CONFIDENTIAL.

7

17. Home Judl DEPARTMENT.

Paper taken out of the Records from the charge of the Referencer.

~~Press~~ / Miscellaneous / Routine No. 691 dated 1896

Date taken out.	For what purpose.			Initials of clerk taking the paper or of attender.	Date returned.	Initials of attender.
	Department.	C. No.	Year.			
~~20.3.18~~	~~Judl~~	~~690A~~	~~18~~	~~[illegible]~~		
~~3/9/56~~	~~H. J.~~	~~11~~	~~R~~	~~[illegible]~~	~~S~~ 15/9.1[illegible]	

Judicial (1896) Department.

ORDINARY Mis

G.O., No. 706

Confidential No. 55

DATED 9-4-96

[Despatch Abstract.]

Appeal to the Board of Revenue

Passing orders on a case in which the Bd. of Rev. modified the decision of Mr Tremenheere, Dist. Mag., Bellary, dismissing the village magistrate of Gundlahalle, Hospet Taluk, without reference to that officer.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
–	4	Rev of 94					

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

List of Enclosures

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A. Board of Revenue $\frac{3169 \text{ Mis.}}{24 \text{ June}}$

B. Proc^{gs} of Coll^{r} Dist. Mag^{e} 25.2.95.

C. – B$^{d's}$ Proc^{gs} $\frac{2467}{16 \text{ May}}$

D. Letter of District Mag^{e} $\frac{317}{27 \text{ May}}$

E. Village-Magistrate's Report. 11. Dec.

F. Sessions' Judgment. 6 of 1895.

G. Extract from Crime Reg^{r}. 8. Dec.

H. " " P. C.'s Notebook " "

Rd 18/7/85

With enclosures A.-H.
to be kindly returned.

My dear Price,

I beg permission to lay the following matter before Government.

2. Acting both as Collector and District Magistrate, I lately dismissed a village-magistrate for having, as I conceived, purposely sent away the most important witness in a Homicide case, to prevent his statement being recorded by the Police Inspector. (Enclosure B.) He appealed to the Board of Revenue, which "did not consider that the charge was proved against him." (Enclosure C.)

3. If this order had been passed in the ordinary course of official procedure, I should have said no more. We all make mistakes, & must gladly submit to be set right by duly constituted authorities, who have informed themsel of the facts & of what can be sai against & in favour of the ord

4. But in this instance the R

of Revenue had not seen the records, & had not called upon me for report or remarks. To this day I have no knowledge of the allegations or the arguments of the petition of appeal.

5. I therefore very respectfully submitted to the Board of Revenue that if the facts ~~forward~~ as again set forth were un-impeached, the conduct of the village-magistrate in the most favorable view deserved censure; or if they were impeached, the District Magistrate should have been given an opportunity of substantiating them.* I requested that my explanation might be (Enclosure D.) laid before Government; which, I may add, has lately scrutinized with minute care the action of the responsible Executive in this District in respect of important crimes.

6. The Board of Revenue has n

* Note. The request was conditional on the statements in para. 2 of the reference being unimpeached; & I have never been informed that they were impeached by the date of the Bd's Procds (16 May.)

(a) justified (if I may use the term) its disposal of the appeal without seeing the records or allowing the District Magistrate to see the petition of appeal:

(b) refused the District Magistrate's request to lay his explanation before Government:

(c). censured him in unprecedented terms for making the request (~~Exhibit~~ Enclosure A).

7. (a). The Board of Revenue takes the position (para. 8.) that an order may properly be reversed on appeal without seeing the records or referring it for report, when it appears on the face of it to set out all the facts.

I submit with respect that this is not a safe view. In the first place, the totality of facts is never fully apparent until it is known which of those set forth has been challenged; on this it may be necessary to bring forward others in support. Sec fresh facts may be alleged in the appeal-petition, & these have to be met. Thirdly, an attempt may be made to explain away even admitted facts, & these arguments must be met. Again, the objects of reciting the circumstances more or less fully in an appealable Proceedings are, to give reasonable information to the person affected, & to enable the appellate authority to reject the appeal summarily if it finds no cause shewn; the object is not, I would urge, to facilitate a summary reversal. For the contrary position would obviously prejudice an officer passing a properly full order. Officers will pass the barest possible Proceedings if otherwise they are to lose the legitimate advantage of knowing what the appellant asserts against it. If I pass a Proceedings "Read papers. Village-Magistrate dismissed" am I entitled to see the appeal petition, while if I attempt to recite the facts, am I not? It appears to me that this is a new principle of procedure, and one that will not receive the endorsement of Government.

8. (b). I confess I have hitherto been under the impression that Collectors & District Magistrates enjoyed the privilege of requesting a reference to Government, especially when principles were involved. To refuse a District Magistrate a reference to Government on a matter affecting criminal administration and to censure him for the request – this at least appears to go to the very limit of discretionary powers.

9. (c). Even in view of mis-statement of facts which will be pointed out, I willingly pass

[illegible] to me to over such phrases as "punishment inflicted on such flimsy grounds" – "it is futile to urge" – "the Board can only express astonishment" –; but I beg to draw the attention of Government to the following sentence;

"The letter of the Collector × × in which he complains that his order was cancelled without his being given an opportunity to meet the allegations of the appellant & in which he requests a reference to Government, is singularly inept". (Para. 8.)

