

Proceedings of the Madras Government, Judicial Department,
5th June 1862.

Duffadar appointed by you has been directed to carry on the duties of the Jail. I do not however see grounds for relieving the Jemadar, and have directed him to remain in his present position, and the Jemadar sent to relieve him has been directed to return to your office. I myself having pointed out to the Jemadar who has been so long and hitherto so creditably employed at the Grand Jail, the impropriety of his conduct in having made use of abusive language to one of the prisoners, and also with regard to the bad feeling which seems to exist between himself and the Jailor

Believe me,

Very truly yours,

(Signed) JOHN IMPETT.

Major Wilson, Commissioner of Police.

7th May 1862.

A.

My dear Impett,

The Guard of Police doing duty at the Grand Jail is as much under the orders of the Commissioner of Police, as a Guard taken from a Regiment in Garrison would be under the Colonel of that Regiment as respects the duty to be performed in the Jail, the Guard will take orders from the Sheriff, but matters of discipline and relief are for the Commissioner to deal with. I carefully and patiently examined the case against the Duffadar and found the evidence so unsatisfactory that I had no hesitation in dismissing it. The complainant was formerly dismissed from the service of Government for mal-practices and all Government Officers were instructed not to re-employ him. He was also committed for forgery although Bills were not found. I cannot at all concur with you that the charge was proved, and was much surprised to hear that such was your opinion. I removed the Duffadar because it would not be for the good of the public service were he to remain after what has happened, and I transferred the Jemadar for the same reason. The Jemadar was to blame for saying what he did, but all the witnesses who heard the conversation deposed that the Jailor in the first instance accused the Jemadar, and it was not until after that, that he retorted. He is a very well conducted man, and as this feeling exists between him and the Jailor I do not think it fair to expose him to the risk of complaints such as that preferred by the debtor Teroovengadasawmy and I have therefore relieved him.

Your's sincerely,

(Signed) W. J. WILSON.

Colonel Impett, Sheriff of Madras.

No. 2.

My dear Wilson,

You are quite right as regards the position of a Guard taken from a Regiment being still under the orders of its Regimental Commanding Officer, but when that Guard is attached to another Regiment or Garrison it is under the Officer (pro-tem) Commanding that Garrison, such I consider to be the position of the Jemadar and Duffadar attached to the Grand Jail, and when the complaint (most improperly made to you by the Jailor Mr. Haines) was preferred, I think the investigation of it ought to have been transferred to me. Quite aware of the bad feeling existing between the Jemadar and the Jailor and of the former good character of the Jemadar, I was anxious to save him from the humiliation that would be entailed by his summary removal, but at the same time I intimated to him that it would be better that after a short period he should request to be removed to other duty; and I must request that he be continued for the present in his present position at the Jail. As regards the Duffadar, although I am aware that his principal accuser is an infamous character, there is other evidence that he received money from a new prisoner, and I think he is most properly punished by being withdrawn from the Jail.

Very sincerely yours,

(Signed) JOHN IMPETT.

CLUB, 7th May 1862.

Proceedings of the Madras Government, Judicial Department,
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8th May 1862.

B.

My dear Impett,

I am sorry I cannot agree with you on any of the points in question. I maintain that it is my duty as Head of the Police Force to inquire into all charges against members of that body, whether doing duty at the Grand Jail, Mint, Gun Carriage Manufactory or elsewhere. Such has always been the practice, and the law gives the Commissioner full powers in that respect. I accordingly went into the case officially, and cannot admit that I ought to have transferred the investigation to you. Had you been in Madras, I should have communicated my intentions to you, but having been informed that you were absent, I sent a message to your Deputy in case he should have thought fit to be present, but it was not expedient to postpone the enquiry.

The transfer of the Jemadar was fully considered by me before the order was issued, and I cannot now cancel that order for several reasons. Moreover, it appears, that you are substantially of the same opinion as I am, as you tell me you intimated to the Jemadar that it was advisable he should apply to be removed in a short time hence.

Your's sincerely,

(Signed) W. J. WILSON.

Colonel Impett, Sheriff of Madras.

No. 3.

