M.R.C. 1—33,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. 1833 Press ~~Mis.~~

62-63

Dated 7.11.1862 ~~19~~ .

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Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 7th November 1862.

No. 62. Read the following letter from Lieutenant Colonel W. J. WILSON, Commissioner of Police; to A. J. ARBUTHNOT, Esq., Chief Secretary to Government, Fort Saint George, dated 30th October 1862, No. 126.

I have the honor to forward for your perusal copy of a notice posted in the Royapettah Police Court by Colonel Colbeck the Senior Magistrate, and also copies* of a correspondence with him on the subject.

* 1 Letter from the Commissioner of Police to Senior Magistrate, dated 28th October 1862.
1 Do. from the Senior Magistrate to Commissioner of Police, dated 28th October 1862.

2. It is with great regret that I feel myself bound to take this step, but I could not do otherwise consistently with the duty I owe to myself, and to the Force under my control.

3. If Colonel Colbeck saw reason to suspect improper practices on the part of the Police Officers doing duty at his Court, there were other means at his disposal far preferable to that which he has chosen, which appears to me open to the most serious objections.

4. I am at all times anxious to detect and punish offences committed by Police Officers, especially those of the class now in question, and had I been aware that such malpractices were supposed to exist, I should have endeavoured to discover and prosecute the guilty parties; but the publication of the Notice was the first intimation I received on the subject.

5. The Magistrate states therein that he has reason to believe that upon all occasions when money payments are made in his Court, some portion thereof is extorted from the recipients by the Police Officers. He goes on to say that he believes the report to be true, and calls upon the Public to come forward under his protection and prove any such charges.

6. I respectfully submit that such a proceeding as this on the part of a Judicial Officer is unprecedented, and greatly to be deprecated.

7. It amounts to a public avowal by a Magistrate of his belief before trial in the truth of certain charges to be investigated hereafter by himself, and to an invitation to the public to prosecute the Police.

8. It was at least to be presumed that before issuing a notice of such a character as this, the Magistrate had good grounds for the imputation he thought proper to make, but when his letter of the 28th instant is referred to, it will be seen that they were of the weakest description, and that although he states in his notice that he believes extortion to be practiced on all occasions upon which money is paid in his Court, he now says that "from one or two circumstances he "has reason to believe the accusations have some truth in them!"

9. Upon this weak foundation the Magistrate has not hesitated to placard a notice in his Court containing a sweeping condemnation of all the Police Officers attached thereto, which notice has appeared in the public prints, and has also been sent to England in the Overland Mail.

10. There has never been any backwardness on the part of the inhabitants of this city to seek for redress against the Police, either from the Courts, or from the Magistrates, and they stand in need neither of prompting, nor of assurances of protection.

11. With respect to the last paragraph of Colonel Colbeck's letter, I beg to state that while I am glad to receive any information a Magistrate may please to send me, I do not consider I am bound to adopt his views without exercising my own judgment. For example, in this present instance although the information contained in Colonel Colbeck's letter of the 28th instant would not have enabled me to arrive at the absolute conclusion to which he has come, as expressed in the notice; yet I conceive that I ought to have been made acquainted with the existence of the grave suspicions entertained by him in order that I might have taken steps to ascertain their correctness.

12. I have therefore the honor to request you will be good enough to lay the correspondence before Government for such orders as may be thought fit.

Copy of a Notice which appeared in the Madras Athenæum of the 28th October 1862.

NOTICE.

The Senior Magistrate has reason to believe, that upon all occasions when compensation in money is awarded to parties who have suffered injury, and also in cases where maintenance money is paid to women, that the Police Officers of this Court are in the habit of extorting from the people parts of the compensation and maintenance money.

The Magistrate is extremely angry to hear this report, which he believes to be true, and he now informs the Public in his District, that if they will come forward and prove any such charge, they shall be carefully protected, and the Police Officers dealt with under Section XI of Act 48 of 1860, which provides punishment for this offence to the extent of five hundred Rupees fine, and six months' imprisonment with hard labor.

