parliament and the support of public opinion.

THE MILITIA.

The case of the Militia is, in fact, a peculiar one. Undoubtedly on general military grounds there is very little to be said for the duplication of the Home-service territorial army by another territorial army, of still shorter service, competing with it for recruits. The facts already given show that the Militia cannot be said to be an efficient fighting force. It has long ceased to play the important part it once played in our polity. The old class of Officers and the old class of men who composed the "Constitutional Force" have, for the most part, disappeared. It consists, to no small extent, of two classes: those who are not yet fit for the Line and are preparing themselves for the Line at Government expense, and those who never will be fit for the Line or for any military purpose whatever.

When economy is so earnestly and universally demanded, when it is conceded that economy can only be attained by reducing the men maintained, beginning with the least efficient, why should not the Militia be entirely absorbed into the Territorial Army? Because the popular sentiment against so complete a change is at present too strong. That sentiment is fully justified by the national importance and constitutional standing of the force, and a change of the magnitude suggested can only come about after much fuller public discussion than has yet been given to it.

No sweeping change, therefore, in the general position of the Militia force or in the strength of its units is at present contemplated.

But the Militia cannot be left in its present unsatisfactory condition. Prompt measures must be taken to improve it, so as to make it a more serviceable fighting force. The physical standard will be brought up to that of the Line—already far lower than could be wished—and the period of training lengthened in accordance with the proposals of the Duke of Norfolk's Commission. At the same time the Secretary of State proposes to take into consultation representative Officers of the Force in order to discuss any further changes that might with advantage be introduced.

THE REGULAR FORCES.

To return to the actual proposals that will be brought forward with regard to the Regular Forces, there will be large depôts for the Home-service Army as for the General-service Army. They will be distributed in accordance with the Decentralization Scheme which is being worked out on the general lines of the proposals of Lord Esher's Committee.

The main difference between the proposed system and the one at present existing, is that it endeavours to differentiate the Army according to the varying functions it has to perform in peace and in war, to provide the number of troops required for each purpose, and no more, and to adapt the terms of service more closely to the needs and interests of the men who, under a voluntary system, must be induced, and cannot be forced, to enlist in it. The existing system, on the other hand, attempts to combine the two entirely dissimilar functions of the policing of the Empire in peace and the prosecution of small wars, and the conduct of a serious campaign requiring mobilization on a large scale, under one and the same inelastic period of service. It does not offer enough opportunity to the man who wishes to make soldiering his profession, and it asks too much of the man who may want to serve for a short period and then return to civil life. For the rigidity of the linked-battalion system, so contrary to all the dictates of strategy, the proposed

changes will substitute the far more flexible system of a General-service Army, where even the fixed proportion between the battalions abroad and those at home, however desirable for purposes of circulation, is not so vital as to paralyze the whole working of the system should it at any time be temporarily suspended or altered.

On the other hand, where fixity is really required, as in territorialization, the proposed system secures through the Home-service Establishment the reality of that which, under the existing system, has been, and was bound to be, a sham. The new system provides both a Striking Force available at any moment, and also a large total force on mobilization. By adding from one to two thousand Officers to the present establishment* and creating a Reserve of Officers, it will enable a far greater proportion of the men available on mobilization to be really utilized in the shape of a field force, while at the same time providing *cadres* for the training of those who are left behind and for recruits enlisted after the outbreak of war.

The organization of the Brigade of Guards will remain practically unaltered both as regards strength and as regards the period of Colour and Reserve service; but to maintain the position and popularity, which the Guards enjoyed till quite recently, certain increases are necessary. The general extension of the 3-years system to the whole Army has undoubtedly prejudiced the recruiting for the Guards. The remedy proposed consists of an increase in their rates of pay. An addition of 2*d.* will be made to the daily pay of the Guards prior to extension, making the total 1*s.* 3*d.* instead of 1*s.* 1*d.* as at present. If at any time after 2 years they agree to extend for the whole term of 8 years, they will immediately receive the full service pay. Their pay will thus, corresponding to their conditions of service, come midway between those of the General-service and Home-service armies. The depôt arrangements of the brigade will remain as at present.

ROYAL HORSE AND FIELD ARTILLERY.

It is proposed to deal with the Artillery on the same principles as with the Infantry. Of the existing 179 batteries, 100 batteries, including all the Horse Artillery, will be assigned to General service and will be maintained at an average strength of 100 men per battery. The remaining 79 batteries will be placed on the Home Establishment and will produce the bulk of the Reservists for the Artillery. These batteries will only have four guns horsed and will be on a peace establishment of 5 Officers and 97 men, of whom 38 will be General-service soldiers.

These 79 batteries will be sufficient for the Home-service Establishment, and there will, therefore, be no need to transform any of the existing Militia Artillery batteries or companies in order to make up the required establishment.

A reorganization of the Garrison Artillery is also required. But the problem is one involving peculiar difficulties, and pending a fuller working out of the question by the Army Council, no proposals for change will be brought forward for the present.

ROYAL ENGINEERS.

No proposals will be submitted for the present with regard to the Royal Engineers. The recruiting for the corps has offered no difficulties, and though eventually it will be necessary to apply to the Royal Engineers the same system which it is proposed to apply to the Infantry, the matter is not one calling for immediate action.

THE CAVALRY.

The Cavalry arm stands on a special footing, and therefore demands special treatment. Its peace establishment is small, and recruiting offers no difficulties. The organization, however, is faulty, and changes are under consideration with the view of improving it, and doing away with the existing system of linked regiments.

* The incorporation of 35 Militia battalions to the Home-service Army would provide 1,050 trained Officers.

NON-COMMISSIONED OFFICERS AND THE EMPLOYMENT OF SOLDIERS ON DISCHARGE.

As the battalions of the Home-service Army will consist mainly of men with under 2 years' service, it is obvious that a large number of Warrant and non-commissioned officers will be required for them who cannot be created, in the ordinary course, by promotion within the battalions. It is proposed to make the necessary appointments from those men who after 9 years' Colour service in the General-service Army desire to obtain further employment, instead of going into the Reserve, or from ex-Reservists who are no longer liable to service.

To ensure that they shall possess the qualities required in those who are charged with instructing young soldiers, it will probably be necessary to establish a non-commissioned officers' school in which they will receive instruction before taking up their appointments.

There will be a very large number of appointments thus available in the Home-service Army. Adding to those the staff of the depôts, both General and Home service, and the staffs of the Auxiliary Forces, and taking into consideration the fact that the annual overflow of men from the General-service battalions into the Reserve will be small, it will be seen that the arrangement contemplated will go far towards supplying reasonable certainty of employment for the soldier who has served his time.

THE VOLUNTEERS.

It is the accepted policy of the Government that the Regular Army, General and Home-service alike, is maintained principally for service oversea. The defence of these Islands against hostile raids must therefore be left very largely to the Volunteers. The efficiency of the force becomes therefore a far more important consideration than it has hitherto been, and is more important than its mere numerical strength. That strength, which on 1st January, 1904, was 241,000—though 100,000 short of the Establishment of 347,075—is actually in excess of the requirements, though nobody can contend that the efficiency of the force is in excess of what is required for war. A reduction of the numbers and an increase in the efficiency are obviously indicated.

It is proposed to reduce the Establishment of the Volunteers to 200,000 and the present strength to 180,000, in other words, to reduce the force by one-fourth. The corps composing these 180,000 will be divided into two classes, corresponding to the two classes of Officers and men that exist, at present in every Volunteer battalion, viz., those who are willing and able to give a good deal of time to their drill and training, and those who are willing, but unable, to do so.

The force on the higher scale of organization will have its full complement of Officers, supplied with necessary transport, and organized into the higher field formations in association with Yeomanry, Artillery and Engineers. A higher standard of efficiency than the present one will be exacted; but there will also be a higher grant.

From the remaining 120,000 a lower standard of efficiency will be required. The money expended on these will be reduced from an average of 7*l.* per head to 5*l.*

It may be desirable in the future to increase the actual strength to 200,000, but in no case should the proportion of men in the second category exceed those in the first by more than two to one.

On the outbreak of war there will be no difficulty in doubling the strength of the properly-organized and well-officered cadres of the Volunteers in the first category by accepting the services of men whose obligations confine them to the second category in time of peace, but who would gladly give up the whole of their time in the event of war. The remaining Volunteers, in their turn, could rapidly be brought up to a higher level of efficiency.

There is a considerable demand for Rifle Clubs, which it seems only reasonable to encourage. It is therefore proposed to give to ex-Volunteers sufficient free ammunition to allow of their going through their class firing, on joining a recognized rifle club, and to supply ammunition at cost price to members of such clubs. It is proposed to set aside a sum of 50,000*l.* per annum for this purpose.

IV.

Summarizing the above statement, it will be observed that if the proposals now made be carried into effect, the following evils will be specifically dealt with, and it is hoped remedied:—

1. The organization of the forces of the Empire for war will be improved and our system co-ordinated, as the result of the establishment of the Committee of Imperial Defence, presided over by the Prime Minister, attended by the representatives of the various great Departments concerned, and furnished with a permanent and adequate staff.
2. The organization of the War Office will be put upon a more satisfactory basis, and greater amount of decentralization than has hitherto been possible will be introduced into the administration of the Army.
3. The Intelligence Branch and the organization of the Staff of the Army will be greatly improved. The number of Officers employed will be increased, and the work of the Department will be better distributed than heretofore.
4. The linked-battalion system will be retained for the purposes of exchange, but abolished for the purposes of drafting.
5. It will be no longer necessary to maintain an exact correspondence between the number of units abroad and at home, a correspondence absolutely unsuited to modern conditions.
6. It will no longer be necessary to leave behind large numbers of men on mobilization, but the General-service battalions will be composed of fighting men, and will have an adequate Reserve.
7. Organization will be provided for all Reservists who are not called out with their regiments at the outbreak of war.
8. The uncertainty which has hitherto done so much harm to the Reservists will no longer exist. The Home-service Reservist will know that he will only be called out in the extremity, and when the country is engaged in a great struggle.
9. The General-service Infantryman will receive high pay, and will receive it directly he is qualified, instead of having to wait 2 years.
10. The Home-service Infantryman will serve at home under agreeable conditions, and at the end of that time will have the option of going abroad if he wishes to do so, or of going into the Reserve, if he prefers that course.
11. In addition to the large amount of employment which is already found for the General-service soldier on discharge, a supply of very congenial employment will be furnished for all those who accept appointments as non-commissioned officers in the Home-service battalions.
12. The falling off in the recruiting of the Guards will be arrested, because the Guards will again receive a small advantage, to which they are entitled owing to their additional length of service.
13. A Striking Force, for which the necessity was so clearly demonstrated at the commencement of the late war, will be provided.
14. A great improvement in barrack accommodation will be possible because battalions will continue to occupy the same barracks.

15. An improvement will be made in the organization of the Cavalry which will allow of the supply of recruits from Depôts, and will obviate the necessity which at present exists of linking Cavalry regiments in pairs.

16. There will be an improvement of the Militia, and, if public opinion will allow, the amalgamation of the Militia with the Line, for the purpose of forming a true Territorial Army,

17. A great improvement in the Volunteers, involving:—

- (a.) The discharge of ineffective and useless men.
- (b.) The granting of additional funds for those Volunteers who can give time for additional service.
- (c.) The easing of the terms of service to those Volunteers who are unable to comply with the extreme requirements of the War Office.
- (d.) Generally, the creation of a true Volunteer Army capable of expansion to almost any degree in case of war.

18. Assistance to Rifle Clubs. In other words, help to those who desire to serve the country, but who have not leisure or opportunity to enter the Army or the Volunteers.

19. A contribution towards the expense of furnishing a Volunteer Transport, a most important element in time of war.

20. All the historical battalions of the Line will be maintained intact.

21. Every existing battery of Royal Artillery will be maintained.

22. The Infantry Force for the first time will be truly localised, and the regiments will, for the most part, live in their own counties.

23. The 3-years' system will be abolished.

24. The men will enlist for 2 years, or for a longer term.

25. The War Office will no longer be dependent for its General-service soldiers upon the caprice of boys, who may or may not decide to extend.

26. The Reserve will no longer be a substitute for, but will become a supplement to, the men serving.

27. A large number of thoroughly-trained junior Officers will be added to the Army.

28. An opportunity will be given to country gentlemen who cannot give up their whole time to Army service to enter the Line regiments, to train with them in peace time, and to serve with them continuously in time of war.

29. The cost of the Army will be greatly reduced.

H. O. ARNOLD-FORSTER.

WAR OFFICE,

14th July, 1904.

ARMY.

S 22187

MV4106 X.3.N1/74

Statement showing the basis on which the estimated extra cost
of £25,900,000 for Conscription was made.

Presented to Parliament by Command of His Majesty.

5



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1904.

[Cd. 1909]. Price ½d.

(Wt. w. 11191 250 8 | 04-H & S 5889)

The estimate of £25,900,000, referred to in the question, was based on the following assumptions :—

- (1) That the number of men to be raised each year would be 380,000.
- (2) That officers and non-commissioned officers would be additional to that number, and would be in the proportion of 30 officers and 70 non-commissioned officers to 900 men.
- (3) That officers and non-commissioned officers would be paid at Army rates, and privates at 1s. a day only.
- (4) That the Militia and Volunteers would cease to exist.
- (5) That the Regular Army at home would be reduced by about 30,000 all ranks, including reservists.
- (6) That it would be necessary to double the regimental pay of the Regular Army (except officers).

The figure of £25,900,000 is made up as follows :—

Cost of Conscript Army of 380,000 men, with proportion of officers and non-commissioned officers	£	£
	27,530,000	
Cost of doubling regimental pay of regular soldiers	4,414,000	
	—————	31,944,000
<i>Deduct</i> —Saving by abolition of Militia and Volunteers	3,807,000	
Saving by reduction of 30,000 men in Regular Army	2,237,000	
	—————	6,044,000
Net additional annual cost		£25,900,000
		—————

The estimate included no capital expenditure.

NOTE.—If the number of men to be raised each year were reduced by one-half [i.e., from 380,000 to 190,000], the cost would be reduced by £13,765,000.

H. O. ARNOLD-FORSTER.

WAR OFFICE,
August 2, 1904.

ARMY.

PARTICULARS REGARDING THE PROPOSED ARMY ORGANIZATION SCHEME.

6

Presented to Parliament by Command of His Majesty.

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1904.