10. In my experience such a remark is unprecedented, and in my humble opinion is opposed to all the traditions of the Service. If such a form of censure should be approved, I venture to submit that the whole tone of administration would run the risk of being lowered. We might see Collectors

a little too much seems to be made of this
J.A.

to

follow the Example towards their Divisional Officers; "I have the honour to acknowledge your inept communication", "I have the honour to inform you that I am astonished at the ineptitude of your report." Can it be the wish of Government that such a tone should be current? The Civil Service Manual requires us to treat native officials with kindness, with a treatment which shall combine consideration & respect (p. 8.). Is a Tahsildar entitled to this, and not a Collector & District Magistrate? "Inept" is a term that certainly carries with it an offensive sting, and I beg to submit that I am entitled to make a most respectful protest against its application in the case of an officer who has the honour of being entrusted by Government with the executive administration of a District.

11. I now turn to the statement of facts by the Board of Revenue.

(a). Para. 4. "The village-Magistrate was only doing his duty in sending this report."

But when & by whom? He came to the village on the night of the 9th, & learnt the main facts of the case before he left for Bellary at 10. a.m. on the 10th. This was the time when he ought to have sent the report, & not on the 11th when every hour he was expecting the arrival of the Inspector. Nor should he have sent the report by the Taliari – the witness in question – when he had a Vetti to send (B.P. para. 5.)

12. (b) Para. 4. "It is palpable that in sending it, he was further perpetuating the statement made by the Taliari."

I could not wish for a better illustration of the risk of error ~~caused~~ ~~run~~ incurred by reversing an order in appeal without making any reference to the officer whose order is appealed against. How does the Board come to say that the report perpetuated the Taliari's statement? Is this view put forward in the petition of appeal? The truth is, the report does not mention the Taliari! It simply runs "So & So came to the village & died. I inform you the Police have charged the case before you." (See copy attached. Enclosure E.) So that, so far from the report strengthening a presumption of the village-Magistrate's innocence, it actually rebuts this by its utter worthlessness & by its studied omission of the Taliari's evidence. And what a report to be considered so urgent that it must be sent at once (i.e. 24 hours late), even at the cost of taking the Taliari away from the village for a period estimated at 4 to 5 days, when the Inspector was hourly expected to arrive in order to take a statement from him!

it appears to me to

13. (c). Para. 6. "The Judge, relying largely on the evidence of three other witnesses." Para. 8. "The essential & indispensable character of the evidence of the Taliari is very much exaggerated by the Collector. His opinion on the point is not borne out by the judgment of the Sessions Court (para. 10.), which it is moreover observed contains no strictures on the village-magistrate."

As to the last point, there was no need to bring out the village-magistrate's conduct, during the hearing of the case.

As to the first & second points, I must point out on the contrary that the Judge expressly states in the very para-graph quoted, (Enclosure F.) that none of the three witnesses can say who struck the deceased, not being present at the attack. "To prove therefore that
" these men struck Hanumagadu
" there is nothing except the confession-
"-al statements made by them before
" the Magistrate on 9 December, & the
" evidence of the Taliari & the Constables
" as to the statements that they made
" to them in their own village before

[illegible] to me to "They were taken in to Bellary." Now the confessional statements were very likely to be, & were in fact repudiated (Judgment para. 7.) The statements to the Constables must have been admitted by the Judge through oversight (so indeed he has told me) as they were not evidence. There remained to connect the accused with the Homicide, absolutely nothing but the evidence of the Taliari.

14. (d). Para. 8. "The importance of the Taliari's evidence, on the 11th December may very reasonably have been regarded by the village-Magistrate as small, in the face of the confessions of five accused persons repeated before the Stationary Magistrate of Bellary."

These confessions ~~were~~ had been recorded (on the 9th) in the Bellary Hospital, & there is nothing to show that the Village-Magistrate knew of them. ~~Even if~~ Granting that he did, he must have been conscious that they would most likely be repudiated.

14. (e). Para. 3. "The Taliari's information

then appear to me to

was incorporated in the Crime Register & stereotyped in Crime Reports."

As a matter of fact, the enclosed Extracts from the Crime Register and from the Constable's note-book (Enclosures G & H) do not record that the Taliari was the recipient of confessional statements. But even were it otherwise, the case must have broken down had not the Taliari spoken to such statements in the Sessions Court. Now what was to ensure that he would do so & not suffer himself to be tampered with? Nothing could absolutely ensure this; but certainly the best security was that an Inspector of Police, instead of a mere Constable, should take a statement from him. Of course, if he should be tampered with, neither statement would be evidence; but the moral effect of an Inspector's record is notoriously greater, since the fear is greater of a successful prosecution for Giving False Evidence or Information. It was therefore in any case of the first imthen appears to me to

-portance that the Inspector should take a statement from the Taliari as soon as possible. And this is not a recondite point of law; it is a necessary procedure known to every village-magistrate.

15. These then are the facts shortly;

(1). Unless the Taliari should give evidence at the trial the case must break down:

(2) it was probable that influence would be brought to bear upon him as the accused had the entire sympathy of the village & included the village-magistrate's brother:

(3) the only probable means of insuring his evidence was that the Inspector should take a statement from him:

(4) the village-magistrate, who had not thought it necessary to send a report of the case on the 10th, suddenly wakes up on the 11th when the Inspector was hourly expected by him, writes a report which is so much waste paper, & hurries it off by the Taliari, although he

that they appear to me to

had another messenger at hand, although (considering its contents) it ~~was not essential~~ did not matter whether it went an hour or two earlier or later, & although the errand would probably keep the Taliari out of the reach of the Police for four days & possibly longer. This would mean that a statement relating to events of the 7th could not in the ordinary course be recorded until the 15th. This alone might have sufficed to spoil the case.