ROYAPETT POLICE COURT,
October 1862.

(Signed) H. COLBECK, Lieut. Colonel,
Senior Magistrate of Police.

(A true Copy.)

(Signed) W. J. WILSON,
Commissioner of Police.

From Lieutenant Colonel W. J. WILSON, Commissioner of Police; to Lieutenant Colonel H. COLBECK, Senior Magistrate, Royapett Police Court, dated 28th October 1862.

With reference to a notice said to have been issued by you respecting the Police Officers attached to your Court, and which notice was published in this day's Athenæum, I have the honor to request you will inform me whether you suspect any individuals in particular in order that I may cause them to be relieved at once.

I shall also feel obliged by your informing me of the names of the parties who have complained that money has been extorted from them.

From Lieutenant Colonel H. COLBECK, Senior Magistrate of Police; to Lieutenant Colonel W. J. WILSON, Commissioner of Police, dated 28th October 1862, No. 61.

In reply to your letter No. 607 of 1862-63, dated 28th instant, I have the honor to state that in consequence of several petitions lately received accusing the Native Police Officers at this Court of extorting money from parties to whom it had been awarded, I endeavoured to find out if there was any truth in the allegation.

I have been unable to trace corruption to any parties, but from one or two circumstances I have reason to believe the accusations have some truth in them, though I could not point out any parties in particular, upon whom it would be possible to prove guilt.

Upon receipt of the last petition, I made some observations from the Bench and directed notice to be affixed in conspicuous places in my Court, warning parties not to allow themselves to be imposed upon by Police Officers, but had no intention whatever that such Notice should appear in the Public prints; and am sorry that it should so appear, perfectly without any sanction of mine.

In conclusion I beg to say that had the accusations of extortion against the Police Officers been made some months back, I should (as was invariably my custom) have made you acquainted with them, but I candidly confess that of late I have not been quite satisfied that any information from me has received the weight I would have hoped you would have given to it.

(True Copies.)

(Signed) W. J. WILSON,
Commissioner of Police.

No. 63. ORDER THEREON, 7th November 1862, No. 1,833.

With the foregoing letter the Commissioner of Police has submitted a copy of a notice which has been recently issued by the Senior Magistrate of Police and placarded in his Office, expressing his belief in a report which had reached him, to the effect that the Police Officers employed in his Court are in the habit of extorting money from persons receiving compensation and maintenance money, and calling upon the public of his District to come forward and prove

Proceedings of the Madras Government, Judicial Department,
7th November 1862.

such extortion whenever it occurs; copies of a correspondence which has passed between the Commissioner and the Senior Magistrate on the subject of this notice, which it appears has been published in one of the local Newspapers, are also submitted.

2. On perusal of this correspondence and of the notice to which it refers, the Governor in Council concurs with the Commissioner of Police in considering the course taken by the Senior Magistrate in this matter to have been highly injudicious and objectionable. The latter Officer by his own showing has acted upon very slender grounds; and under the circumstances it was clearly his duty, before publicly pronouncing such a wholesale condemnation of the conduct of the Police, to communicate his suspicions to the Commissioner, in order that an inquiry might be instituted and some more trustworthy information obtained than he appears to have been in possession of as to the actual existence, or otherwise, of the practices which formed the subject of his notice.

3. The notice if still posted up in the Police Court should be at once removed.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

Exd. T. O'Connor.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter from the Commissioner of Police —

Recd enter 30th October 1862 No. 126

Order thereon, 7th November 1862. No. 1833

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and

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To The Commr of Police.
The Magte of Police - 3d Distt - 3 Despd 8th

Judicial 1862. *Department.*

No. 1833

PROCEEDINGS OF GOVERNMENT,

Dated 7 " 12 62

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7876] Madras—Printed at the Government Press.