[Cd. 1910] Price 1½d.

5436

Army Organization Scheme. .

INFANTRY (INCLUDING FOOT GUARDS).

- (a.) Scheme of Establishments of Infantry and Guards, similar to that on pages 18 and 19 of Army Estimates.
- (b.) Distribution at Home and Abroad, as on page 22 of Army Estimates.
- (c.) Constitution, approximately estimated, of a unit of each Establishment proposed, showing the number of men serving in each year of their service.
- (d.) Draft calculated to be required for each unit serving Abroad, stating what is the basis assumed.
- (e.) Number of Reservists which is calculated to be created by each cadre—Home service, General service, and Foreign service.
- (f.) How the battalions will be made up on Mobilization, showing the number under 20 years of age in the battalion, the number over 20 years, and the number of Reservists required to complete War Establishment; and the number in excess, the waste of Reservists being assumed according to experience before 1899.
- (g.) Total number of Recruits of 19 years of age and upwards, to keep up Establishment of battalions Abroad.
- (h.) Total number of Recruits of 18 years required for the Home-service battalions.
- (i.) Mode in which non-commissioned officers will be obtained and trained for the Home-service battalions.
- (j.) Names and numbers of the battalions which will form the several categories.
- (k.) Reliefs, how effected, and interchange of Officers and non-commissioned officers between the battalions.
- (l.) Minimum service and age of men proceeding on Foreign service.
- (m.) Location of men who have completed 6 months' service at the Dépôt.
- (n.) Rates of Pay of the respective Armies.
- (o.) Conditions on which men are to extend their service for Pension.

(b.) DISTRIBUTION OF REGIMENTAL ESTABLISHMENTS.

	Number of battalions.		All ranks.
	Foot Guards.	Line battalions.	
Home	10	.. ..	9,079
	..	26 General-service ..	21,024
	..	71 Home-service ..	36,920
TOTAL FOR HOME ..	10	97	67,023
TOTAL FOR COLONIES AND EGYPT.	..	26 General-service ..	22,438
TOTAL FOR INDIA ..	..	52 General-service ..	53,924
Total ..	10	175	148,385

NOTE.—The number and distribution of the General-service battalions is dependent on the supposition that certain battalions now abroad can eventually be withdrawn. The stations from which they are to be withdrawn must be considered by the Committee of Defence.

(c.) CONSTITUTION, APPROXIMATELY ESTIMATED, OF A UNIT OF EACH ESTABLISHMENT PROPOSED, SHOWING THE NUMBER OF MEN SERVING IN EACH YEAR OF THEIR SERVICE (NON-COMMISSIONED OFFICERS AND MEN).

Years of service.	General-service battalion.			Home-service battalion.
	India.	Colonies.	Home.	
1st .. .. .	..	21 { (Including 8 under 20 years of age.)	35 { (Including 9 under 20 years of age.)	184 { (All under 20 years of age.)
2nd	119	88	66	216 { (Including 108 under 20.)
3rd	142	109	86	3
4th	134	106	81	2
5th	126	102	78	2
6th	119	98	77	2
7th	113	95	75	2
8th	107	92	73	2
9th	101	89	71	2
10th to 12th	26	20	13	38
13th and upwards	14	13	82	45
Total	1,001	828	737*	498 { (Including 292 under 20.)

* Eight of the General-service battalions at home will have an establishment of 869 non-commissioned officers and men.

(d.) DRAFT CALCULATED TO BE REQUIRED FOR EACH UNIT SERVING ABROAD,
STATING WHAT IS THE BASIS ASSUMED.

The average service of the Indian drafts is taken as 12 months, and of the Colonial drafts 9 months. On this basis, the draft required for a battalion in India is calculated to be 149 men, and that for a battalion in the Colonies 114 men.

(e.) NUMBERS OF RESERVISTS PRODUCED.

The total 1st Class Reserve produced would be—

Infantry of the Line.

General-service Reservists, with between 9 and 12 years' service	20,300
Home-service Reservists with between 2 and 8 years' total service	63,600
Total, Infantry of the Line	83,900

Foot Guards.

Reservists with between 3 and 12 years' service ..	6,100
Total, Guards and Line	90,000

The 2nd Class Reserve, corresponding to Section D, has been disregarded. The individual men in the General-service Reserve cannot be allocated to the Indian, Colonial and Home cadres separately, as each man will probably have served in more than one of them. But, dividing the Reserve, *pro rata*, in proportion to establishments, we have this result—

	Number of General-service battalions.	Total establishment, non-commissioned officers and men.	Reserve.	
			Total.	Per battalion.
India	52	52,076	11,270	217
Colonies	26	21,528	4,660	179
Home	26	20,218	4,370	168
	104	93,822	20,300	Average 195

(f.) COMPOSITION of Battalion on Mobilization showing the number under and over 20 years of age; the number of Reservists required to complete War Establishment, and the number in excess, the waste of Reservists, being assumed according to experience before 1899.

Non-commissioned officers and men.

	A General-service battalion.	A Home-service battalion.
WITH THE COLOURS.		
1st year of service .. .. .	..	49
2nd " "	63	207
3rd " "	83	3
4th " "	78	2
5th " "	75	2
6th " "	74	2
7th " "	72	2
8th " "	70	2
9th " "	68	1
10th to 12th years of service	12	37
13th and upwards	79	43
Total	674	350
FROM RESERVE	306	630
Total	980	980
Surplus of effective Reservists per battalion at Home	397	176
<i>Add—</i> Young soldiers excluded on mobilization (<i>see</i> note below)	34	128
Total surplus	431	304

NOTE.—The following are excluded—

General-service Battalions.

Men in their first year of service (including all under 20 years of age).
Men medically unfit (about 4 per cent. at home).

Home-service Battalions.

Men with less than 9 months' service, or under 19 years of age.
Men medically unfit.

The numbers under and over 20 years of age in a Home-service battalion would be—

Under 20, with Colours .. .. .	..	153
Over 20, with Colours .. .. .	..	197
„ from Reserve .. .. .	..	630
Total .. .. .	..	980

The waste in the Reserve has been calculated on the experience given in years prior to 1899, and it is assumed that 10 per cent. of the Reserve would be unavailable on mobilization.

(g.) Total yearly number of recruits of 19 years of age and upwards to keep up Establishment of 104 General-service battalions, including 26 at home—

Number of RECRUITS by direct enlistment ..	12,000
Transfers obtained from Home-service battalions on the assumption that 20 per cent. of the men who complete 2 years' Colour service will join the General-service battalions	2,900
	<hr/>
Total annual contingent for general service	14,900
	<hr/>

(h.) Total yearly number of recruits of 18 years required for 71 Home-service battalions—

19,600

(i.) A large proportion of the non-commissioned officers of the Home-service battalions will be obtained from non-commissioned officers and privates of good character of the General-service battalions, who during their tour of service, or having completed their tour of service, are desirous of and are recommended for this employment.

If they have left the Colours they will, if desirous, be appointed to a Home-service battalion as soon as a vacancy occurs. A school for the further training of non-commissioned officers will be instituted.

The remaining non-commissioned officers will be provided by the Home-service Army. They will be allowed to extend to 9 years with the Colours, remaining in the Home-service battalions, and may further, under certain conditions, be allowed to re-engage for pension.

(j.) The names of the battalions which will form the several categories cannot at present be stated. The numbers of battalions at home and abroad are shown in Table (b).

(k.) The battalions of the Infantry of the Line, whether General or Home-service, will be organized for purpose of enlistment into about 13 groups. For this purpose each group will form a "corps" under the Army Act. Men will join the battalion for which they enlist, provided that they are eligible and that there are vacancies in the battalion.

The General-service battalions in each group will be serving partly abroad and partly at home. The reliefs will be carried out at regular intervals, as far as possible, within the groups.

The interchange of Officers between the Home and General-service battalions will proceed on the same general lines as now obtain.

(l.) The minimum service for men proceeding on foreign service will, as a rule, be 6 months, and the minimum age for India 20 years.

The minimum age at which men are allowed to proceed to the several Colonies varies, but as the age at enlistment will be 19 years, the minimum age on proceeding to any Colony will be 19½ years.

(m.) Men who have completed 6 months' service at the dépôt will, if belonging to a battalion serving abroad, and if eligible for service with it, proceed to join it. If not eligible they will remain at the dépôt or be attached either to the General-service battalion at home or to its Home-service battalion; but in Table (a) they are shown under dépôts.

(n.) RATES OF PAY OF A PRIVATE.

I.—INFANTRY OF THE LINE.

Home service.			General service.		
On enlistment for 2 years' Colour service—			On enlistment for 9 years' Colour service—		
	Recruit at depôt.	On leaving depôt, i.e., after 3 months.	From date of enlistment—		
				<i>s. d.</i>	
			Regimental pay ..	1 0	
			Messing allowance ..	0 3	
			Kit allowance ..	0 2	
			Total ..	1 5	
Regimental pay	<i>s. d.</i> 1 0	<i>s. d.</i> 1 0	After 6 months' service—		
Messing allowance.	..	0 3		If not qualified as a 2nd class shot.	If qualified as a 2nd or 1st class shot.
Total ..	1 0	1 3		<i>s. d.</i>	<i>s. d.</i>
			Regimental pay	1 0	1 0
			Messing allowance.	0 3	0 3
			Kit allowance.	0 2	0 2
			Service pay ..	0 4	0 6
				1 9	1 11
Army Reserve pay..	..	4d.	Army Reserve pay	..	6d.
The home-service man, if sent abroad, will receive the same pay as the general-service man.			The home-service man who is allowed to extend to general service will be paid as above from date of extension, provided he is 19 years of age.		

II.—FOOT GUARDS.

On enlistment for 3 years' Colour service—	Recruit at Depôt.	On leaving Depôt.	On extension after 2 years' service to complete 8 years' Colour service—	If not qualified as a 2nd class shot.	If qualified as a 2nd or 1st class shot.
	<i>s. d.</i>	<i>s. d.</i>		<i>s. d.</i>	<i>s. d.</i>
Regimental pay ..	1 3	1 3	Regimental pay ..	1 3	1 3
Messing allowance ..	..	0 3	Messing allowance ..	0 3	0 2
			Kit allowance ..	0 2	0 2
			Service pay ..	0 2	0 4
Total ..	1 3	1 6	Total ..	1 10	2 0

(c.) CONDITIONS ON WHICH MEN ARE TO EXTEND THEIR SERVICE FOR PENSION.

Non-commissioned officers of the General-service battalions will be allowed, as at present, to re-engage to complete 21 years' service, and so qualify for pension. Furthermore, the non-commissioned officers of the Home-service battalions will in the main be drawn from the General-service battalions, who will also supply the non-commissioned officers composing the permanent staff of the Auxiliary Forces. Such non-commissioned officers will be allowed to re-engage to complete 21 years' service. The balance of non-commissioned officers for the Home-service battalions will be drawn from men of the Home-service battalions, who will be allowed to extend to 9 years with the Colours, remaining in the Home-service battalions, and who may further, under certain conditions, be allowed to re-engage for pension.

H. O. ARNOLD-FORSTER.

WAR OFFICE,

1st August, 1904

ARMY.

STATEMENT SHOWING THE FINANCIAL
EFFECT OF CERTAIN REDUCTIONS IN
AND ADDITIONS TO, THE ARMY PRO-
POSED BY THE SECRETARY OF STATE
FOR WAR.

7

Presented to Parliament by Command of His Majesty.

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1904.

[Cd. 1911.] Price $\frac{1}{4}$ d.

438wo

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A R M Y .

STATEMENT showing the financial effect of certain reductions in and additions to the Army proposed by the Secretary of State for War.

	Amount of reduction.	Amount of increase.
1. Abolition of the Royal Garrison Regiment of Infantry (five battalions and dépôt) ..	£ 530,000	£ ..
2. Abolition of 14 battalions of Infantry of the Line (at Home), at 881 all ranks, and their dépôts ..	810,000	..
3. Conversion of six Line battalions now abroad, at 1,012 all ranks, and of 20 battalions now at Home, at 881 all ranks, into General-service battalions at Home, at average strength of 809 all ranks.	98,000	..
4. Reduction of 26 Line battalions remaining in the Colonies and Egypt, from average of 988 all ranks to average of 868 ..	175,000	..
5. Conversion of 38 Line battalions, at 881 all ranks, into Home-service battalions, at 520 all ranks ..	860,000	..
6. Formation of 33 other Home-service battalions, at 520 all ranks ..	..	1,077,000
7. Dépôts—Infantry of the Line, to feed 175 battalions, namely, 123 as above and 52 in India:—		
Recruits (782,000 <i>l.</i>) and Dépôt Staff (866,000 <i>l.</i>) ..	1,148,000	
<i>Deduct</i> cost of dépôts under present system other than those included under items 1 and 2 ..	520,000	
	..	628,000
8. Withdrawal from Colonies to Home of about 4,500 Artillery and other arms, proportional to the 11 battalions to be brought away under items 1 and 3 ..	80,000	..
9. Foot Guards—		
Alteration of pay, messing allowance and kit allowance, calculated on present establishment ..	£ 2,000	
825 additional Officers and men ..	52,000	
Increased number of Army Reservists (600) and training charges ..	15,000	
	..	69,000
10. Cavalry of the Line—		
New organization, with addition of 566 all ranks ..	102,000	
Reduction in normal strength of Reserve ..	19,000	
	..	83,000
11. Royal Horse and Field Artillery—		
New organization, &c. ..	14,000	
Army Reserve—reduction in numbers, reduction of pay from 6 <i>d.</i> to 4 <i>d.</i> a-day for Home-service reservists; and increased charge for periodical training ..	10,000	
	..	4,000
12. Changes affecting Volunteer Force—net reduction ..	300,000	..
13. Reduction in expenditure on aquatic and submarine services ..	100,000	..
	2,953,000	1,861,000
NET REDUCTION IN EFFECTIVE CHARGES (for pensions <i>see</i> below)	1,092,000	
Or, if 33 Militia battalions be absorbed into the 33 Home-Service battalions referred to in item 6 ..	1,471,000	

It is important to bear in mind that the figures in this statement do not represent the saving as compared with the Estimates for 1904-05, which in many important features do not provide for the full normal cost of the present system, the charges not fully accruing in the current year. The Army Reserve is a case in point. The statement shows only the difference in charge between the present and proposed systems when in full operation. As regards Infantry, the estimate is based on the organization set forth in Parliamentary Paper, No. Cd. [1910].

