

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	83	Press Mis:
Dated	20-1-19	18/1/19

Not to be folded or roughly handled

20th January 1863.

No. 132. Read the following letter from W. WILSON, Esq., Madras Civil Service, to the Chief Secretary to Government, Fort Saint George; dated Masulipatam, 30th December 1867.

In paragraph 14 of their Order, No. 2103, dated 20th current, Government have been pleased to censure me for showing "a most reprehensible indifference to the prolonged detention of, and the suffering entailed thereby" on, the persons whose disposal formed the subject of my official letter, No. 208, dated 30th July last. The censure of Government is based on my having been content with verbally instructing the Subordinate Magistrate to report for the orders of the Magistrate, instead of addressing that Officer myself. Had I had reason to believe, and I had none, that the Sub-Magistrate had neglected his duty by not reporting the arrest of the prisoners, I should certainly have failed in mine had I not at once brought his misconduct to the notice of the Magistrate; but, so far from this being the case, I had, from the information before me, no reason to suppose that the District Magistrate was not already fully aware of the arrest and detention of the prisoners, nor had I any reason to believe that it was from any neglect of duty on his part that no orders regarding the disposal of the prisoners had been received. The Subordinate Magistrate had reported the fact of arrest immediately after its occurrence, and in the ordinary course of official business I had no grounds for supposing that it had not been communicated to the proper office. In the Palnad, I had, except as a Settlement Officer, no authority whatever; in this particular matter I had not the slightest official concern, and, knowing this, I adopted what seemed to me the most proper mode of bringing the matter again to the notice of the District Magistrate, with a view to such further steps being taken as might be necessary. The delicacy which induced me to act as I did, even if judged mistaken, must be acknowledged to be natural. For me, who had, as a Magistrate, nothing to do with the detention of these prisoners, to address directly the District Magistrate, who was, so far as my information went, in all ordinary probability already cognizant of their case, would have been to interfere in his relations with subordinate officers who were not subordinate to me, and to suggest to him that he had been neglecting his duty in a matter in which I had no concern. That I should consider such course improper is, I most respectfully submit, no ground for ascribing to me an indifference which, from the words of the order, can be regarded only as inhumanity. In the best of faith I did what was I thought best for the speedy issue of orders in the matter of the prisoners, and I can only regret that what I did should have by Government been ascribed to indifference to suffering. Had I been indifferent, I would never have made the inquiries I did, or, having made them, would have refrained from telling the Subordinate Magistrate, as I did, at once to write to the Magistrate: this I thought at once the readiest for the receipt of orders, and the most proper and respectful for me in my relations to my superior Officer, the District Magistrate. Though the Sub-Magistrate did delay in reporting, and though he made no mention of my verbal order when he did report, I have not the slightest hesitation in saying that but for that order the arrest of these prisoners might have been to this day unknown in the district office. Having, as I believe, been the cause of all the action taken for the release of these men, I cannot but regret that Government should have ascribed to my indifference

*Proceedings of the Madras Government, Judicial Department,
20th January 1868.*

to wrong the course which under the circumstances I thought the best I could take, and which I venture to say would have commended itself to most other men as the best. I would, therefore, most respectfully beg that Government may be pleased to relieve me of a censure which ascribes to me the indifference of cruelty. I may have been mistaken in my notions of the propriety or otherwise of interference in matters wherein I had no official concern between my superior officer and one of his subordinates; but that I was, does not, I submit, argue me indifferent.

No. 133. ORDER THEREON, 20th January 1868, No. 83.

The Government adhere to the opinion expressed in their Proceedings of the 20th ultimo, that Mr. Wilson failed in his duty in not bringing to the notice of the District Magistrate the lengthened period during which the prisoners referred to had been detained in confinement.

(True Extract).

Chief Secretary.

To W. Wilson, Esq.
To the Magistrate, Kistna District.

Exd. J. H. Burns.

Memo for order.

In this letter Mr. Wilson the Acting Magistrate of the Kistna district attributes to be derived from the censure passed upon him in para 14. of the Pro. of Feb. 20 to Dec. last, in connection with the prolonged detention of prisoners arrested and the application from the Nizam's officers.

Mr. Wilson argues that in ^{verbally} ordering the subordinate mag to report the continued detention of the prisoners in the Taluk lock up, he was actuated by duty towards his superior officer the Magistrate of the District.

instead of himself reporting in writing, to Mr. Thornhill,

and his wish not to interfere
in that officers relations with
his subordinate officers, who
were not subordinate to
Mr. Wilson himself.

The explanation given by
Mr. Wilson does not appear
satisfactory. He must have
felt certain that the retention
of prisoners for four months
in a Police lock up, without
any direct orders from the
Magistrate of the District
must have arisen from
some error or from very

extraordinary circumstances
and a demi official com-
munication to Mr. Thornhill
as to what he had seen
in a distant outlying
part of the district does

It is quite
that under
similar cir-
cumstances
I should have
sent off a note
to Mr. Thornhill.
Whether or not, Mr.
Wilson has deserved
censure of some kind,
advising the impropriety of
advising such as will put in
the hands of some man who
I don't consider de-
serving to be put in
has been passed on Mr. Wilson

W.D.C.

Speaking from experience,
I cannot help feeling with Mr.
Wilson that there was some
awkwardness in his having
to communicate with the Senior
Magistrate - in regard to the detention
of prisoners within the limits of
the latter office; but it occurs
to me that, if there was any in-
delicacy at all, in doing what
Mr. Wilson did, it was more in-
delicacy in what he said to the
Senior Magistrate, again to write
about the Prisoners to Mr. Thornhill,
than in Mr. Wilson writing a
note himself to that gentleman.

not seem to be an indecent
proceeding, or to have more
of the nature of interference
than the giving a direct
though verbal order to
one of Mr. Thornhill's subor-
dinate.

Mr. Wilson is in error in sup-
posing that his verbal
order had the beneficial
effect he supposes. - The
interference made by the
Subj. Mag. when he did
make it was on account
of the 'batta' maintenance
of the prisoners.

I submit that Mr.
Wilson may be informed
that the Subj. Mag. has no
reason to modify the
censure passed upon him

Proceedings of the Madras Govt.
Read letter from H. Wilson Esq. d. 30 Dec 67

in their order of the 20th
Dec. last

I ^{Order thereon 20th Aug 1868 4th 33} must say
" Mr Govt. will be
of opinion that
unjust in their
favor of the 20th of March
that Mr Wilson
failed in his duty
is not bringing to the
notice of the Govt. his
the long continued period
during which the
prisoners were kept at
hard and detained
in imprisonment."

H. Wilson Esq. 3rd Dec 67
" Major Michael 22nd 1867

Copy of
Letter N.