(5). When the Inspector arrived & asked for the Taliari, the village-magistrate falsely stated that, before his own return from Bellary, the Karnam had sent him to Hospet. The lie shows that he knew he had done wrong.

16. These are the main facts which suggest themselves to me without a perusal of the appeal-petition; and as the Board of Revenue was mistaken in certain of its facts, I find no impropriety in saying

that they appear to me to constitute no weak case against the village-Magistrate.

17. With all possible respect for the Board of Revenue, I now beg to enquire whether it acted in accordance with the wishes of Government in refusing the reference I requested, whether I deserved censure for requesting the reference, or otherwise, & whether the censure was conveyed in proper terms.

Believe me
Yours sincerely
H. Tremenheere.

Bellary. July 15.

Demi-official letter to the Chief Secretary, from the District magistrate Bellary, on a certain Proceedings of the Board of Revenue refusing him a reference to Government.

TELEGRAPHS

[G/10]

CONFIDENTIAL No. 254

Judl. DEPARTMENT.

Do.

From

J. H. A. Tremenheere Esq.

No.

Dated 15 } July 1895
Received in office 20 }
Enclosures 8

SUBJECT.

Appealing against the Orders of, and the censure passed upon him by the Board of Revenue in connection with his dismissal of a village magistrate

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[G. 25.]
690—7-5-95.

DEPARTMENT.

C. No. 254.

FOR ORDERS.

The form of the letter is probably due to the fact that the Board refused to make a refce to Govt. when requested
D

It does not seem necessary to go into the merits of the case against the village magte now. 2
I should tell Mr. Tremenheere (d.o.) to make an official representation direct to Govt. This, when recd., can be sent to the Bd. for its remarks; & the matter can then be gone into—

On the face of it, Mr. T. seems, I may say, to be right & the Bd. wrong; & it is therefore desirable that the matter shd. be dealt with officially

1/8/95

+ only with effect from the date of the Board's order

The Board was certainly wrong in reversing the ~~Dt. Magte's~~ Coll's order without reference to him (I know of only one case in wh. this was done, in the Board in my time & then it was done by a new acting member & afterwards reviewed), in refusing to lay the matter before Govt. & in the 3.

In this demi-official# current Mr. Tremenheere, the Dist. Magte. of Bellary, complains of a censure passed upon him by the Board of Revenue, and of its refusal to refer an explanation given by him to Govt.

2 The facts of the case are that Mr. Tremenheere dismissed a village magistrate on the ground that he purposely ~~and~~ & ~~unnecessarily~~ procured the absence of his taliari in order to prevent the local police inspector from examining him as a witness in a case of culpable homicide in which the village magistrate's brother was concerned & the taliari was the most important witness.

The order of dismissal (Enclosure B) is a full one: ~~but is~~ & when the village magistrate appealed to the Board, that authority reinstated+ him with the remark that it did not consider the graver charge proved though conceding that he had told an untruth in the course of the transaction. The order x of reinstatement was passed without any reference to the Collector & Dist. Magte.

x Enclosure C.

3. Mr. Tremenheere protested against this

procedure (Enclosure D). supplementing his order of dismissal by citing additional facts. In his letter he expressed his ignorance as to whether the facts stated in his order were impeached, & requested that if they were he might have an opportunity of substantiating them; if the facts were unimpeached, Mr. Tremenheere ~~remarked~~ requested that the Board would lay his explanation before Govt. on the ground that the matter of principle was of sufficient importance to justify a reference to Govt. The principles involved related both to "the conduct which is "to be expected of a village magistrate "and also as to the disposal of an "appeal in the absence of records without "the Dist. Magte's knowing of the "allegations in the appeal petn. & "without reasons given to justify the "interference with his decision"

4. In reply to this letter the Board passed a proceeding (Enclosure A) stating reasons for its order, peremptorily refusing to make a reference to Govt., & characterizing the Dist. Magte.'s second letters (D) as "singularly inept", expresses its "astonishment" that such a reference should have been made, & remarking that it was "futile to urge" certain arguments employed by Mr. Tremenheere.

5. Mr. Tremenheere complains only of the phrase "singularly inept", & of the Boards refusal to refer the matter to Govt. He gives reasons which go to show that the Board's view of the facts was inaccurate in more than one point — &, I submit, *does* prove that his order of dismissal was a reasonable one, & that, in any case the village magistrate was guilty of gross carelessness, if not of intentional endeavour to "spoil the case" against his brother.

6. It is submitted that the language used by the Board was improper and that ~~the Collector's~~ Mr. Tremenheere's request for a reference to Govt. on the matter of principle should have been complied, while it is for consideration whether the village magistrate should not be punished more severely than by a mere suspension for 3 months

D
24-7-95

P.T.O

terms it used, & the Collr. was in my opinion right about dismissing the Vil. Mag.; but I don't think it will be good policy to tell Mr. T. to make an official representation to Govt. This will have a bad effect on the discipline of the Revenue Deptt & will exacerbate the personal feeling between Mr. T & the Bd. On the information now before us we are quite justified in telling the Bd to submit its Pro of the $\frac{16.5.95}{2467}$ and $\frac{14.6.95}{3169}$. We can then rebuke them for refusing to refer the matter to Govt. at the Collr's request & for the terms, "inept" &c, and tell them to act in accordance with their Pro of $\frac{2.10.82}{2415}$ and G.O. $\frac{8.1.94}{\cancel{3169}\,4}$. I don't think we sho reverse the acquittal, though it may have been wrong. Govt. has never done so yet, so far as I know, & the matter is not of sufficient importance to warrant a new departure.