The charge for the Army Reserve of Infantry of the Line under the proposed system, after providing for the periodical training of the Short-service men, and allowing for the reduction of their Reserve pay to 4*d.* a day, will be practically the same as the estimated charge for the Reserve produced by the present system.

The Militia now costs 1,818,000*l.* per annum. If 33 Militia battalions, costing 379,000*l.*, be converted into Home-service battalions, there will remain, as the annual cost of the Militia, 1,439,000*l.*

The aggregate pension charge is practically identical under the two systems, after providing 52,000*l.* for retaining fees of Reserve Officers under the proposed system.

WAR OFFICE,
2nd August, 1904

H. O. ARNOLD-FORSTER.

ORDER IN COUNCIL

DEFINING THE DUTIES OF THE

ARMY COUNCIL.

Presented to Parliament by Command of His Majesty.

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1904.

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Order in Council of the 10th day of August, 1904.

At the Court at Buckingham Palace the 10th day of August, 1904.

PRESENT :

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS an Army Council has been constituted under His Majesty's Letters Patent, and it is expedient to make such provision as is hereinafter contained with respect thereto :

Now, therefore, His Majesty, by and with the advice of His Privy Council, is pleased to order, and it is hereby ordered, as follows :—

1. The Secretary of State is to be responsible to His Majesty and Parliament for all the business of the Army Council.

All business, other than business which the Secretary of State specially reserves to himself, is to be transacted in the following principal divisions :—

- (a) The first military member of the Army Council (the Chief of the General Staff), the second military member of the Army Council (the Adjutant-General), the third military member of the Army Council (the Quarter-Master-General), and the fourth military member of the Army Council (the Master-General of Ordnance) to be responsible to the Secretary of State for the administration of so much of the business relating to the organisation, disposition, personnel, armament, and maintenance of the Army as shall be assigned to them or each of them from time to time by the Secretary of State.
- (b) The finance member of the Army Council to be responsible to the Secretary of State for the finance of the Army, and for so much of the other business of the Army Council as may be assigned to him from time to time by the Secretary of State.
- (c) The civil member of the Army Council to be responsible to the Secretary of State for the non-effective votes, and for so much of the other business of the Army Council as may be assigned to him from time to time by the Secretary of State.

2. The Secretary of the War Office will act as Secretary of the Army Council, and will be charged with the interior economy of the War Office, and the preparation of all official communications of the Council, and with such other duties as the Secretary of State may from time to time assign to him.

A. W. FITZROY.

ARMY.

S 2217

MEMORANDUM

BY THE

SECRETARY OF STATE FOR WAR

ON

ARMY REORGANIZATION.

DATED 30th JULY, 1906.

9

Presented to Parliament by Command of His Majesty.

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1906.

[Cd. 2993.] Price 1d.

321wo

Memorandum on Army Reorganization.

1. Since I made a statement on behalf of the Government on the 12th July there has been much discussion both in and out of Parliament upon the subject of Army reorganization. It will probably be convenient that I should briefly restate the broad principles which underlie the propositions of the Government without repeating particulars of reductions already given in some detail.

2. The substance of these propositions is that increased economy and increased efficiency are no more in practice mutually exclusive conceptions than they are in logical theory. In order to see whether a reorganization is possible which shall combine the two principles a careful survey has been made of the Army as a whole, both of the Regular and of the Auxiliary Forces. The result has been to show that, in the case of the latter in particular, they have grown up haphazard, upon no principle, and with no definite purpose or function in a whole assigned to their constituent parts.

3. As regards the Regular Army, the survey has shown that it contains a large number of services which are more or less of a civilian nature, and which soldiers agree could be efficiently performed in war by civilians, who give only a part of their time to military training in peace, and yet are willing to take a definite engagement to serve oversea, if necessary, on mobilization. The manning of the ammunition columns, certain transport, railway, supply, clerical, medical and veterinary services, and much work done by artificers, *e.g.*, shoeing-smiths, wheelwrights, &c., are instances to which this principle can be applied.

4. The question, therefore, which arose on the survey was whether it was not possible, while reducing the size of the standing Regular Army—forming as it does to-day an organization almost entirely disconnected from the civilian population—to effect at once substantial economy, and at the same time, with a part of the money saved, to increase the total number of the persons capable of rendering effective military service to the nation, by substituting, in many instances, what might be called an engagement on a militia basis for an engagement to devote exclusive time to service with the Regular Army. By giving effect to this principle it is possible not only that the number of Regulars available for fighting purposes should be augmented, and the organization of an expeditionary force be rendered more efficient, but that substantial money savings should also become practicable.

5. In some respects the political conditions of the time lend themselves peculiarly to reconstruction on the lines indicated. No doubt, if the only military problem was how to send reinforcements to the troops in India, the policy of having a very small force at home organized for expeditionary purposes, and a large unorganized mass of troops, out of which reinforcements could be evolved somewhat after the fashion pursued in the war in South Africa, would at least be deserving of consideration, even although open to grave objection from the want of cohesion of principle in the organization. But the change in the political circumstances of the day has made it possible, for the present, to divert exclusive attention from the North-West frontier of India, and to consider other possible contingencies.

6. What seems to be a rational principle—and it is the principle of the Government plan—is to ascertain by way of commencement what number of Regular troops it is necessary to retain at home in peace for the purpose of finding drafts for the forces of the Crown overseas, and then to organize out of them—well within a margin—as complete an expeditionary force as possible. A definite number of Regular troops being, for the reason above indicated, necessarily maintained at home, to organize them in the form of an expeditionary force is to obviate waste both of money and of men, for this single force will thus serve two purposes.

7. For reasons upon which I will not enter at present, this object will, in the opinion of the Government and of its military advisers, be most surely attained by adhering to the so-called Cardwell system. Drafts for the troops overseas may be found either through the medium of depôts or of training battalions; whichever mode is adopted, the same amount of drafts is necessary. The Cardwell system makes the training battalion serve two purposes—it provides drafts in peace, and the same battalion can on mobilization, by means of reservists, be transformed into a first-class fighting unit. Where worldwide duties have to be performed, battalions mobilized in this fashion appear to the great majority of the expert military advisers of the Government to be greatly preferable to the battalions of an independent short-service army, composed largely of inexperienced and partially-trained reservists, who must necessarily be quite inferior to seasoned men who have already gone through a substantial period of service abroad. It is on this very principle that the expeditionary force itself is moulded as a whole in these proposals, to fulfil the double function of draft finding in time of peace and of readiness for war on mobilization. On mobilization the necessity for finding drafts for foreign garrisons of course ceases automatically, as men are not then sent home to go to the Reserve.

8. Combining the two principles—first, that the size of the expeditionary force is the outcome of what it is necessary to keep at home in time of peace to supply drafts to the overseas forces; and, secondly, that for those who are not destined immediately to occupy the first combatant line, and for others whose services are mainly of a civilian character, training on a militia basis is sufficient—a definite conception of the organization of the Army can be framed.

9. The General Staff have taken the forces which we are compelled to maintain at home in peace in order to provide drafts for our forces abroad, and, applying the principles above laid down, have worked out the proper organization of this mass of troops for war. As a result we should, if the Government's proposals receive effect, be in a position to readily mobilize for service oversea a force consisting of four Cavalry brigades and six divisions (each of three brigades), with the necessary troops for lines of communication, or, roughly, 150,000 officers and men. Of these about 50,000 will be Regulars serving with the Colours; about 70,000 will be Reservists, and about 30,000 men employed and trained on a militia basis. The figures in the Appendix give, in an approximate fashion, the details of such a force.

An army so organized would be, in point of numbers available for taking the field overseas, nearly 50 per cent. stronger than any expeditionary force which we have hitherto attempted to organize. It is possible to organize such a force with a smaller peace establishment of Regular troops and with reduced expenditure, but only upon the footing that the existing Militia and any other troops we raise on a militia basis can be diverted (from functions now superseded) to the aid and support of the expeditionary force, and, with a view to this, can be got to take engagement for service oversea in time of war. This is how it is possible to make reductions in the Regular or Standing Army, and yet to increase the strength and efficiency of the National Army as a whole.

10. The new arrangements proposed by the Government are, of course, so far, only *in fieri*, but negotiations are now proceeding with representatives of the various elements in the Auxiliary Forces which are required to complete the organization. In the case of the Artillery there is at present such a deficit of both officers and men that, to mobilize 42 Field batteries with their ammunition columns, we should be obliged practically to destroy the remaining 51 batteries in the United Kingdom. If the existing system of 3 years' Colour service, with 9 years in the Reserve, were retained for the Artillery as has been suggested, a large reserve it is true would have been produced by the year 1914; but there are inherent in this system two dangers against which no provision has been made, the one is that the 3 years' men will not re-engage in sufficient numbers to provide the drafts required for India and the Colonies, the second is that a part, at all events, of a reserve consisting of men who remain for 9 years without any provision being made for their training, and who have

never had any actual experience with the latest type of gun, may not prove as efficient as could be desired for the purposes of war. Moreover, such a system makes no provision whatever for officers, of whom the Artillery is as short to-day as it is of men. It is proposed, therefore, to form the Militia Garrison Artillery officers and men, as field gunners, into a reserve section of the Royal Regiment of Artillery, which will then be sufficiently large to mobilize, in conformity with modern standards, not only all the Field Artillery cadres of the expeditionary force, including 63 Field batteries, but certain reserve batteries as well.

11. It is not the desire of His Majesty's Government to break up or destroy, more than is avoidable, the existing organization of the Auxiliary Forces. For instance, the new Militia Field Artillerymen will, although forming an integral part of the Royal Regiment, retain their territorial connection and be trained in their units and with their officers, senior and junior, as at present.

Similarly, the Militia Infantry battalions, although drawn closer to the Regular battalions of the Territorial Regiments of which they form part, will still be trained as units. What is hoped for is that it will be possible to send them abroad in their units, to render such services as may be required of them. The leading military authorities are agreed, however, that it would be wrong to give a pledge that they shall never be asked to go abroad otherwise than in battalions. National necessities may arise, paramount to every special interest, and it is, therefore, right that there should be reserved, at least for possible exercise, a power to make the same call upon these battalions as is often made on Regular battalions, that is to say, to send out companies with company officers to join another battalion of their Territorial Regiment. I need hardly, however, add the observation that the last thing the Government desires is to revert to the old system under which Militia battalions were ruined by being bled white of their best officers and men, before being called on, as units, to take the field. To obviate the necessity for this, and to make provision for the maintenance of the Regular battalions, a *depôt* battalion will, on mobilization, be formed for each Territorial Regiment, from which drafts to replace the waste of war may be furnished.

12. There is good reason to believe that the Imperial Yeomanry are prepared to adopt a new and more important part in the national military organization, and to accept, even though the result may be that their numbers may somewhat diminish, liability for service overseas in time of war. They will train, if this proposition is carried out, in their own units and with their own officers, with a view to assuming functions in the expeditionary force which, in the opinion of the General Staff, may well be entrusted to corps which will become a second line of Cavalry.

13. The question of providing officers and an efficient reserve of officers is of great importance and urgency. There is at present an alarming deficiency in the number of officers required on mobilization, and no serious attempt has hitherto been made to deal with this. It seems clear that no single avenue is sufficient along which to proceed in search of additional officers. For some time past the whole matter has been under close consideration, and it is hoped that it will be practicable shortly to make propositions which may lead not only to the establishment of a reserve of officers for the Army generally, but to the filling up of the numerous vacancies in the officers' ranks of many branches of the Service, notably of the Militia.

14. So far the organization of an expeditionary force for service overseas is all that has been under consideration. To mobilize such a force, and to make provision to meet the wastage of war during the earlier stages of a serious campaign, practically the whole of the Regular troops in the United Kingdom and a large portion of the Militia and Yeomanry as well would be required. The amount of support and expansion we could hope to get from these sources would, therefore, be strictly limited in quantity. But suppose we were engaged in a war of great severity and of prolonged existence, what

provision is made for further support, and for expansion, if necessary? The answer under present circumstances is that provision is deficient, so that it would be necessary, should events like those of the South African war recur, to improvise both support and expansion, a process always highly unsatisfactory.

15. What the Government now aims at doing is to bring the Army nearer to the people in the localities, and get over this difficulty, first, by giving full effect to the scheme of territorialization, initiated by Mr. Gladstone and Mr. Cardwell; and, secondly, by encouraging the people to adapt the Volunteer Forces, which they have raised somewhat haphazard, for the definite functions of support and expansion. Support should take the form of an organization which will enable the expeditionary force to leave these shores, certain that the naval fortresses and the points on the coast line which require garrisons would be adequately manned from Volunteer sources, and, further, that sufficient forces drawn from the Volunteers would be available to repel raids. But to enable them to fulfil such functions, the Volunteers must be more completely and more scientifically organized for war than they are at present, and the General Staff, keeping the objects of support and expansion in view, are now preparing a scheme for giving the Volunteer Force a real war organization. The effect of an organization of this nature, when fully developed, should go far towards meeting present requirements, because it is certain that, if the mind of the nation is concentrated on the defence of its own interests, it will, if it is made possible for it by adequate preparation to do so, pour out in case of necessity very substantial numbers to the expansion as well as the support of the expeditionary army. This appears to be a truer method of expansion, not only in these islands, but throughout the Empire as a whole, than either an enormous standing army, or an attempt at imposing legal obligation on men to go abroad. It must never be forgotten that the real purpose for which we might require men, mainly, defence of our frontiers across the seas, is wholly different from the home defence necessities of continental nations.

16. Experience has shown that centralized forms of administration are not suitable for the purposes of citizen forces raised on a voluntary basis. Conditions which suit one district and one corps have a most detrimental effect elsewhere. Moreover, centralization tends to stifle local effort. For a citizen organization local assistance is necessary, not to supersede those duties of command and training which, as in the Regular Army, must always remain in the hands of Brigade and Divisional Commanders, and ultimately of the General Officers Commanding-in-Chief, but for the purpose of obtaining not only the men but the facilities for rifle practice and manœuvring which can only be got readily if, in each county, those who control possible rifle ranges and manœuvring grounds are interested in an organization in which they take pride as being in a large measure their own. Accordingly, the Government is considering the practicability of handing over certain business relating to territorial forces to County Associations, so formed as to be really representative of local feeling, and of making them responsible for the civil administration of the Volunteer forces locally raised and maintained.