My dear Wilson,

I was averse to speaking more plainly in either of my former notes trusting that you would have gathered from their tone that I was a little hurt at what appeared to me (and still does so) an interference with my duties as the Sheriff; it is true that I was at Poonamallee for two days but I returned on Tuesday and think the investigation could very well have been deferred until my return. There are points in the case between the Jailor and the Jemadar which I only am cognizant of in which the Jailor has shown a very oppressive spirit and desire to injure and get rid of the Jemadar, in which I will by no means encourage him, and as I think the Jemadar has a right to look to me to support him against enmity from that quarter, I must submit this case to the decision of Government, although I should rejoice at the necessity of doing so, being removed by your restoring him to his position in the Jail, and affording him the opportunity of retiring voluntarily instead of being subjected to the humiliation of being dismissed. I beg you will reconsider this matter, and let me know your decision.

Sincerely yours,

(Signed) JOHN IMPETT.

Major Wilson, Commissioner of Police.

C.

8th May 1862.

My dear Impett,

I am sorry that I cannot meet your wishes for many reasons.

Of course if you go to Government you will send up copies of your demi-official notes, and of my replies, as they contain and set forth most of the arguments on both sides. If you had said you were hurt at my going into the matter during your absence I should have given you my reasons, as I had not the smallest intention of annoying you, but the tone of your first note was such as to prevent me from offering any explanation.

Your's sincerely,

(Signed) W. J. WILSON.

Colonel Impett, Sheriff of Madras.

No. 4.

9th May 1862.

My dear Wilson,

I never keep copies of such letters, as I think it quite sufficiently tiresome to have to write them. If you will kindly forward me my original letters I will take care of them and be much

Proceedings of the Madras Government, Judicial Department,
5th June 1862.

No. 39. Read the following letter from Colonel JOHN IMPETT, Sheriff of Madras; to A. J. ARBUTHNOT, Esq., Acting Chief Secretary to Government, Fort Saint George, dated 13th May 1862, No. 17.

1. I have the honor to transmit for the consideration and Orders of Government the accompanying copies of correspondence between the Commissioner of Police and myself, relative to an enquiry held by him at the Grand Jail into the conduct of the Jemadar and the Duffadar attached to the said Jail, and to their removal from the Jail consequent upon such enquiry.

2. On the 5th instant, the Keeper of the Jail (most improperly) preferred a complaint to the Commissioner of Police against the Jemadar and Duffadar, which was at the time under my consideration, and deferred under certain circumstances, and upon that complaint the Commissioner of Police, without any communication with me, held the enquiry, and removed the Jemadar and the Duffadar.

3. I have severely reprimanded the Jailor for his conduct in the matter.

4. I would respectfully submit that the Commissioner of Police was not warranted in entertaining the complaint of the Jailor, and entering upon the enquiry thereupon. I conceive and would submit that the proper and regular course on the part of the Commissioner of Police was to decline going into the complaint made by the Jailor, unless that complaint emanated from, and was preferred, through me. The Jailor being a Subordinate Officer of the Sheriff, the Commissioner of Police ought not to have listened to any complaints from him, and should have referred him to me as his superior. Had the Commissioner of Police pursued what I consider and submit to be the proper and regular course, I would have had the opportunity of enquiring into the matter in the first instance; and if I had thought that the complaint was made out, I would have reported the Jemadar and Duffadar to their superior the Commissioner of Police, with a view to their removal from the Jail.

5. The Commissioner in his letter to me of the 8th instant (marked B) says "having been informed that you were absent, I sent a message to your Deputy in case he should have thought fit to be present." My Deputy, however, informs me that he did not receive this message, which appears to have been a verbal one, from the Commissioner, through any one.

6. The matter therefore stands thus; a complaint, arising out of circumstances which occurred in the Jail of which I am the head and responsible officer, is made to the Commissioner of Police by a Subordinate Officer of mine. The Commissioner entertains the complaint, makes an enquiry upon it, and removes the alleged offending parties, without any reference whatever to me.

7. I make this communication with a view to the Orders of Government being obtained for the guidance of the Commissioner of Police and myself for the future; and request attention to the Proceedings of the Madras Government, Judicial Department, dated 6th November 1860, No. 134, and to paragraph 4 of the letter therein set forth.

8. I have only further to observe that Major Wilson having withdrawn the Jemadar without consulting me, and declined to make the amende which I conceive I have a right to expect, viz., restoring him to his appointment, I have no alternative but to make this reference.

SHERIFF'S OFFICE,
7th May 1862.

No. 1.