JG
2/8

FOR ORDERS.

The B.P. of which Mr. Tremenheere complains is not in anyway before us & can't be brought before us in anyway, that I can see, except that which I suggested without the risk my hon. Colleague anticipates, of exacerbating the personal feeling between Mr. T. & the Bd. & of producing a bad effect on the discipline of the Rev: Deptt. — If we act now, without any apparent reason for acting, as recommended by my hon: Colleague the Bd. is quite sharp enough to see that we have done so upon the receipt of some communication which has been kept back from it, and would justifiably resent ~~this~~ & characterize it as subversive of discipline — But if we (privately by d.o.) tell Mr. T. to come up officially ~~as~~ there will no ground for any such feeling or remarks on the part of the Bd. — The Bd. may ~~think~~ suspect that Mr. T. wd. not have moved officially unless he had a hint to do so, though I can't quite see why it should so ~~think~~ suspect; but it can't do more than suspect — In the other case it would be practically certain of what had happened, for how could Govt. know about the case unless by hearing of it from Mr. T.?

I agree that it will probably hardly be worth while to reverse the Bd's decision as to the V.M.; but it is not necessary at present to come to any determination on this point.

BS
9/8/95

Hon. Mr. Grose again

I agree with my Hon Colleague that we must get the Bd Pro before

[G. / 25.]
600—7-5-95.

DEPARTMENT.

C. No.

FOR ORDERS.

The Bd. of Revenue has in this instance accorded to Mr. Tremenheere treatment which when Sir W. Stokes and Mr. Garstin were in Council it received at the hands of Govt. [illegible] and which on a very strong remonstrance as to the injustice &c of the course followed was rectified by Govt. which to the best of my recollection cancelled its former order and restored that appealed against. In the case in question Govt. received an appeal from a dismissed Goomasta – in the Trichinopoly district I think – and without calling for a report or perusing records, restored the man. The Board in this instance has done precisely the same –

Since the present Govt. came into existence an order was issued directing that no appeal to it against any punishment should be preferred direct but should be invariably sent up through the head of the Dept. who when forwarding it should also make such remarks or report on it as might seem to him requisite. This order has been of excellent effect as it has saved time and trouble in the disposal of appeals and has probably been the means of stopping a number of frivolous appeals or appeals in which the parties knew that it would be of no avail

Mr. Tremenheere's protest against his censure by the Board

This case, to which I see a complete refce is given by the Rev. Sec., at once occurred to me on reading Mr. Tremenheere's letter

FOR ORDERS

H.M.

①

as somehow. We can do this either by calling on the Board to submit them or by telling Mr. T to come up about them officially. In the latter case – whether the Bd suspects a "hint" or not personal feeling will be induced. The Bd has to submit all its Pro. to Govt. & I am under the impression that Govt. – at its own instance – often calls for Bd Pro: & sometimes makes remarks about them. I believe a case of this kind occurred whilst I was in the Bd. If so, no personal feeling will be aroused by the "call". The Secretary shd see if I am right in my recollection.

J.G.
9/8

commended by my Hon: C

[G./25.]
600—7-5-95.

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FOR ORDERS.

to put forward false statements or misrepresentations of fact – inasmuch as everything said by them would be subjected to the scrutiny and remarks of the authority appealed against.

The same course as has been laid down by Govt. is that required by the rules having reference to appeals to the Govt. of India and the Secy of State. I see no reason why the Bd of Revenue should alone be allowed to follow a different course and I submit that it should be directed to invariably follow the same procedure as is adopted by Govt.

I have had a long experience as a district officer and I can call to mind no case in which a decision dismissing reducing or otherwise punishing any officer under the authority of the Collr. was set aside or modified without first calling for a report. I have often seen appeals dismissed ~~without~~ ~~[illegible]~~ ~~[illegible]~~ made on a mere perusal of the order appealed against.

It is not to me a matter for surprise that Mr. Tremenheere should have remonstrated against the course followed, and I regard the very discourteous proceedings which the Bd adopted to him as unwarrantable. It is of course within the powers of the Bd to refuse to forward a reference when asked to do so. But never the less I venture to think that, independently of any question as to the merits of the case, the Bd. should have complied with the Collr's. request as a question of principle was involved.

and any officer who affirms an order of this nature being aware of what Govt. direct does so at his own risk.

Exactly so — at his own risk
WW

FOR ORDERS.

The principle as laid down by Govt., and one for which the Bd fought tooth and nail when it was itself concerned, is that no public servant who has been punished shall appeal against such punishment without affording the officer whose decision is appealed against an opportunity of seeing what the appeal states and answering anything that it may contain.

Up to this moment Mr Drumenheere has not seen the petition in this case and is absolute ignorance of what it may contain. For all that he knows it may be a tissue of falsehood and misrepresentation from beginning to end.

As regards the actual merits of the case it is impossible to arrive at any definite conclusion without seeing all the papers connected with it. Those sent up by Mr. J are not enough.

But it would appear from what has been sent up that the Moniyar's own brother was implicated in some way or the other in the culpable homicide case. How far he was implicated and whether he was one of those acquitted or convicted does not appear. However it is not denied that he was one of those named in connection with the case.