17. Besides managing the affairs of the local Volunteer forces, such Associations might serve a most useful purpose in fostering rifle clubs, cadet corps, and other semi-military bodies, which would be affiliated to the local forces. It is to be hoped, too, that they will be in a position to assist recruiting for the Regular Army, that they will help those who have served their country abroad to obtain employment when they leave the Colours, and that they will generally look after Army interests in their own districts.

Briefly, the Associations should do much to develop local interest in the military forces of the Crown as a whole, and, through them, adequate machinery should, in time, be produced for dealing systematically with the patriotic efforts of the nation to help the Army in time of war. The want of any such machinery was keenly felt in the earlier stages of the South African campaign.

18. To sum up, the Government's proposal is that effort shall, in future, be mainly concentrated on the production of an expeditionary force immediately available for use overseas in war, with a territorial organization behind, capable of supporting and expanding it. The expeditionary force and its immediate supports will be administered directly by the military authorities, the territorial part of the National Army by County Associations. The command and training of all forces will be in the hands of the General Officers Commanding-in-Chief. The schemes which will form the basis of their organization in peace, and of their allotment in war, will be prepared by the General Staff.

R. B. HALDANE.

30th July, 1906.

APPENDIX.

APPROXIMATE numbers required for a force consisting of four Cavalry Brigades and six Divisions (of three brigades each), and to make good war wastage for 6 months.

1. The numbers, by arms, required for a force of four Cavalry Brigades and six Divisions, are as follows:—

	Officers.	Other ranks.
General Officers, Staff and Special Appointments.	265	..
Cavalry	490	11,132
Artillery	693	28,752
Engineers	268	7,287
Infantry	2,236	77,183
Army Service Corps	344	19,093
Royal Army Medical Corps	1,061	8,408
Army Veterinary Corps	117	632
Army Ordnance Corps	72	1,587
Total	5,546	154,074

2. The following are the approximate numbers of the above who will be on a non-regular basis, i.e., who will not require a continuous military training throughout the year:—

	All ranks.
Cavalry	3,240*
Artillery	10,337
Engineers	2,425
Infantry .. .. .	..
Army Service Corps	10,775
Royal Army Medical Corps	3,098
Army Veterinary Corps	541
Army Ordnance Corps	441
Total	30,857

* Six Yeomanry regiments to act as divisional Cavalry. The employment of more Yeomanry with the expeditionary force is under consideration.

3. There will not be sufficient Regulars and their Reservists to make good the war wastage, so it will be necessary to have recourse to Officers and men on a non-regular basis to complete the numbers required. It is estimated that the total numbers required to make good the war wastage for 6 months will be approximately as follows:—

	All ranks.
General Officers, Staff and Special Appointments.	40
Cavalry	4,581
Artillery	10,610
Engineers	1,673
Infantry	34,740
Army Service Corps	3,060
Royal Army Medical Corps	1,315
Army Veterinary Corps	84
Army Ordnance Corps	182
Total	56,285

NOTE 1.—The numbers shown in 2 and 3 represent requirements only. The numbers to be maintained in peace to meet these requirements would be considerably greater.

NOTE 2.—The numbers shown in the second table as on a non-regular basis consist partly of men trained on a Yeomanry or Militia basis, partly of Reservists paid retaining fees but not trained, and partly of civilians to be specially engaged on mobilization.

ARMY.

MEMORANDUM BY THE ARMY COUNCIL ON THE EXISTING ARMY SYSTEM AND ON THE PRESENT STATE OF THE MILITARY FORCES IN THE UNITED KINGDOM.



Presented to both Houses of Parliament by Command of His Majesty.



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Memorandum by the Army Council on the existing Army System and on the present state of the Military Forces in the United Kingdom.

In view of doubts which have lately been expressed in regard to the effective strength of the Regular Forces and their readiness for war, and with the desire of removing misunderstanding as to the purpose and effect of recent changes in organization, the Army Council desire to place on record their views on the subject, and those of the Inspector-General of the Forces, as embodied in this memorandum and the annexures thereto.

The organization of the Regular Army, with its Reserves, as it exists to-day, is based on the principles which guided the Localization Committee of 1872. That Committee, which included Sir Patrick MacDougall, Colonel Garnet Wolseley, and Mr. Ralph Knox, approached the subject of army organization primarily from the war point of view, though they did not lose sight of the essential requirements of peace time. But their main thesis was the following: That the sole object of any military system in peace is to provide for a state of war, and the test of any peace organization must be its power—

- 1st.—To place in the field immediately on the outbreak of war, in the highest state of efficiency, as large a force as is possible within the limits of the approved peace military expenditure.
- 2nd.—To maintain that force throughout the continuance of hostilities, undiminished in numbers and efficiency.

The means by which the Committee proposed to fulfil these objects are especially worthy of attention, inasmuch as it is evident that they were fully aware of certain shortcomings which have since been represented as fatal defects in the system which they inaugurated. They realized, for instance, that the Reserve produced under any terms of service which were possible having regard to the maintenance of our foreign garrisons in peace, would only suffice, approximately, in the event of mobilization, to raise the home battalions to war establishment. The fact, however, that the first of their objects, namely, the mobilization of the home cadres, could, under their proposals, be effected without weakening or destroying other cadres represented in itself a great advance on anything which had obtained hitherto. The initial mobilization of the battalions sent to the Crimea was only effected by drawing largely on battalions which did not form part of the Expeditionary Force.

Moreover, the Localization Committee recognized that the second of their objects, namely, the maintenance in the field of an expeditionary force, could not, having due regard to peace military expenditure, be attained on a purely regular basis. They stated that this requirement would have to be met by utilising the Militia. "The completion of the expeditionary battalions to war strength," they reported, "forms the smallest part of the task imposed on the administrators of the army. These battalions must afterwards be maintained in the field in undiminished numbers and efficiency. For the supply of war casualties the men of the Militia Reserve would form a valuable element. . . . The objection has been urged that Militia regiments would be deteriorated by the transfer of their best men to the Regular Army in the field, but the question for consideration is not what is best for the efficiency of this or that service taken alone, but what is best for the military interests of the nation; and whether it is preferable to send raw recruits from the plough to fill up gaps in the ranks of an army in the field, or to pass those raw recruits through the Militia mill first, and to take, for the supply of war casualties, Militiamen who would have acquired some notions of drill and discipline." It is quite clear from their report that the Committee contemplated the Militia becoming in time of war, for all practical purposes, part and parcel of the Line. Thus they recommended that, during a war, all enlistments should be for general service in the Line and Militia battalions of any brigade district. In other words, the Militia as

draft producing machinery for the Line in time of war formed an essential feature of what is known as the Cardwell system.

In spite of much adverse criticism this system gradually assumed the shape that its originators intended. In 1891-2 it was subjected to searching enquiry by the Wantage Committee, both from the peace and from the war point of view. It was then distinctly stated in evidence that the system was not popular with Militia commanding officers, who were very jealous about any increase in the Militia Reserve; but in spite of this fact the Cardwell system as a whole was upheld and endorsed by the Committee, who also recommended in their Report that the Militia Reserve should be increased.

Prior to the outbreak of the South African War, no organic changes in the Cardwell system were introduced, and under the operation of that system no less than 228,171 officers and men of the Regular Army were sent from home to South Africa between 1st August, 1899, and 31st May, 1902.

But one effect of the war was to intensify the discontent of Militia commanding officers with the rôle that had been assigned to them under this system.

In June, 1900, certain proposals regarding the Militia were laid before the Secretary of State, and amongst these proposals was one to abolish the Militia Reserve, which, it was alleged, was an institution detested by the whole force, with the possible exception of the members of the Reserve itself.

In September, 1900, the Commander-in-Chief, Lord Wolseley, expressed his disapproval of any such step. Not until the Reserve could furnish double the number of Infantry Reserve soldiers that was forthcoming at the outbreak of the South African war would it be possible, in his opinion, to give any serious consideration to such a proposal.

In October, 1900, the Secretary of State decided to abolish the Militia Reserve, and enlistment was stopped for this force by Army Order in April, 1901. This departure from the system which had obtained since 1872 formed part of a far-reaching scheme of reorganization, the chief feature of which was an attempt to render the Regular Army self-supporting in war, by the formation of a large reserve of men who were to be enlisted for 3 years' service with the colours, and 9 years in the reserve. By this means the necessity for retaining the Militia Reserve would, it was hoped, disappear and the Militia would thus be left free to develop into a self-contained second line army, untrammelled by the obligation of finding drafts in war for the Regular Army. It must be observed, however, that the release of the Militia from the position this force had held under the Cardwell system could only be justified on the assumption that the new terms of enlistment for the Regular Army proved successful, and this fact was not lost sight of by the military authorities.

As is well known, the new recruiting rules, *i.e.*, 3 years' colour service for all arms, introduced under Army Order 73 of 1902, did not answer. These rules could not have met our peace foreign service requirements unless about 75 per cent. of the men had extended their 3 years' colour engagement. The actual percentage of extensions in the Infantry varied from 20.7 per cent. in 1903-04 to 36.53 per cent in 1905-06. In other words, in spite of every effort that was made, the drafts required for the maintenance of our Indian and Colonial garrisons were not forthcoming.

To safeguard the drafts for garrisons abroad, it became necessary to introduce provisionally a longer period of Colour Service, and under a Special Army Order dated 20th October, 1904, service in the Infantry of the Line became 9 years with the Colours and 3 in the Reserve. Under these terms of service, unless it had been found possible to convert the Militia and part of the Regular Army into a short-service Home Army for reserve-producing purposes, our position as regards mobilization would rapidly have become worse than ever it had been since 1872. The reserve that could be produced under a system of 9 years' colour service and 3 years' reserve service would barely suffice even to mobilize the home battalions, still less to maintain them in the field. The Militia Reserve had ceased to exist, and Militia commanding officers objected as strongly as ever to this Reserve being re-instituted. Obviously the Regular army could not be left permanently in such a position.

But after a trial with seven line battalions towards the end of 1905, the administrative difficulties which presented themselves in placing the Militia and the requisite proportion of the Regular Army on a short-service and reserve-producing basis so impressed the Army Council that in 1906 they decided to revert to the system originally introduced, or rather intended, by the Localization Committee of 1872. The old terms of service of 7 years with the colours and 5 with the reserve have been restored for the Infantry, and under the provisions of the Territorial and Reserve Forces Act

of 1907 the whole of the Militia, in the shape of a Special Reserve, has been brought into closer relations with the Regular Army. By means of the restoration of the old terms of service, the mobilization of the infantry units at home is once more safeguarded, and owing to the affiliation of the Special Reserve to the Regular Army, the maintenance of the units in war for a period of six months at least is also assured. Further, 74 Reserve battalions, whose main function it would be to train drafts for the battalions in the field, will by the new arrangement automatically come into being on mobilization, and the unsatisfactory expedient of raising provisional battalions for this purpose, as happened during the South African War, will, in future, be avoided.

These Reserve battalions will also be utilized in the scheme for home defence; and, in addition to them, there are 27 extra-reserve battalions which will be available either for home defence, or to reinforce over-sea garrisons or the Army in the field.

In brief, the measures taken by the Army Council since 1905 have been directed to the maintenance of the fundamental principles of 1872 and to the organization, on those principles, of the strongest expeditionary force which can be mobilized and maintained in the field within our existing resources in men and money, consistently with the obligation to maintain the over-sea garrisons. To this end, the peace establishments of the several Arms and units of the Regular Army and the Special Reserve, and the terms of service in each, have all been methodically adjusted to the production in peace of the drafts required for foreign service and in war of the men required to mobilize and maintain the Field Force in the due proportion of the several arms. Establishments which, judged by this standard, were redundant have been reduced while new organizations have been developed to strengthen the establishments which were deficient.

As far as the Military Forces in the United Kingdom are concerned, the progress made between 1905 and the 1st January, 1909, is shown broadly in Appendices A, B, C, and D. It is also shown, in Appendix B, what the state of the Regular Army in the United Kingdom is likely to be for purposes of mobilization, some few years hence when the normal has been reached, assuming that meanwhile the measures recently adopted for increasing both the Regular and Special Reserves of certain arms and services prove successful.

Since the 1st January, 1909, the Regular Reserve has increased by some 1,330 men, and the Special Reserve by about 3,900 men, and the number available for service abroad is, therefore, somewhat larger at present than is shown in Appendix B.

From Appendices A, C and D it will be seen that the numbers in the United Kingdom liable by their terms of service for service abroad have increased since 1905 by some 110,000 officers and men, and that the numbers not so liable have approximately decreased to a similar extent.

Appendix E contains reports indicating the present state of the Army in the United Kingdom, so far as its training and efficiency and its readiness and fitness for war are concerned.

R. B. HALDANE.

W. G. NICHOLSON,
C.G.S.

LUCAS.

C. W. H. DOUGLAS,
A.G.

F. D. ACLAND.

H. S. G. MILES,
Q.M.G.

C. F. HADDEN,
M.G.O.

E. W. D. WARD, *Secretary.*

WAR OFFICE,
31st May, 1909.

APPENDIX A.

COMPARISON of the officers serving in the United Kingdom, who are liable, by their terms of service, for service abroad in December, 1905, and in January, 1909.

	On 1st December, 1905.			On 1st January, 1909.			
	Officers serving at home.	Reserve of Officers.	Total available on 1st December, 1905.	Officers serving at home.	Reserve of Officers.	Special Reserve.	Total available on 1st January, 1909.
Commanders and Staffs (General, Personal and Administration).	306	100*	406	306	100*	..	406
Miscellaneous extra-regimental appointments.	358	100*	458	358	100*	..	458
Cavalry	437	180	617	437	207	87	681
Royal Horse and Field Artillery	758	62	820	665	75	275	1,015
Royal Garrison Artillery	368	85	453	400	105	29	534
Royal Engineers	482	27	509	474	33	71	581
Infantry	2,316	783	3,099	2,660	1,020	1,530	5,210
Army Service Corps	334	12	346	340	15	..	355
Army Ordnance Corps	146	4	150	159	10	..	169
Royal Army Medical Corps	510	95	605	488	144	81	663
Army Veterinary Corps .. .. .	..	..	..	79	6	..	85
Total	6,015	1,448†	7,463	6,366	1,815†	1,976	10,157

* Estimated number of Colonels and upwards for whom employment might be found.

† With the exception of * above, the figures in this column include all officers up to the rank of Major inclusive, after deducting 40 per cent. for those who for various reasons might not be available.