My dear Wilson,

I have found good and sufficient reason for the withdrawal of the Duffadar from the Grand Jail, as it is proved beyond doubt (if you can believe any native not on his oath) that he received a bribe from a prisoner on his first coming into Jail, and also that he has been in the habit of receiving bribes. He is therefore directed to report himself at your office, and the

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obliged, as I feel it necessary to obtain the Orders of the Government upon this matter for the guidance of all future Sheriffs and Commissioners of Police.

Your's sincerely,
(Signed) JOHN IMPETT.

Major Wilson, Commissioner of Police.

D.

9th May 1862.

My dear Impett,

Your letters contain the grounds of your objections to my proceedings, and my replies were intended to meet those objections, and to explain my views.

It is an Order of Government that Heads of Departments should endeavour to arrange matters between themselves before referring the question at issue, and therefore it is necessary that I should retain the correspondence in my own possession in order that I should be able to cite the points of difference if required so to do, but I herewith send you attested copies of all your notes.

Your's sincerely,
(Signed) W. J. WILSON.

To Colonel Impett, Sheriff of Madras.

(True Copies.)

(Signed) JOHN IMPETT,
Sheriff.

No. 40.

ORDER THEREON, 5th June 1862, No. 881.

In the foregoing letter the Sheriff of Madras has submitted for the consideration of Government a correspondence which has passed between himself and the Commissioner of Police regarding an enquiry instituted by the latter at the Grand Jail into certain complaints preferred by the Keeper of the Jail against the Jemadar and Duffadar of the Police Guard, consequent on which the two latter Officers were removed by the Commissioner and another Jemadar and Duffadar appointed in their room. The Sheriff represents that the course taken by the Commissioner in dealing with a complaint preferred to him direct by the Sheriff's subordinate was an infringement of his the Sheriff's authority. The Sheriff, it appears, was absent from Madras when the complaint was made and the enquiry held.

2. His Excellency the Governor in Council is unable to concur in the views put forth in Colonel Impett's letter. Under Act XIII of 1856, the Police Force is "under the exclusive direction and control of the Commissioner of Police," and it is perfectly competent to him to pass such orders as he may think necessary in regard to the relief of the Guards furnished from it. In the case under notice the Sheriff happened to be out of Madras when the complaint was made, otherwise the Commissioner would doubtless as a matter of courtesy have communicated with him regarding the enquiry he was about to institute. But be this as it may, the powers of the Commissioner as the responsible head of the Force are clear, and it is not a matter in which the Governor in Council would deem it proper to interfere.

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

Exd. F. Cartledge.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read letter from the Sheriff
of Madras.

(Dated 13 May 1862 No. 77)

Order thereon 5 June 1862 No. 881.

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latter Officers were removed by the Commissioner and another Sernadar & Duffadar appointed in their rooms. The Sheriff represents that the course taken by the Commissioner in dealing with a complaint preferred to him direct by the Sheriff's subordinate was an infringement of his the Sheriff's authority. The Sheriff, it appears, was absent from Madras when the complaint was made & the enquiry held.

2 His Excellency the Governor in Council is unable to concur in the views put forth in Colonel Sneyd's letter. Under Act VIII of 1856 the Police Force is under the exclusive direction & control of the Commissioner of Police, & it is perfectly competent to him to pass such orders as he may think necessary in regard to

to the relief of the hands furnished from it. In the case under notice the Sheriff happened to be out of Madras when the complaint was made, otherwise the Commissioner would doubtless as a matter of courtesy have communicated with him regarding the enquiry he was about to institute. But be this as it may, the powers of the Commissioner as the responsible head of the Force are clear, & it is not a matter in which the Governor in Council would deem it proper to interfere.

[Signature]

[Signature]

To Sheriff of Madras. 33
... Commissioner of Police. } Sep 6th

Proc of Brw
1862. Department.

No. 881.

PROCEEDINGS OF GOVERNMENT.

Dated 5th June 1862
Chairing at the Cornmarket
I feel it is regrettable that
to give such a day as he may
think necessary in regard
to the guard furnished under
his instructions from the Police
Yours and therefore that the
Governor cannot interfere in
the decision arrived at by him
in this respect.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	<i>PP/</i>	Press
		~~Mis.~~
	<i>39-40.</i>	
Dated	<i>5.6.1862</i>	<i>19</i>

5/6

Not to be folded or roughly handled