The case occurred on the night of the 7th Dec. last. Early on the morning of the 9th (was it not the morning of the 18th?) the village Magistrate returned to the village and heard of it.

G.
25.
600—7-5-95.

DEPARTMENT 3

C. No.

FOR ORDERS.

The Police had already been to the village arrested amongst others the Moniyar's brother and taken him off to Bellary as a prisoner.

The Moniyar is stated to have enquired into the case; there can, as his brother had been already arrested and carried off by the Police, have been no doubt that he did and if he enquired he must have examined the Talari, who apart from his being the village policeman who would naturally report the case to him immediately on his return, was the man who was the chief if not the only witness, excepting those who had heard what the accused had said, in the case.

Having made his enquiry his first and obvious duty was to send in to his superior the Sub Magistrate of Hospet a report embodying what he had learned. He did no such thing and it is strange that Mr Drumenheere has not come down upon him for this and called him to account for the manifest and glaring neglect of duty which it involved.

In lieu of sending in any report or in any way aiding towards the detection of the case, the Moniyar started off on the morning of the 10th (from this it would seem that he did not come back to the village until 2 A M on the morning of the 15th) not to Hospet but to Bellary to see the Inspector. [illegible] What did he go for? Why, if it was with a view to assist the Police, did he not take the Talari with him? What aid could he have given the Police who had already been on the spot made enquiry and arrested the accused? If he did not go to Bellary to assist the Police, what was his object in hurrying there as he did? The reply is obvious: it was to square matters with regard to his captive brother. No mention is made of what took place between the Monigar and the Inspector. One would naturally suppose that if the former wished to help he would have waited for and accompanied the latter. He did no such thing but hurried back in advance and from the hour at which he arrived he must have passed a considerable portion of the night travelling along a footpath in the hills. No native of his class would undertake such a journey unless he had some very special reason. What was that reason? It could not have been forwarding the detection of the case or arranging for promptly putting before the Inspector such evidence as was available for as has already been pointed out he had failed to send in any report and he did not take the Talari or any other witness with him to Bellary. It was evidently not with a view to promote the case that he returned home in such a hurry and this being so the only inference - as the case

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600—7-5-95.

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FOR ORDERS.

was clearly the motive power - is that he returned as he did with a view to hushing matters up before the Inspector arrived. What subsequently occurred all goes to show that this impression is [illegible] warranted.

The position when the Monigar returned was that he had not succeeded in getting his brother released, that the man was still in durance and that the Inspector was coming out at an early date - obviously to make enquiries and without fail would interrogate the Talari who was the chief witness. The Monigar having previously enquired into the case was fully aware of this.

Now what does he do on arrival which was apparently at 3 A.M. on the 17th (not the 16th as stated by Mr. Tremenheere? He writes to the Sub Magistrate of Hospet a very brief report which fully deserves all that Mr Tremenheere says of it and then sends off [illegible] the most important witness with this report knowing that it would keep him out of the way for certainly the next four days. If he did not send the man he allowed him, full knowing that the Inspector would on arrival at once ask for him, to be sent

Of. The Taliari was distinctly his, not the Kurnam's subordinate, and even if he was under the Kurnam's thumb, he could have remonstrated and the better was available. It does not appear that he did anything. The Kurnam's statement has not been sent up, but if it is not a fact that he had given the Taliari's acct to take to the Taluq Cutcherry, this would make the case still worse for the Monigar. Be this point as it may the Monigar when the Inspector arrived and asked for the Taliari told him a deliberate and downright lie - viz. that the Taliari had left the village before he (the Monigar) arrived. What was his object in doing this? If he was acting bonâ fide what reason was there for concealing as he undoubtedly did the real fact? viz that though he was fully aware that the Inspector had come to make enquiries he had first sent the principal witness off on an errand which would keep him out of the way during the time of the Inspector's visit and a good deal longer.

Was this the act of a straightforward honest man and one really trying to do his duty? I think that there can be but one answer to this - that given by Mr. Tremenheere.

Had I been in Mr Tremenheere's place I would certainly have dismissed this man but I would have taken care to weave the chain around him rather more closely than that officer did.

There seems but little if any doubt

FOR ORDERS.

[G./25.]
600—7-5-95.

DEPARTMENT.

C. No.

FOR ORDERS.

as to what occurred. The Monigar went to Bellary to see what could be done with the Police but the result proving unsatisfactory and finding that the Insp. was coming out he turned back to the village in advance - no doubt with a view to squaring the Taliari. This man had however previously committed himself by a statement which had been taken by the Police and as he had but recently ~~done~~ given this and so, there were the admissions of the men who had been arrested and no doubt several witnesses as to what he had said, he could not very conveniently back out of the thing all of a sudden. This he most probably told the Monigar whose only remaining hope was to get him out of the way during the Inspector's visit and ~~attempt~~ attempt to persuade, or cajole him ~~into~~ on his return and after the Police had cleared out, to alter or modify what he had previously said.

What the Bd. says in para 8 of its proceedings regarding no strictures

g been passed on the police. ~~does~~ not
all to the point. The question of
the Moniyar conduct never came up in the Sessions Court;
there was no need ~~on~~ ~~the~~ part of the
Court to enquire into it and a judge
who is so careless as to accept as
evidence confessions made to the
police is not at all likely ~~to [illegible]~~ when there
~~the trouble of whom~~ there was no
need for ~~it~~ troubling himself, ~~when~~
to go out of his way to enquire into ~~[illegible]~~, ~~by enquiring~~ or commentary upon the conduct of a
Village Magistrate.