NOTE.—The total number of officers required on mobilization for the Expeditionary Force, according to War Establishments 1908-09, is 5,702, and 1,619 officers are required to replace wastage during the first six months of war, total 7,321.

In addition to this a considerable number of officers will be required for coast defences, training units and depôts, and for staffs and administrative services in the United Kingdom.

The deficiency in officers, especially in the junior ranks, still remains considerable.

APPENDIX B.

COMPARISON of non-commissioned officers and men serving in the United Kingdom who are liable by their terms of enlistment, and available by age and service after the usual deductions have been made, for service abroad in December, 1905, in January, 1909, and when the normal is reached.

Arm or branch of Service.	December, 1905.				January, 1909.				Normal.			
	Serving.	Regular Reserve.	Militia Reserve.	Total.	Regulars serving.	Regular Reserve.	Special Reserve.	Total.	Serving.	Regular Reserve.	Special Reserve.	Total.
Household Cavalry	1,129	99	..	1,168	995	128	..	1,118	1,022	267	..	1,289
Cavalry of the Line	7,774	5,750	..	13,524	7,698	6,704	..	14,402	7,111	5,380	..	12,491
Irish Horse .. .. .	..	..	..	..	..	..	417	417	..	..	730	730
Royal Horse Artillery	2,621	1,195	..	3,816	2,122	1,882	..	3,954	1,862	1,789	..	3,651
Royal Field Artillery	12,481	7,015	..	19,496	11,305	11,727	7,353	30,385	10,775	20,358	4,768	35,896
Royal Garrison Artillery	7,952	4,368	..	12,320	6,538	7,484	817	14,834	6,688	4,373	936	11,997
Royal Engineers	5,697	3,240	..	8,937	5,095	4,274	1,188	10,557	4,900	5,430	847	11,177
Foot Guards	6,437	6,257	..	12,694	5,080	7,650	..	12,730	4,832	7,062	..	11,894
Infantry of the Line	44,364	54,526	229	99,719	46,053	71,007	40,713	157,773	46,629	56,980	41,874	144,983
Army Service Corps	4,844	3,321	..	8,165	4,863	4,799	..	9,662	4,469	9,407	4,000	17,876
Royal Army Medical Corps	2,620	1,354	..	3,974	1,843	898	..	1,741	2,549	3,967	3,600	10,116
Army Ordnance Corps	1,161	207	..	1,368	2,713	4,167	289	7,169	1,241	791	..	2,032
Army Post Office Corps .. .. .	..	215	..	215	..	115	..	115	108	27	..	135
Military Mounted Police	98	..	..	98	100	160	..	260	100	160	..	260
Military Foot Police	284	..	..	284	248	15	..	263	248	15	..	263
Army Veterinary Corps	95	..	..	95	108	27	..	135	..	..	295	295
Total	98,107	87,487	229	185,823	94,256	120,482	50,777	265,515	92,534	116,006	56,545	265,085

NOTE.—For the Expeditionary Force 158,577 warrant officers, non-commissioned officers and men are required on mobilization according to War Establishments, 1908-09, and the estimated numbers wanted to replace wastage during the first 6 months of a war is 41,427. In addition, a considerable number of non-commissioned officers and men are required for coast defences, to form the permanent cadres of reserve units and depôts, and for other purposes in the United Kingdom.

Until the normal has been reached a deficit is likely to exist, on mobilization, in certain arms and services, e.g., Royal Field Artillery, Army Service Corps, and Royal Army Medical Corps. Measures of a provisional nature have been taken to meet such deficit.

APPENDIX C.

COMPARISON of gross numbers of warrant officers, non-commissioned officers and men serving at home liable, by the terms of their service, for service abroad on 1st January, 1906, and 1st April, 1909.

Arm or branch of the Service.	1st January, 1906.				1st April, 1909.				Increase since 1st January, 1906.
	Serving in the United Kingdom.	Regular Reserve.	Militia Reserve.	Total liable in 1906.	Serving in the United Kingdom.	Regular Reserve.	Special Reserve.	Total liable in 1909.	
Cavalry	11,486	7,591	..	19,077	11,039	9,616	596	21,251	2,174
Royal Horse and Royal Field Artillery	16,262	8,185	..	24,447	16,731	15,194	9,341	41,266	16,819
Royal Garrison Artillery	10,108	4,965	..	15,073	8,555	8,306	928	17,789	2,716
Royal Engineers	6,462	3,615	..	10,077	5,900	4,862	1,329	12,091	2,014
Infantry	68,956	68,573	271	137,800	72,667	88,948	56,001	217,616	79,816
Army Service Corps	5,571	3,812	..	9,383	5,348	5,211	50	10,609	1,226
Army Ordnance Corps	1,411	229	..	1,640	1,569	488	..	2,057	417
Royal Army Medical Corps	2,934	1,524	..	4,458	2,955	2,478	774	6,207	1,749
Army Veterinary Corps	105	..	..	105	111	35	..	146	41
Military Mounted Police	108	3	..	111	110	36	..	146	35
Military Foot Police	261	8	..	269	270	17	..	287	18
Army Post Office Corps	198	..	198	..	127	..	127	..
Total	123,664	98,708	271	222,638	125,255	135,318	69,019	329,592	107,025

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APPENDIX D.

COMPARISON of the personnel liable for service in the United Kingdom only in October, 1905, and in April, 1909.

	Militia.		Reserve Division of Militia.		Yeomanry and Volunteers.		Total liable for Service in United Kingdom in 1905.		Territorial Force in April, 1909.	
	Establishment.	Strength, 1. 10. 05.	Establishment.	Strength, 1. 10. 05.	Establishment.	Strength, 1. 10. 05.	Establishment.	Strength.	Establishment.	Strength.
Honourable Artillery Company	officers ..	..	..	..	45	37	45	37	..	..
	other ranks ..	..	..	..	854	487	854	487	..	..
Yeomanry	officers ..	..	..	..	1,538	1,224	1,538	1,224	1,345	1,111
	other ranks ..	..	..	..	25,752	23,587	25,752	23,587	24,864	24,495
Artillery, Horse and Field ..	officers ..	36	11	..	..	..	36	11	1,211	899*
	other ranks ..	891	251	..	45	..	891	296	33,009	28,488*
Artillery, Garrison	officers ..	523	381	..	..	2,159	1,633	2,682	2,014	466
	other ranks ..	17,376	12,933†	..	525	47,599	38,675	64,975	52,133	11,808
Engineers	officers ..	114	95	..	..	899	682	1,013	777	590
	other ranks ..	2,381	2,148†	..	51	20,042	17,297	22,373	19,496	14,848
Infantry	officers ..	2,746	1,889	..	..	7,926	6,226	10,672	8,115	5,669
	other ranks ..	101,908	69,484‡	..	7,019	253,422	180,189	355,330	256,692	194,966
Army Service Corps	officers ..	..	..	..	..	..	..	..	..	243
	other ranks ..	..	..	..	..	..	..	..	8,619	7,199
Royal Army Medical Corps ..	officers ..	34	19	..	..	212	124	246	143	1,468
	other ranks ..	1,566	769‡	..	17	3,758	3,296	5,324	4,082	13,919
Volunteer Brigade Bearer Companies	officers ..	..	..	..	..	188	64	138	64	..
	other ranks ..	..	..	..	..	2,806	1,787	2,806	1,787	..
Motor Volunteer Corps	officers ..	..	..	..	..	50	43	50	43	..
	other ranks ..	..	..	..	..	150	103	150	103	..
Army Veterinary Service ..	officers ..	..	..	..	..	..	..	..	..	196
	other ranks ..	..	..	..	..	..	..	..	..	14
Army Ordnance Department ..	officers ..	..	..	..	..	..	..	..	..	..
	other ranks ..	..	..	..	..	..	..	..	..	..
Army Postal Service	officers ..	..	..	..	..	..	..	..	..	..
	other ranks ..	..	..	..	..	..	..	..	..	..
Total	officers ..	3,453	2,395	..	..	12,967	10,083†	16,420	12,428	11,267
	other ranks ..	124,072	85,585‡	7,500	7,657	354,383	265,421	495,955	358,663	302,047
		127,525	87,980‡	7,500	7,657	367,350	275,454	502,375	371,091	313,314
										263,507

* The Horse Artillery and Infantry of the Honourable Artillery Company are included under these heads.

† This number includes chaplains who are not included in the strength of Territorial Force on 1st January, 1909.

‡ Exclusive of the following number of old Militia Reserve:—Garrison Artillery, 70; Engineers, 6; Infantry, 145; Medical Corps, 8. Total 229.

§ Excludes 645 R.A.M.C. officers of General Hospitals and Sanitary Companies available on mobilization, and 513 officers of Officers Training Corps, and officers on the Unattached List.

APPENDIX E.

CONTENTS.

	PAGE
COVERING MINUTE FROM CHIEF OF THE GENERAL STAFF TO THE SECRETARY OF STATE FOR WAR..	9
REPORT OF THE INSPECTOR-GENERAL OF THE FORCES, DATED 12TH NOVEMBER, 1908	10
MEMORANDUM ON INSPECTIONS OF THE TERRITORIAL FORCE, DATED 24TH MAY, 1909	21

Secretary of State,

The Inspector-General of the Forces being charged by the Order in Council, dated the 10th August, 1904, with the duty of inspecting and reporting to the Army Council upon the training and efficiency of all the troops under the control of the Home Government, and, generally, on the readiness and fitness of the Army for war, the present state of the Army in the United Kingdom can best be shown by the annexed Report of the Inspector-General of the Forces on these subjects for 1908, and by the annexed Memorandum on his inspections of the Territorial Force carried out during the spring of this year.

Reports of this nature have not hitherto been published, and in my opinion it is not in the interest of the public service that they should usually be published. In view, however, of the doubt which has been expressed as to the effect of recent changes in Army organization, I think it desirable to depart from ordinary procedure in the present instance. The same remark applies to the tables given in Appendices A to D.

It will be observed that, as regards knowledge and training, the Inspector-General considers the Regular Forces at home, allotted to the Field Army, to be in a high state of efficiency, and well prepared to take the field at short notice. He also reports favourably on the Regular units, not allotted to the Field Army. The Special Reserve only came into being last year on the completion of the annual training of each Militia unit. This force, therefore, is still in a transitional state; but it is satisfactory to find that, in the Inspector-General's opinion, the Special Reservists of the Artillery units which he inspected were of a good type and progressing well with their training, and that those of the Infantry units, while varying a good deal in their physique, showed a capacity for receiving instruction equal to that of recruits of the Line. Although, for the reasons given, only one Division of the Territorial Force was inspected last year by Sir John French, his report thereon is satisfactory and encouraging; and his favourable opinion has been confirmed by his recent inspections.

The Inspector-General of the Forces refers to the training of the Army as being somewhat deficient in uniformity of system as regards both adherence to authorized principles and the methods by which those principles are put into practice. This matter having been brought to the notice of General Officers Commanding-in-Chief, it is hoped that greater uniformity may be attained in the near future.

He also draws particular attention to the necessity for closer study of the details of the Administrative Services in the field. Such study will be greatly facilitated by the recent issue of the "Field Service Regulations." Moreover, by means of Staff Tours in which the Administrative Services are fully represented, and the interchange of officers between General Staff and Administrative Staff appointments, steps have been taken to impress upon Staff officers generally, the evils of isolated or dislocated plan and action, and the vital importance of all branches of the Staff working in complete unison towards the same end.

The advance made in the musketry training of the Army is brought to favourable notice by the Inspector-General, as well as the satisfactory standard of efficiency reached in the fire practice of the Royal Artillery.

With reference to the Inspector-General's remarks on the company training of Infantry in paragraph 44 (a) of this Report, authority has been given to General Officers Commanding-in-Chief to train by double companies, should they consider that the numerical weakness of the companies in their several commands renders such a course desirable.

W. G. NICHOLSON,
C.G.S.

31st May, 1909.

REPORT OF THE INSPECTOR-GENERAL OF THE FORCES.

I.—GENERAL REPORT.

Secretary, Army Council,

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1. On my assumption of the office of the Inspector-General of the Forces in December, 1907, revised instructions, dated War Office, 18th December, 1907, were issued by the Army Council as to the conduct of the business in the department. These are now embodied in King's Regulations, paragraphs 16 and 17.

2. This being the first year of the existence of the Territorial Force, I considered it wiser to defer making specific arrangements for its inspection, until the experience gained during this year had shown what would be the best methods by which to conduct such inspections. I may add that, although only one official inspection of a territorial division has been made during the year under report (*see* page 14), a close watch has been kept on all work done throughout the Kingdom by the Territorial Force, and points for future consideration have been carefully noted.

3. I have thought also that a little more experience as to the supervision required over the training of troops oversea is necessary, but I hope to issue detailed instructions shortly.

4. I did not assume the duties of Inspector-General until the winter training in Commands had so far advanced as to preclude the possibility of sufficient observation to enable me to judge as to the efficacy of the instruction imparted. I hope to enter fully into this subject in my next report. I may, however, remark that tests of proficiency in the subjects laid down in Chapter VII., "Combined Training,"* form an important part of my inspection of a division. Judging from this year's experience, I have formed the opinion that, whilst much good work is done in the winter, and great pains are taken to attain to a high standard of efficiency, the instruction requires to be based on a more uniform system throughout the Army, and conducted with greater regard to the accepted principles of strategy.

5. I desire here to draw particular attention to the necessity for much closer study of the details of the administrative services of an army in the field by officers of all ranks.

6. As close an observation as possible was kept by this department upon the work done in the Commands throughout the various periods of regimental, brigade, and divisional training, and the results attained were tested, in the case of the Cavalry, Artillery, and Engineers, by exhaustive inspection of units by the Inspectors of those arms, and of the Cavalry division and three Infantry divisions by myself.

7. The condition of each arm has been dealt with separately in another part of this report (pages 6 to 13).

8. The musketry training of the Army is in a very satisfactory condition. I made a close inspection of the School of Musketry, at Hythe, and was much impressed by the excellent system which now obtains at that establishment. The system of instruction was eminently practical, and thoroughly suited to the requirements of modern war. I inspected the School during the progress of one of the "Senior Officers' Courses." These Courses find great favour with the Army generally, and are, I feel sure, of the utmost value (*see* page 13).

9. As regards the fire practice of Artillery, the standard reached appears to be quite satisfactory. My comments on the condition and training of Artillery will be found in the second part of this report (pages 7 to 9).