The proceedings of the Bd. of Revenue
read more like the production of a
vakeel for the defence than the decision
of what is supposed to be an impartial
body.

One has not much difficulty in inferring
who is responsible for it.

LD
28/7/95.

I sent the above with papers to the
R. S for any remarks which he
might wish to make and he has
with his reply forwarded to me
a copy of the proceedings of the Bd
in 1882 which shows that the
procedure adopted in this case
was directly contrary to that which
they then laid down.

LD
30/7/95.

Mr. Tremenheere's protest
against his censure
by the Board

1749

FOR ORDERS.

H.M. & the Hon. Mr. Rose

[G.
73]
2-95.

CHIEF SECRETARIAT,

Ootacamund, July 29th 189[illegible].

OFFICE NOTE. No. 1749

From

THE CHIEF SECRETARY,

I send herewith papers in regard to a complaint made by the Collr. & Dist. Magte. of Bellary of the treatment accorded to him by the Bd. of Rev. relative to the case of a Moniyar whom he, in his capacity as Collr., dismissed for misconduct as a Village Magistrate.

As the case is of a Revenue as well as Judicial character perhaps you would wish to make remarks upon it before it starts on circulation.

Chief Secy.

To the Secy. to Govt.
Revenue Depts.

The merits of the case so far as the V. M's conduct is concerned will, I presume, be dealt with in Judicial.

In regard to the procedure of the Board, it is obvious

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lings of the Board of Revenue.

—

d 2nd October 1882 No 2415.

In supersession of the present
ng to which officials dissatisfied
by Collectors and other officers
the Board, address their appeals
ect, it is resolved that in future
from the orders of Collectors
cers under the control of
e addressed to the Board through
whose orders the appeal is

this rule is not applicable
decrees passed by Collectors
tions.

y order)

(Signed) E. Gibson
Acting Secretary

rue copy)

(Signed) S. Srinivasa Raghavaiyangar
First Assistant

L.G. 30/7.

having been passed on the police ~~[illegible]~~ not at all to the point. The question of the monigar's conduct never came up in the Sessions Court; there was no need ~~on~~ the part of the Court to enquire into it and a Judge who is so ready as to accept as evidence confessions made to the police is not at all likely ~~to [illegible]~~ when there ~~the trouble of when~~ there was no need for ~~it~~ troubling himself, ~~when~~ to go out of his way to enquire into ~~he went into~~, ~~by enquiring~~ or commenting upon the conduct of a village magistrate.

The proceedings of the Bd. of Revenue read more like the production of a vakeel for the defence than the decision of what is supposed to be an impartial body.

One has not much difficulty in inferring who is responsible for it.

28/7/95.

I sent the above with papers to the R.S for any remarks which he might wish to make and he has with his reply forwarded to me a copy of the Proceedings of the Bd in 1882 which shows that the procedure adopted in this case was directly contrary to that which they then laid down.

30/7/95.

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irregular. It was against similar procedure on the part of Govt. that the Bd. protested in its Prop. $\frac{5082}{30.8.93}$ wh. led to the issue of G.O. $\frac{4}{9.1.94}$. But a dozen years before the Board addressed Govt. on the subject of entertaining appeals direct & the disposal of them upon ex-parte statements of appellants, a rule was laid down in the Bd's office requiring all appeals to be submitted thro' the authority against whose order the appeal was preferred. Cf. B.P. $\frac{2415}{2.10.82}$. In this case the Bd. has ignored its own order.

L.G. 30/7.

Proceedings of the Board of Revenue.

Circular dated 2nd October 1882 No. 2415.

In supersession of the present practice according to which officials dissatisfied with orders passed by Collectors and other officers sub-ordinate to the Board, address their appeals to the Board direct, it is resolved that in future all such appeals from the orders of Collectors and other officers under the control of the Board shall be addressed to the Board through the officer from whose orders the appeal is made.

2. This rule is not applicable to appeals from decrees passed by Collectors under the regulations.

(by order)

(Signed) E. Gibson
Acting Secretary

(True copy)

(Signed) S. Srinivasa Raghavaiyangar
First Assistant

L.G. 30/7.

B.P. $\frac{2415}{2.10.82}$.

Appeals to Board

Resubmitted to Hon.
for perusal of the Hon. W.
Grose's remarks

JS 6/8/95

3.8.95

When the Hon: W. Grose was Board's Secy

When Venkasami Rao was first Asst & Sri H. Stokes Secy

(x) 218, 264 & 309 of 1884

* 114 of 84

Note for the Secretary

The reference has examined the Board's indexes for the years 1869 to 1875x but has not come across any ~~case~~ instance of the kind mentioned by the Hon: member.

2) The reference has also searched the Q. M bundles of the R. D for the years 1883 to 1886y and have sent up four Q. M's calling for papers. Of these, three (x) were calls for papers in connexion with questions under the consideration of Govt. In the fourth * ~~appears to~~ the Govt appears to have called for a B.P ~~of papers~~ regarding the ~~of~~ contribution from L. Funds of the cost of repair and upkeep of the Vedaraniem canal, but ~~as~~ the reply of the Board thereto has not been registered & it is not possible to say why the paper was called for

3 - BP 316 m/s appears in the Board's volume for june 1895 J.T.G.