10. The chief criticism I have to make upon the training of the Army throughout the current year, so far as I have been able to observe it, is that there is not yet sufficient uniformity of system, either in adherence to authorized principles, or in the methods by

* "Combined Training" has now been cancelled, and "Field Service Regulations, Parts I. and II.," and "Training and Manœuvres Regulations" have been issued.

which these principles are put into practice. I have always been a warm advocate for leaving commanders of all grades a free hand to exercise their own initiative in the training of the troops, and I should be the last to desire any change in this respect, but certain fundamental principles and methods are, or ought to be, laid down, and must be adhered to. It cannot conduce to efficiency in war for an Artillery unit, for instance, to be accustomed in one of the Commands to employ nothing but indirect fire from concealed positions, at all kinds of ranges, and on joining another Command to find exactly contrary principles prevailing. A similar state of affairs has been sometimes observed with regard to the conduct of Infantry in the fight. Principles are clearly laid down in authorised books on all these subjects, and it should not be competent for any authority to diverge from such principles.

11. The task of observing the work done in the Commands, with a view of establishing that uniformity which is so desirable, would be greatly facilitated if the periods of training laid down in the "King's Regulations" could be more closely adhered to throughout the Service. There are many local and other reasons which militate against exact uniformity being obtained, but, by the direction of the Chief of the General Staff, the Director of Military Training has represented to General Officers Commanding-in-Chief the desirability of as near an approach to uniformity as possible, and this will, I hope, ensure better results.

12. In the War Office memorandum previously referred to in this report, sanction was given for the Director of Military Training or other officers of the Headquarter General Staff to accompany me during my inspections, acting for the time being as officers of my staff. In accordance with this sanction, the Director of Military Training and other officers were present during my inspections, and rendered me most valuable help. I am of opinion that this practice is attended with the very best results, and makes in every way for efficiency.

13. Speaking generally, the conclusion I have drawn, both from my observation and inspection of forces at home during the current year, is that our Field Army, as regards knowledge and training, is in a high state of efficiency, and well prepared to take the field at the shortest notice.

II.—TRAINING BY ARMS.

(a.) CAVALRY.

14. From the 21st to the 28th of August last, I inspected a Cavalry Division consisting of four brigades, namely, the Household, 1st, 2nd and 4th, together with two Royal Horse Artillery brigades, on Salisbury Plain.

I consider that the brigades are efficient and well led, and that they are fit, as brigades, for active service in the field.

When working together as a division, however, the lack of control over the brigades, and the want of combination between them, convince me that the Cavalry Division has not yet reached that state of efficiency which is necessary to enable it to perform properly the duties which are required of it in war.

A Cavalry division, well commanded, and trained to act as a united body, with proper combination between its component parts, is a powerful weapon in the hands of a Commander-in-Chief in the field. The materials for forging such a weapon are at hand in our Cavalry brigades. With closer study on the part of our higher Cavalry leaders of the principles on which operations of large bodies of Cavalry should be conducted, and more practice in the combined action of a Cavalry Division at manœuvres, I am confident that our Cavalry Force can be brought to a standard of efficiency, which will fulfil the most exacting requirements.

The condition of the regiments, so far as command and training are concerned, is generally very satisfactory. There appears to be more uniformity than there used to be in the system of training, and there is certainly more uniformity in the standard arrived at in efficiency in manœuvre. I attribute this advance in efficiency in a large measure to the close supervision of the Brigadiers, and I trust that it may be found possible in the future to brigade those regiments which are still unallotted.

The two Royal Horse Artillery Brigades appeared to me to be in an efficient condition. All the batteries were well turned out, and moved well.

15. The value of the winter work varied very much in different Commands, and the same want of uniformity, to which I have referred in dealing with the other arms, was very noticeable in the Cavalry. That great and increased pains were taken during the winter in the training of the horses was clearly manifested in the Cavalry

Manœuvres, and I trust in future we may hope to see the same zeal and diligence more universally displayed in the other important branches of winter training.

I do not mean to infer, for one moment, that the Cavalry is by any means behind the other arms in this respect. What is required is a more uniform standard of proficiency.

(b.) ROYAL HORSE AND ROYAL FIELD ARTILLERY.

Drill.

Drill. 16. The drill of the detachments has been good and smart throughout. The Q.F. guns are now understood and appreciated by all ranks.

Driving. 17. The driving was, on the whole, good; but in some batteries enough attention had evidently not been paid to instruction in driving. Several cases have been noticed of bad driving when moving over difficult ground which led to accidents. In many cases the men are young and without much experience, but the excellence attained by some batteries shows what can be done by careful instruction even in a short time.

Fire Discipline.

Field Artillery Training, Section 41. 18. The procedure laid down in the sixth paragraph of Section 41, Field Artillery Training, is not followed as often it should be, it reads:—

“When the battery is to occupy a position in the open, the Battery Commander should, when possible, give all the information required before bringing the guns into action so that fire may be opened with the least possible delay.”

Failure to carry out this instruction leads to a battery remaining in an exposed position without opening fire, whilst orders as regards targets, distribution, sight to be used, &c., are being issued. It is often better to halt the battery whilst orders are being issued, and then advance rapidly into action; time will nearly always be saved by so doing.

Correcting for line. 19. Section Commanders are still too slow in correcting for line, and the distribution (especially when firing at Infantry trenches) was often faulty.

Difficulties of Battery Commanders. 20. Battery Commanders were sometimes inclined to make the difficulties for themselves by not occupying the easiest and, at the same time, the most suitable positions, and by not adopting the simplest methods for laying out lines of fire.

Ranging with one gun. 21. Ranging with one gun might be used oftener with advantage.

Heavy batteries and corrections. 22. The Commanders of Heavy batteries are, as a rule, still rather slow in giving corrections for elevation and deflection. There is no excuse for this, as the bursts of 60-pr. shell are very easy to observe.

Rapid switches from behind cover. 23. It has not been generally realized that when, in a position behind cover, a rapid switch is necessary, the dial sights must be used; the fleeting nature of the opportunity does not admit of the delay involved in shifting aiming posts. This means that Field Artillery Training, Section 23 (ii.) (b), has not been sufficiently studied.

Laying out lines of fire. 24. This is an important matter which requires a great deal of practice, and the accuracy of the lines of fire laid out should always be verified. A covered position, though necessary for practice in concealment, is not essential for purposes of instruction in laying out lines of fire; on the contrary, the selection of an objective within view facilitates verification.

Fire discipline. 25. I consider that the fire discipline of batteries of Horse, Field and Heavy Artillery has this year been, on the whole, very good, and shows a general improvement; but the importance of progressive training is by no means so generally recognized as is that of squadron or company training in the other arms. The early date (1st April) on which some units commence their annual practice necessitates, in their case, special arrangements to ensure efficient preparatory training.

Choice of positions. 26. The necessity of the exercise of individual judgment in the selection of a “direct” or “concealed” position, according to the tactical situation, is now generally recognized. Each has its merits and disadvantages, and there can be no hard-and-fast rule laid down as to their use, but I have still noticed on occasions that the importance of “cover” is considered paramount to that of “effect.” It is most desirable, in my opinion, that this idea should disappear, and that it should be realized by all Brigade and Battery Commanders that, although “cover” should be obtained whenever possible,

"effect" is the first consideration; and that batteries must be prepared to take risks, and even sacrifice themselves, if the general situation demands it.

27. The main points to be attended to when entrenching guns are, I think, now Entrench- generally understood, and batteries entrenching during the past training season have ing- followed sound principles.

28. These have been well conducted in every case. The Practice Reports have not Practice all been received, but those already rendered show that batteries at home and in the camps. colonies have been classified as follows:—

	1st Class.	2nd Class.	3rd Class.
Horse Artillery	7	10	Nil.
Field Artillery	25	45	8
Heavy Artillery	1	4	1

29. The classification of the Divisional Artillery represents a considerably higher Divisional standard than any previously reached, and, after allowing for the progress due to Artillery. increased proficiency in the service of the gun, may be attributed to the circumstances that under the divisional organization, Divisional Artillery Commanders conduct the practice and classify the units of their own Command. Hence the number of 1st and 2nd Class batteries in a division will not always represent the real state of the batteries in that division as compared with those of the other five divisions. It is, I understand, under consideration whether some modification of the present system of estimating the efficiency of units of the Divisional Artillery is not desirable.

Horses.

30. The excellent condition of the horses of almost all the brigades of Horse and Condition. Field Artillery in the United Kingdom shows that horsemastership has reached a high standard. There are still, however, a few brigades that stand in need of improvement in this respect.

31. The stamp of horse in both Horse and Field Artillery is very good. Stamp.

Riding.

32. The riding of officers, non-commissioned officers and men of both the Horse Riding of and Field Artillery is, on the whole, very good. The instruction given to rough-riders officers, at the Riding Establishment is very thorough, and produces good results when these N.C.O.'s and men. men return to their batteries. More riding and jumping without reins is required in some batteries. The difference in the display of horsemanship over jumps between the horsemen of batteries in which the men have been taught to jump without reins, and of those in which it has not been practised, is very remarkable.

33. Both Morse and semaphore signalling have reached a high standard in the Signalling Horse, Field, and Heavy Artillery, and are extensively used.

34. This is not satisfactory, and I trust that when a "one-man" range-finder is Range introduced there will be improvement. taking.

35. The use made of these men, their powers and grasp of the tactical situation, "Look-out men. varied very much. On the whole, their value, if properly trained and employed, is beginning to be realized.

(c.) ROYAL GARRISON ARTILLERY.

36. The stamp of officers, Royal Garrison Artillery, has in no way deteriorated. Officers. They are well educated, keen, and working conscientiously in the best interests of their profession. They are fit to take up any military duty they may be called on to do, and do it well. The training at the Royal Military Academy is sound and practical and leaves but little to be desired.

The young officers in particular have a very useful practical knowledge of the mechanisms and technical conditions of the armament they work with, and each year there is an advance in this particular. The orders of the Army Council to the effect that they shall be able to attend to all ordinary mechanical adjustments and minor repairs in the various mechanisms and gears connected with the guns and mountings,

without being too dependent on the Inspector of Ordnance Machinery and artificers, seems to be carefully observed and to bear good fruit.

37. The men are of good physique and class. Their education seems up to standard, they are ready to learn, and are intelligent.

There is a satisfactory uniformity in the system of drill and training at the various stations, with a few exceptions.

38. There is a tendency in some companies to alter drill, and it is not uncommon to find variations of the generally established drill book system. This is, to some extent, justified by the rules laid down in "Practice Seawards," which seem to allow Coast Defence Commanders some latitude provided the School of Gunnery is informed.

I am all in favour of local commanders bringing forward, after practical experience, what they find to be improvements, and taking the decision of higher authority as to whether they are to be permitted or not. But such departures from regulation must be exceptional, and entirely experimental, as otherwise uniformity becomes difficult to guarantee; and in cases of class firing, the only really fair way of arriving at a comparison of different units is to try and make conditions identical as far as is possible.

39. Some stations which do not have night practice, might, with a little more management and by careful experiments, gradually introduce it. Local prejudices and apparent difficulties with regard to traffic, &c., often yield to tactful and judicious firmness.

40. At certain small coast stations where there is not a Regular unit of Royal Garrison Artillery allotted, but where there is an armament which requires a detachment of Royal Garrison Artillery, either from a company or District Establishment, to keep it in an efficient state, it behoves Commanding Officers to pay special attention to the training of these men. Unless the men are regularly relieved to attend a course of instruction with a service unit, there is a danger of their becoming only caretakers and nothing more, as often there are not enough of them to form into an efficient gun detachment for drill and practice.

In cases where the Commanding Officer finds that want of numbers makes proper training difficult, he should see that the men take their places in the detachments of the Territorial Royal Garrison Artillery when at drill. Their knowledge of armament and stores and (in many cases) "specialist" qualifications would thereby be usefully employed, and benefit and increase the efficiency of the Territorial unit with which they were amalgamated.

41. The winter system of training is complete, suitable, and useful.

(d.) ROYAL ENGINEERS.

42. The turn-out and stable management of the Field Troops have attained a higher standard than last year, when it was very low indeed, and left much room for improvement. There has been a considerable advance in the right direction, but there still remains much to be accomplished.

Three Field Troops carried out their pontooning at Christchurch. This site is in some respects suitable, especially for the swimming of horses, but the bridging of the stream at this point appears to present few difficulties. However, it has considerable advantages, and for two years out of every three the training of the Field Troops in bridging might well be carried out here.

43. The standard of the turn-out and stable management of the Field companies is lower than last year. In some few companies I believe officers do not attend morning stables, and this is quite sufficient to account for the want of condition in the horses which I have observed in many cases.

I was sorry to find that in many cases the Field companies were not worked by half companies, each in charge of a subaltern, and that there was a tendency to give the charge of the mounted portion to one subaltern and the dismounted to another. This arrangement would not work in war, and should be discouraged.

(e.) INFANTRY.

44. Although the company and battalion training witnessed this year was considered, on the whole, satisfactory, and attained to a very fair standard of efficiency, certain causes (some no doubt unavoidable) would appear to have prevented such training from being as progressive and continuous as is obviously intended by the Regulations and Training Manuals.

The following were considered some of the factors acting adversely to a really progressive or entirely satisfactory training :—

In company training—

- (a.) Numerical weakness of many of the companies, especially in the early part of the training season.
- (b.) The deficiency of subaltern officers in many units during company training, often owing to their absence on other duties, such as Mounted Infantry, signalling, musketry, &c.
- (c.) In some cases the apparent omission to carry out thoroughly certain items of the winter training, as outlined in Section 177, paragraph 5, Infantry Training (instruction of scouts, visual training, semaphore signalling, training of signallers, &c.). The undue amount of time given to these points during company training is at the expense of more advanced subjects, which can only be usefully practised when a complete company is assembled for its annual course of training.
- (d.) The over importance attached to the completion of the lengthy course of physical training for recruits, which sometimes causes them to forego entirely, for their first year, the valuable instruction of company training.
- (e.) The very variable conditions as regards allotment of time for company training in several Commands, viz., in some units company training commencing on 1st March was practically continuous, and concluded 30th April; in others it extended from 1st March to 1st July and later; in some few cases it did not commence until 1st April.

In battalion training again, whilst some units have had a complete month others have had as little as 7 days.

- (f.) The difficulties as regards suitable training ground in the vicinity of certain stations.

To deal with the foregoing points in succession.

Although the difficulties experienced in various districts of providing suitable training areas, and, with the limited range accommodation, of fitting in the necessary musketry training, is fully recognised, it is suggested that a more satisfactory and progressive training might be attained by amendment on the following lines :—

- (a.) That training by double companies should be carried out, as generally as possible; everything seen this year pointed to the greater interest displayed, and the greater efficiency in work attained by the numerically stronger units.
- (b.) That company officers should never, except under absolutely unavoidable circumstances, be detailed for other "courses" or duties during the important period of their company's training.
- (c.) The points mentioned under this subhead hardly require comment or suggestion, it being entirely a matter of a proper system in units, and of acting up to regulations and manuals. The question, however, of signallers not being taken away from their companies during the company-training period, perhaps requires closer consideration.
- (d.) This question appeared to be dealt with in somewhat varying methods at different stations, but as I understand that the matter is generally under consideration at Headquarters it is perhaps unnecessary to make suggestions.
- (e.) It is recognised that the requirements of fitting in the musketry, and the difficulties as to training ground, may account in a great measure for some of the company training extending so late into the summer, but it is apparent that the variations in different Commands are not wholly due to these causes. It is submitted that, unless unavoidable, musketry training should not be carried out concurrently, nor on alternate days with (at any rate) the first fortnight of the training of a company, as in that preliminary period of the work it is most important that the instruction should be systematic, progressive, and thorough, and any extraneous interests or diversion will undoubtedly detract from the benefit and value of the company training. It would appear to be advisable that the company training of all units at home should, without exception, begin on or before 1st March.
- (f.) This question would appear to be outside the province of this report, but it might perhaps be represented that more opportunities for the training of

companies, over typical English enclosed country, are greatly required, and it is suggested that by direct personal dealings between regimental officers and farmers or tenants, and the avoidance of official correspondence, more facilities might be obtained in this direction, and at comparatively trifling cost.

- Fire action. 45. In some battalions, and even in larger bodies, the true principles of fire action do not seem to be understood. In "Combined Training,"* it is laid down (Chapter VI., paragraph 105) that, "all movements on the battlefield have but one end in view, the development of fire in greater volume and more effectively directed than that of the opposing force." The regulations for Infantry action emphasize this principle repeatedly, yet I have seen, this year, successive lines of Infantry widely extended and still advancing, within decisive range of an enemy's position, without having formed, at any stage of the attack, a firing line at closer interval than three or four paces. I fear that there is some misapprehension of the true value of extended formations; that it is not generally understood that such formations, adopted in order to avoid loss in the approach to the enemy, must be abandoned at any stage of an action when it becomes necessary to gain superiority of fire.
- Service equipment. 46. Service equipment was generally, but not invariably, carried by the men throughout their training. I have observed that at manœuvres, when the equipment is universally carried, the men who have worn it continuously are generally more fit and active than those who have not been accustomed to it.
- Machine guns. 47. Good results have accrued from the system adopted in some brigades of brigading machine guns for training, as well as for field operations, under a competent officer. It is desirable that machine guns should be used at the advanced tactical training of companies and battalions; it is not always possible, however, to supply horses, and the issue of the approved limber wagon was not complete.
- Pack animals. 48. It would be an advantage if a proportion of pack animals (horses, mules, or donkeys) could be provided during the training season for companies and battalions, for the purpose of carrying entrenching tools in the field, and for the practice of getting up the reserve ammunition. This course was adopted in the 6th Division with good results.

(f.) ARMY SERVICE CORPS.

- General efficiency. 49. On the whole, the general efficiency of the Army Service Corps units has been found satisfactory, and the condition of the horses denotes careful horsemastership.
- Training. 50. The training of the units has, in a few cases, been found unsatisfactory, and some Company Commanders hardly display a sufficient knowledge of the method of imparting drill in the limited number of movements essential for their companies to know. Some also have been found backward in the method of drilling a ride.
- Recruits. 51. In these days of short service when the recruit must have his training completed by a Company Commander after joining a Service Company, and men pass so quickly through the ranks, it is more than ever necessary for the officers to be competent instructors, and to realize fully that much time and attention is required to ensure good results.
- Drivers. 52. It has also become necessary to realize that, with the younger and less experienced stamp of driver now in the ranks, more time should be set apart for company training. It is, no doubt, difficult to do this at many stations without incurring more expense in hirings, but as much of a man's training has to be completed after he leaves the dépôt, it follows that, unless some time is periodically set apart by Commanders-in-Chief for such purpose, it is impossible to expect good results. Indeed, it is often gratifying to witness the efficiency which is frequently attained under adverse circumstances with few opportunities afforded of gaining instruction.
- Instruction of officers and N.C.O.'s. 53. As the officers of the Army Service Corps are combatant officers, and called upon to pass the same examinations as those of other arms of the Service, it is essential that they should be afforded opportunities of maintaining an efficient standard.
- Horses. 54. In regard to the stamp of draught horses purchased for the Army Service Corps, I am of opinion that they should scale at least 11 cwt., as lighter animals are hardly fitted to cope with the loaded General Service vehicles. Moreover, horses of a lighter stamp, showing some breeding, take too much out of themselves when hauling loads by fretting and impetuosity.

* "Combined Training" has now been cancelled, and "Field Service Regulations, Parts I. and II.," and "Training and Manœuvre Regulations" have been issued.

(g.) ARMY MEDICAL SERVICES.

55. During the drill season a large number of Medical units belonging to the Royal Camps, Army Medical Corps, Regular and Territorial, were seen in camp.

56. The training undergone was of value to the officers, non-commissioned officers Training in and men engaged, and the benefit of a period of camp life is particularly noticeable in camp. the case of a corps like the Royal Army Medical Corps, whose ordinary duties in garrison consist so largely of indoor work. But while all ranks benefitted, the Inspector of Medical Services reports that the training did not effect all that they should have done, as the exercises were too often confined to technical drills and instruction in first aid, &c. If the most is to be made of the time in camp, it is necessary that as much preliminary work in first aid, &c., should be done before the training as a field unit begins. At small stations there are difficulties in the way of adequate preliminary instruction, but at very few it is impossible to afford the non-commissioned officers and men of the corps sound instruction in first aid, including the carriage of wounded men. If this preliminary instruction is sufficiently thorough, a very short period should suffice for corps drills and exercises when the unit gets together in camp, and so permit a definite scheme of progressive work to be entered upon. This might begin, on the part of the officers, with a study of the organization and rôle of the unit, and such portions of "Combined Training"* as are applicable to their branch of the Service, while the non-commissioned officers and men might be exercised in the packing and loading of the technical equipment, the pitching and striking of camp, field sanitation, &c. The next stage might include, for the officers, the study of ground, map reading, estimation of distances with reference to the ordinary danger zones for rifle and shell fire, and the selection of suitable sites for dressing stations and camps; while, for the non-commissioned officers and men, the application of first aid to wounded men in the field might be combined with work likely to develop their intelligence, such as the differentiation of cases requiring hand-carriage from those suitable for rougher methods of transport. Later, the unit might be exercised as such with reference to defined tactical formations and situations and, at this stage, the active assistance and co-operation of the Staff is most desirable.

57. In the past the field training of Medical units has been of so technical a Tactical character as to minimize the participation in it of Staff officers responsible for the practices. general direction of training, and so long as the instruction is practically limited to corps drills and first aid, there is little opportunity for profitable intervention. The final stage of the training should include practical problems involving the actual removal from the field and disposal of large numbers of wounded men, while the unit should, before the training is concluded, be exercised with troops.

58. The participation of Medical officers in Staff Rides has emphasized the Staff Rides. necessity for systematic instruction in Military Administration, &c., as part of their training, and the plan of special rides, having for their object the solution of some of the medical problems of war, and attended by officers of the General and Administrative Staff, might be more generally adopted than it is.

59. In such exercises, field sanitation and the best methods of dealing with Field outbreaks of epidemic disease likely to impair the military efficiency of a force should sanitation. be included. A Sanitary Section, such as would be employed in a large camp on a line of communication, was trained at Strensall with satisfactory results. How far such a section would be adequate under war conditions for a camp of 3,000 or 4,000 men could not, under the conditions prevailing at Strensall, be demonstrated, but, as far as could be judged, it would be quite sufficient. The section is a convenient unit, inasmuch as it includes a specially qualified officer, but it would permit of greater elasticity if the personnel for a large camp could be found by an aggregation of sanitary squads, to which, when circumstances demanded it, an officer could be added. The difficulty as regards War Establishments might be got over by allowing a larger number of squads, and attaching two special officers to the Deputy Director, Medical Services, for work with these squads.

60. Where equipment complete in every respect is not issued to units for training, Loads. the deficiencies should be represented by dummy packages, as, if the loads are not complete, officers and men cannot be taught how best to pack, i.e., what to load first, &c., matters that can only be learnt from experience, as they cannot be specified in load tables.

* "Combined Training" has now been cancelled, and "Field Service Regulations, Parts I. and II.," and "Training and Manoeuvres Regulations" have been issued.

(h.) ARMY ORDNANCE CORPS.

War
training.
Rank and
file.

61. I have embodied in a separate report certain suggestions for the training of the Army Ordnance Corps in war duties.

62. The rank and file of the corps are generally efficient, and the training as combatant soldiers which they now receive, consisting of a recruit's course at Woolwich and thereafter an annual course of musketry with one parade a month, is considered sufficient.

Technical
training.

63. Their technical training, both as artificers and for other departmental duties, is obtained by actual experience.

III.—REPORT OF INSPECTIONS CONDUCTED BY THE INSPECTOR-GENERAL.

(a.) EDUCATIONAL ESTABLISHMENTS.

64. I inspected the Cadets of the Royal Military Academy on Salisbury Plain on 28th July, 1908. I was very favourably impressed with their appearance and physique. The Senior Term paraded for my inspection as Mounted Infantry, the Middle Term as Field Artillery, and the Junior Term as Infantry. The turn-out and drill were very good, I also saw them at stables and ascertained by questioning that they had attained some proficiency in horsemastership.

65. I inspected the Cadets of the Royal Military College at Camberley on 29th July. The Cadets were of excellent physique, and well set up, and performed their parade movements steadily. The standard of riding generally did not impress me very favourably, but I am informed that only about 15 per cent. of the Cadets had ever ridden before joining the College, an indication, possibly, of the general replacement of the horse by the motor car. The horses of the riding establishment are of an excellent stamp, looking in good condition and well turned out. The saddlery was in good order and well fitted.

I saw the Cadets at work in the gymnasium, and specimens of their topographical work were submitted to me. Altogether I think the College is in a thoroughly satisfactory condition, and is turning out a good class of young officers, as well fitted for their positions as is possible in the short period of instruction.

66. I inspected the School of Military Engineering at Chatham on 2nd April. The various departments were generally in good order; the sole fault which I observed has been already remedied. The recruits of the Training Battalion were smart and well set up, and drilled with extreme accuracy.

This establishment is much hampered by lack of suitable ground for practice in field work. I have already brought this point to notice.

67. I inspected the School of Musketry at Hythe on 24th July, 1908, and formed a very favourable opinion of the instruction, both theoretical and practical, which is given there. The Staff of the School appear to have a thorough grasp of the true principles of fire action, and every detail of the practical instruction appears to be based on these principles. I was particularly impressed by the value of the system of "Senior Officers' Courses," by means of which these officers are made conversant with the development of arms and the consequent alteration in methods of fire action.

I have observed, and my opinion was endorsed by the Commandant of the School of Musketry, that there is a want of uniformity of standard in the musketry training given in battalions. A considerable number of officers and non-commissioned officers present themselves at the courses at Hythe with insufficient preliminary training. I consider that, if Brigadiers would investigate more closely the system of training, and the efficiency of the instructors in battalions under their command, an improvement in this matter would be effected.

The condition of the School of Musketry, from a training point of view, is eminently satisfactory.

(b.) FIELD ARMY.

68. I inspected this year the Cavalry Division and the 3rd and 6th Divisions, the first in manœuvre, the others both by Staff tour and in manœuvre. The 5th Division also was detailed for inspection, but I regret that, owing to the inclement weather, it was found necessary to send the troops back to their barracks. I was able, however, to carry out the Staff tour which was included in the inspection of this Division.

The inspection of the 18th Infantry Brigade, which forms part of the 6th Division, was conducted separately.

(c.) COAST DEFENCES.

69. I have inspected this year all the coast defences at home with the exception of North Ireland, Berehaven, Falmouth, and Newhaven, and have already reported separately and confidentially upon them.

(d.) DISTRICTS AND INFANTRY DEPÔTS.

70. I inspected the Guards Depôt at Caterham on 25th April, the Headquarters of No. 3 District, and the Depôts of the East Lancashire and Loyal North Lancashire Regiments at Preston on 1st May, the Headquarters of No. 1 District and Depôt of the Royal Highlanders at Perth on 5th May, the Depôt of the Gordon Highlanders at Aberdeen on 6th May, and the Headquarters of No. 6 District and Depôts of the South Staffordshire and North Staffordshire Regiments at Lichfield on 8th August.

71. The District Headquarters and Record Offices appeared to be in good order and well managed. From a close inspection of the Record Offices, however, I formed the opinion that, although individually well managed, they are not worked on a uniform system. It would be advisable to have the different systems investigated in order that the most efficient and economical may be selected and approved.

72. The arrangements for mobilization in those districts which I inspected appeared to be complete and satisfactory.

73. The depôts which I inspected were generally in good order, and the training of the recruits was being carried out on good lines. I recommend, however, that the system, adopted at the Guards Depôt, of having temporary as well as permanent instructors should be extended to depôts of the Line. I consider that the period of attachment to depôts of non-commissioned officers of the Line is too long; that these instructors "settle down" too much and are apt to lose keenness. A more frequent interchange of instructors between the home battalion and the depôts would, in my opinion, lead to better training.

74. It is also essential that the best officers and non-commissioned officers should be selected for service at the depôt. The early training of recruits is a matter of the first importance, and the careful selection of efficient instructors will undoubtedly tend to increase the efficiency of battalions.

75. The arrangements for receiving recruits at the depôts are not, in all cases, satisfactory, although in some cases this may be due to want of accommodation. The system adopted at Caterham seemed to me to be worthy of imitation.

(e.) SPECIAL RESERVE.