RS 27-8-95

Submitted to the Hon. Mr. Grose with reference to his note of 9th Aug -

The search made has not been very fruitful - Govt could of course, call for a copy of B.P. $\frac{3169 \text{ Mis}}{24.6.95}$ but having got it would not be in a position to pass orders without calling for all the correspondence - Indeed in the absence of a specific complaint from the Collector - revision of the Board's order would be an unusual proceeding in so trivial a matter -

29/8.

Submitted to Hon. I have no remarks to offer

30/8/95

Note for the Secretary

CHIEF SECRETARY
29 AUG 1895
GOVERNMENT OF MADRAS

Hon. Mr. Grose.

Thro' C.S.

Apparently I am wrong in thinking that Govt ~~often~~ at its own instance often calls for Bd Pro & sometimes makes remarks about them". Mr. T shd be told to come up officially.

J G
2/9

H.C.
please put up Board's volumes for Oct 1883 & June 1895 ✻ & also G.O. calling for Stuart v. Dumergue papers [illegible]

[G / 53]
500—25-4-95.

Judl. Department.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

~~Read~~ the following paper:

[C. 2511 Dis

D.O., 7 Sep. 95

My dear Tremenheere

In reply to your demi-official letter of the 15th July in which you protest against a censure passed upon you by the Board of Revenue in connection with your dismissal of the village magistrate of Gundlapalli I am directed ~~to request you to~~ say that you should make an official ~~reference~~ representation of the matter direct to Govt. ~~upon the matter~~

Yours sincerely

4/9/95.

D
A. 5.95

J.H.A. Tremenheere Esq. I.C.S. with 8 Encls retd } Despd 7/9

Mr Tremenheere
to the Board

CS
for orders

INDIAN TELEGRAPHS Number.

Code Class. S

To (Office) Ootacamund

From (Office) Rayadrug

Words.	Day.	Hour.	Minute.	Official Instructions.
17.3	14	5	10	

To (Person) Chief secretary

From (Person) Tremenheere

your demiofficial 7 september kindly send copy of mine dated 15 july

32 Word Form.

Recd. from LN. At Hrs. Mts. by

Sent to LN. At Hrs. Mts. by

Telegraph Master.

OOTACAMUND 14-9-93

[G/9]
2,000—2-4-95.

Current No. ~~4~~ 4356 Jud^l ~~Public~~ DEPARTMENT.

Telegram

From Mr Tremenheere

No.

Dated } 14-9-95
Received ~~tolgd~~
Enclosures

Re Regd - 16/9/95

SUBJECT.

Requesting to be furnished with a copy of his demi official of 15 July.

C.S. D.O. of 20 Sep. 95.

My dear Tremenheere,

Your telegram of the 14th inst. asking for a copy of your D.O. of the 15th July. I send herewith the original instead. Kindly return it separately ~~about~~ when ~~the time~~ you forward your official report.

Yours sincerely

[illegible]
16.9.95

J. H. K. Tremenheere Esq. I.C.S.
with encl } Desp^d 20/9

Avd
16.9

G.A.S.

O.H. copy
[illegible]
19/9

CHIEF SECRETARY * GOVERNMENT OF MADRAS
-5 OCT. 1895

Sandur
2 October 1895.

My dear Price,

As my official letter goes in today, I return with thanks my demi-official kindly returned to me in yours of 20th Sept.

Yours Sincerely
H. Tremenheere.

The Hon^ble W. H. Price C.S.I.
Chief Secretary.

CONFIDENTIAL No. 319

[G/10]

Jud^l. **DEPARTMENT.**

D.o

From

J. H. A. Tremenheere Esq.

No.

Dated 2 } Oct. 95.
Received 5 }
Enclosures (Con. 254 retd)
restored to its place.

SUBJECT.

Returning his D.o appealing against the censure passed upon him by the Board.

List of enclosures submitted to Government with Bellary District Magistrate's letter Camp. No. A dated 2d October 1895.

A. B. P. No. 3169 Miscellaneous dated 24th June '95.

B. District Magistrate's original order dated 25.2.95 dismissing the Reddi of Gundlapalli.

C. B. P. No. 2467 Miscellaneous dated 16th May '95.

D. District Magistrate's Mag^l. Ref. No. 317 dated 27.5.95 to the Board.

E. Village Magistrate's report to the Stationary Sub Magistrate Hospet.

F. Session judgment in Session case No. 6 of '95 dated 11th January '95.

G. First entry in the Station Crime Register.

H. The Taliari's statement contained in the Constable's note book of 8th December.

J. Police Inspector's occurrence report with statements of village magistrate and Karnam taken on 12th December.

K. Taliari's statement recorded by Hospet Sub magistrate on 13th December as copied in the Crime Register.

L. Explanation of the village magistrate dated 30 January '95 before the Tahsildar, Hospet, with Translation.

H. Tremenheere
D.M.

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1 CURRENT No. 4705

Camp No. A.

Camp. Sandur.
2nd October 1895.

Confidential.

From

The District Magistrate,
Bellary

To

The Chief Secretary to Government,
Judicial Department

Sir,

I have the honor to solicit the orders of Government on certain questions which I think legitimately arise in connection with the action of the Board of Revenue disclosed in B. P. $\frac{2467}{16\text{ May}}$ Land Revenue Miscellaneous and the other accompanying papers (See List attached).

2. On the night of the 7th December last, in the village of Gundlupalli, Hospet Taluq, a thief was caught stealing ears of grain and was beaten to death. For this Culpable Homicide, 9 persons were charged and 5 were convicted in the January Sessions, and

subsequently the High Court Suo motu enhanced the sentence to four 5 years' Rigorous Imprisonment.