76. I inspected special reservists of the Infantry at all the depôts which I visited, and also saw Artillery reservists at Preston, Glasgow, and Edinburgh, undergoing instruction with training brigades.

77. The Artillery special reservists are of a good type, and were progressing satisfactorily with their training. I see no reason, at this stage, to doubt that these men will form an efficient reinforcement for the Regular Artillery.

78. The Infantry special reservists vary a good deal in physique and are not, generally, up to the physical standard of the Artillery reservists. In capacity for receiving instruction, however, I could observe no difference between the Reserve recruits and those of the Line, the squads of the same date having, in each case, attained a similar proficiency.

79. It is unnecessary for me to remark on the special reservists who have joined that force as trained militiamen. There has not yet been time for the altered conditions to affect their previous standard.

(f.) TERRITORIAL FORCE.

80. During this year of transition, I have thought it advisable to refrain from any complete inspection of the Territorial Force. I therefore visited only the West Riding Territorial Division in its camp at Redcar on 5th August.

81. The result of this first inspection of a concentrated Territorial Division is, in the highest degree, satisfactory and most encouraging. The important point to notice is

the extraordinary keenness, the desire to make progress, the zeal, and the energy displayed by all ranks from General to private.

The weather was cold and rainy. The ground over which the day's manœuvres took place was very hilly, rough, and wooded, and a high trial to troops, especially Artillery. The physique of the men was decidedly good on the whole, although here and there one saw undersized men. The general standard of intelligence was very satisfactory.

82. The Artillery struck me more than any other Arm. They had only received their horses some four or five days before, yet all the harness was carefully fitted, and the guns were quite able to move steadily over very rough ground. Their condition surprised me greatly, and I am now quite convinced that after 4 months' continuous training these batteries would be able to perform very valuable service.

The Howitzer battery was, naturally, more backward in mobile power than the Field batteries, but even with them an excellent start has been made.

83. The clothing and equipment seemed good and serviceable so far as my short stay with the Division enabled me to judge.

84. Army Service Corps and Medical units, although not complete, were in working order, and their presence illustrated forcibly the value of the principle of making the Division complete in itself.

(g.) CONCLUSION.

85. In this report I have dealt chiefly with those duties of the Inspector-General which are detailed in paragraph 16 (i.) (a) and (b), King's Regulations.

Paragraph 16 (i.) (c) runs as follows :—

“By inspection, either personally or through his subordinates, keep the Army Council informed of the state of the Army at home and in the colonies, as regards both personnel and equipment.”

86. The method I have adopted in carrying out these instructions has been to report periodically to the Army Council any technical defects, or possibilities of improvements, which I have observed, or which have been brought to my notice by Inspectors.

87. The great object I have endeavoured to attain has been to constitute the Inspector-General's Department as a link by which to connect the Army Council with the troops, and in pursuance of this policy, it has been my practice to report personally to the Chief of the General Staff the general result of the work of observation and inspection which is in progress.

88. These reports are made as frequently as circumstances will permit, and, not only keep the Army Council informed as to the state of the troops, but also afford me valuable opportunities of ascertaining the views and policy of the War Office. I am thus enabled to furnish the Army Council with the information they most require, and am in the best position to impress their policy upon the troops I have to inspect.

89. I hope, by this means, to be able to secure that uniformity of training which is so necessary for a field army whose units are constantly moving from command to command, and from division to division, and on similar lines to assure myself that the limited time available for the training of the Territorial Force is used to the best advantage.

J. D. P. FRENCH, *General*,
Inspector-General of the Forces.

HORSE GUARDS,
12th November, 1908.

MEMORANDUM ON INSPECTIONS OF THE TERRITORIAL FORCE.

(1.) NATURE AND OBJECT OF INSPECTION.

My recent inspection of the Territorial Divisions and Mounted Brigades took the form of personal visits to the Headquarters of each Yeomanry Regiment, Battalion, Artillery Brigade, and Administrative Unit, where I was met, in most cases, by the Commanding Officer of the unit, the Adjutant, the C.R.A. or Brigadier, the Divisional Commander, and a representative of the local County Association.

The drill halls, armouries, messes, recreation rooms, &c., were then inspected, and proposals for new buildings and alterations examined.

I saw the Field States, and enquired closely into recruiting resources and prospects, as also into all subjects connected with the general efficiency of the units.

The particular object I had in view was to get into touch with the Territorial Force; to look into its organization and methods; to ascertain, as far as possible, by personal investigation the fitness of Divisional Generals, Brigadiers, Staff Officers and Adjutants for the work they have to do, and to get some idea of the class of the commanding and other regimental officer.

I wished also to enquire into the condition of the Administrative Services; the state of recruiting, both as regards quantity and quality; the adequacy of buildings, drill grounds, quarters, equipment and stores; the general system of training, and facilities for efficient musketry instruction, and, as regards the mounted units, the methods adopted to impart instruction in riding and driving.

In summarizing the results of my inspection, I have followed the same system which I have habitually adopted in reporting upon both Regular and Territorial divisions.

(2.) COMMAND AND STAFF.

(a.) *Command.*

Whilst some Divisional Commanders are, no doubt, better than others, I have formed the opinion that all are doing good work, and as a whole justify their selection.

Amongst the Brigadiers and C.R.A.'s there are some who might be improved upon.

I regard the careful and judicious selection of Divisional Commanders and Brigadiers of the Territorial Army as the absolute corner stone on which the whole structure of efficiency must rest.

The task entrusted to them is of a more difficult nature than in the case of Regular troops, and I believe that young, capable, and active men are as essential in the former as in the latter. In fact, these appointments should be regarded as stepping stones to the command of Regular brigades and divisions, and officers on being appointed to a Territorial Command should be made to understand that their selection for a Regular Command depends entirely upon their success or failure.

The establishment of this principle is quite as necessary in the case of C.R.A.'s as in that of Brigadiers.

It is a matter for consideration whether sufficient inducement is held out to C.R.A.'s and Brigadiers to secure the services of the only class of man who can really bring about efficiency in the Territorial Force.

(b.) *Staff.*

The General Staff Officers of Territorial Divisions appear to have been chosen with great care, and are generally, in my opinion, well fitted for their posts. I consider that these young officers are obtaining very useful training in their present appointments.

The Deputy-Assistant-Adjutant and Quarter-master-Generals of divisions vary more in efficiency, some being very good, while in others I think there is room for more energy, and perhaps for more ability. I consider that even more care should be exercised in the selection of these officers than is necessary with the General Staff, for there is no Staff College qualification or report to guide those by whom the selection is made. Moreover, these appointments give to officers an opportunity of distinguishing themselves in extra-regimental work, and should, therefore, be reserved for the very pick of the regimental officers.

From what I have seen of the Administrative Medical Officers of divisions, I have formed the opinion that they are very keen and hardworking, and have acquired considerable knowledge of the administrative duties of their appointments.

As regards the mounted brigades, so far as I have been able to judge, the Brigadiers, Staff, and Commanding Officers are fit for the positions they hold, but in their case I should prefer to defer comment either way until a future report.

(3.) ADMINISTRATIVE SERVICES.

I have been most favourably impressed by all I have seen of the Engineer units of the Territorial Army. Both Field and Telegraph companies are generally recruited from expert sources. They are thoroughly well supervised and officered, and display great keenness.

There have been many complaints of lack of equipment, which have been specially reported by me, but I am aware that these deficiencies are being made good as quickly as possible.

In most divisions the Engineer units occupy good quarters, but in this respect the needs of the Home Counties Divisional Engineers at Bedford, the Engineers of both London Divisions, and those of the Welsh Division at Cardiff are very urgent, and I recommend that immediate attention be paid to them, as from the point of efficiency they are in no way behind the Engineers in other divisions.

The Supply and Transport companies appear to recruit largely from expert sources, but I have really seen no headquarters with anything like adequate accommodation. They are indeed labouring under very great difficulties, and doing their utmost to struggle against adversity. They are a valuable force with great possibilities, and deserve encouragement.

The question of Adjutants in this branch of the Territorial Force is one of great importance. It appears at present that each unit only gets a part of the services of an Adjutant, a great deal of whose time is otherwise employed with the Regular forces. If complete efficiency is to be attained some alteration must be made in this system.

The Divisional Field Ambulance Service is taken up with much keenness and vigour throughout the country, and they are being commanded and organized by medical practitioners of considerable local reputation. The only really adequate quarters which I have so far seen are those occupied by the Field Ambulance Corps of the East Lancashire Division at Manchester.

I have observed that the system of transport for medical units of the Territorial Force differs from that authorized for the Regular army. Apparently medical units are to supply their own transport, and in order to do this must train their men to ride and drive, but it does not seem that any steps have been taken to supply them with instructors in mounted duties. In many places, therefore, no instruction at all in these duties is being given, nor do I see any immediate prospect of these medical units becoming mobile.

(4.) RECRUITING AND ENTRY OF OFFICERS.

(Class of man and officer.)

I have reason to believe that both officers and men of the Territorial Army are generally of a suitable class. The strength of the units is quite satisfactory, and recruiting is proceeding briskly nearly everywhere.

There is a considerable shortage of officers, but this is often due to the desire of Commanding Officers to obtain the best class they can.

(5.) HORSE SUPPLY FOR MOUNTED UNITS.

(Particularly for instructional purposes.)

The best system I have seen is that adopted by the West Lancashire Association in Liverpool. They have a committee called "The Horse and Traction Committee," who buy horses for both riding and driving. They have a well-equipped full size riding school with accommodation close by for 120 horses. They have about 96 horses in their possession. There is also a ground for exercising and riding drill.

This establishment is used entirely for the instruction of mounted units in the command.

I have seen nothing of the kind elsewhere, and it might be well to consider the advisability of recommending the adoption of the principle in other commands.

In other divisions the systems vary. Some units are given a certain sum of money and allowed to hire horses, whilst in others a certain number of horses are bought by the Association and handed over to the unit.

Next to those obtaining in the West Lancashire Division, the best arrangements seemed to me to have been made at Sunderland by the 3rd Field Artillery Brigade of the Northumberland Division, and in Bolton by the 2nd Field Artillery Brigade of the East Lancashire Division.

As regards the Yeomanry it is satisfactory to note that in most regiments a large proportion of the horses belong to the men. In units where this is not the case, a good class of horse appears to be obtained by hiring, but some investigation in the working of this system is necessary because it would be found on mobilization that the same horse was claimed by two or three or more corps.

A few mounted units are in the habit of borrowing horses from the regulars in their neighbourhood. I do not think this is a sound arrangement. The horses of regular mounted units either do sufficient work to keep them fit for war, or they do not. If they do, extra work should not be imposed upon them. If they do not, the regular unit cannot be as efficient for war as it should be.

(6.) BUILDINGS, ESTABLISHMENTS, GROUND, &c., AT HEADQUARTERS OF UNITS.

These of course vary very much in different commands.

I saw most of the plans which had been put forward by the Associations to the War Office, and visited proposed sites, &c. In two cases, the provision of new quarters is of extreme urgency. These are, the Heavy batteries of the East and West Lancashire Divisions at Liverpool, and the Heavy battery of the West Riding Division at York. Other urgent cases have been mentioned in my detailed inspection reports.

It has lately been decided that a share of any money obtained by letting drill halls, &c., is to be given to the County Association concerned. From a business point of view, I think that better financial results would be obtained if a percentage were allotted to the funds of the unit.

(7.) QUESTION OF RANGES (ARTILLERY AND INFANTRY).

I do not propose to comment upon Artillery ranges, as their great deficiency is well known, and as I believe, receiving attention.

As regards rifle ranges, conditions vary very much in different parts of the country, but I should say that not more than half of the Infantry units of the Territorial Force possess adequate range accommodation. Nearly all have miniature ranges, and in one battalion (the 6th Bn. Essex Regiment at West Ham) I saw a very good 100 yards underground range. Many battalions are in possession of sub-targets, with which they have provided themselves. This is a most satisfactory proof of keenness to excel in shooting. If the matter is only seriously taken up, and General Officers Commanding-in-Chief are urged to give it their full attention, I have seen enough to feel absolutely sure that very much more might be done in extending range facilities in places where they are either very deficient or do not exist at all.

The choice between reconstruction and repair of certain rifle ranges requires some consideration. There are ranges which, if not reconstructed, cannot be kept in repair by the funds available to County Associations. In some counties, indeed, the ranges have fallen into such disrepair that no musketry is possible unless the Association takes the risk of spending money on unauthorized reconstruction, or rather on reconstruction, authority to undertake which has been refused. Glamorgan is a case in point.

Some existing ranges are so inaccessible that it has not been possible to make arrangements for carrying out the test firing.

(8.) PERMANENT STAFF.

I have been forced to the conclusion that a considerable proportion of the Adjutants of the Territorial Force are either unfit for their appointments, or do not take their duties sufficiently seriously. I fear that by very many officers these Adjutancies have, for many years, been looked upon as "soft billets," and certainly there has not been up to now any very effective method of stirring up those officers who were idle or lazy. In my opinion, the appointment of Adjutant is one of the most important in the Territorial Force, and it is essential for the efficiency of the Force that the best available officers should be selected, and that they should be kept up to their work. At present the position offers few advantages, and has certain disadvantages which deter many keen officers from considering the possibility of accepting these appointments.

If the conditions of such employment could be rendered more attractive, possibly the best men might be induced to serve for a time with the Territorial Force; and in order to prevent those who are not the best from deteriorating, I consider that adverse reports on Territorial Adjutants should be regarded just as seriously as if those officers were serving with their Regular regiments.

With regard to the Instructors also, certain improvements have been suggested to me which I am bringing to the notice of the Army Council. There ought to be inducements for smart non-commissioned officers to go as instructors to a Territorial unit, and the inducements should be of such nature that they will lapse if the non-commissioned officers are returned to their regiments as unfit.

(9.) COURSES OF INSTRUCTION.

I have not touched upon the question of officers being allowed to attend a 14 days' course, as I understand this is already sanctioned in principle, and I am also aware that the question of laying down a regular syllabus for officers attending Regular units for instruction is receiving attention.

(10.) STORAGE.

I was very much struck with some battalions in the North by the system of storing men's kits in numbered pigeon-holes, very similar to the methods adopted in Regular mobilization stores.

It would be useful to consider the advisability of laying down this system as an order to be adhered to by all units of the Territorial Force.

J. D. P. FRENCH, *General,*
Inspector-General of the Forces.

HONOR GUARDS,
24th May, 1909