3. On the 22nd December the Superintendent of Police forwarded to me a Report of the 20th idem from the Inspector of Police, Bellary, within whose range this village has been placed, owing to its remoteness and difficulty of access from Hospet. That report contained the following passage;

Enclosure G. J.

"This being the case, if the 9 men (accused) withdraw before the Sessions Court the statements they have made, the case will be weakened.

"The probable failure of justice must be attributed to the Village Magistrate, whose conduct in my humble opinion, deserves severe notice. On the 10th December '94 between 2 and 3 P.M. the Village Magistrate saw me in the Taluk Cutcherry, Bellary, and said that there was a large number of witnesses in the village, who knew the circumstances of the case. Promising that he would produce them before me, he went away to his village, before I could reach

reach

reach it.

"On the 11th and 12th I stopped in the village; not a single witness was produced; and when I examined a number of men they said they knew nothing. The Taliari, Madiga Buddadu, who had given information of the case to the Police Constable at Hirehal on the 8th December was not bee found in the village. The village Magistrate stated that he had been sent away to Hospet by the Karnam before he came to the village from Bellary, whereas the Karnam's statement shows that the Reddy was in the village when the Taliari was sent to Hospet.

"I was obliged to send Head Constable No. 338 of Hirehal to Hospet and have the Taliari examined by him and the Stationary Sub Magistrate at Hospet on 13th December '94.

"I have attached the statement of the Reddi and Karnam with translation."

4. This report was sent to the Head Assistant Magistrate for disposal "which should be reported". The Tahsildar took the Village

Magistrate's explanation, which was to the following effect;

that he had been absent from the village until 2 A.M. on 10th December; that on his return he learnt his brother had been unjustly implicated in the case; that he made enquiries and started at 6 A.M. for Bellary; that being ordered by the Inspector to return, after telling him all about the case of murder, he reached the village at 5 A.M. on 11th; that he had written a report of the case on the previous day, and now at 7 A.M. finding the Karnam had given some memoranda to the Taliari, he gave him also the report; that he had no idea the Taliari was connected with the case; and that he made a mistake when he told the Inspector that the Karnam had sent ~~him~~ away the Taliari before he (the Village Magistrate) had returned from Bellary.

5. This explanation is very curious. It was to the Taliari that the accused had brought the dying man, admitting the assault; and it was he who went off and fetched the Police. He was the pivot on which the whole case turned. Yet the Village Magistrate who had "made enquiries" so as to be able to tell the Inspector all about the case, had

had not even heard of the Taliari in connection with it. Moreover, to make his statement a little less grossly improbable, he has to say that his report dated 11th was written on the 10th; that he had left for Bellary at daybreak on the 10th (insinuating that he had no time to make a full enquiry) whereas on the 12th he gave a statement that he stayed in the village until 10 A.M. during which time he made enquiry; and that on the 11th he gave the report to the Taliari at 7 A.M. (attempting to minimize any connection with the Inspector's arrival at 3. P.M.) Whereas the Taliari on the 13th told the Sub Magistrate quite incidentally that the report had been given to him about midday. However this explanation the Tahsildar forwarded, with the remark that he saw no adequate grounds to exonerate the Reddi from blame. The Head Assistant Magistrate however reported merely that he was unable to find anything against the Village Magistrate for which it would be possible to punish him.

6. This view I conceived to be erroneous. As Collector and District Magistrate I passed a Proceedings 25th February 1895 reciting the main facts, and continued thus;

Enclosure B

"It appears therefore that the village Magistrate was guilty of an untruth when on the 12th he represented to the Inspector that the Taliari had left the village before the village Magistrate arrived. In fact, as the Taliari is under the village Magistrate and not under the Karnam, it must be taken that the village Magistrate sent him away. It may be added that Gundlapalle has also a Vetti.

"In thus sending away the most important witness in the case, on business which according to the Karnam's Statement (of 12th) might detain him five days, the village Magistrate it seems to me can have had only one object in view — to defeat the ends of justice and wrongfully favour his brother. Whether or not he had this object, his action seriously delayed investigation and imperilled the case, which was saved only by the promptness of the Inspector in sending a special messenger to Hospet and getting the Taliari examined there.

"It being in my opinion proved against the Village Magistrate that in a most important case he sent away the Chief witness in order that the Police might not examine him, I consider that an exemplary punishment must be awarded as a warning to other Village Magistrates who in this district are too often given rather to obstruct than to assist the Police. Dyamana Gond is dismissed from the office of Village Magistrate."

7. On the 16th May the Board of Revenue read a petition of appeal from the Village Magistrate and passed the following Proceedings (No. 2467);

Enclosure C

"The appellant will be considered to have been under suspension up to the date of receipt of this order for making a false statement. The Board does not consider that the graver charge is proved against him".

8. I at once as District Magistrate represented

Enclosure D

to

to the Board that the essential facts, undisputed so far as I knew, were these; viz that the Village Magistrate, knowing that the Inspector was coming on a certain day, that morning sent away a man whom he knew to be an absolutely essential witness on an errand that would ensure his absence for four days; that he had a motive for wishing to spoil the case; and that he falsely told the Inspector that during his own absence the witness had been sent away by some one else. I explained that my Proceedings, while reciting the facts generally, had not brought out certain points which would have been brought out if the appeal petition had been sent to me for report. I complained of the further omission that the Board had disposed of the appeal without even asking to see the records. If the above essential facts were impeached, I submitted that the Board should give me an opportunity of substantiating them; if unimpeached, I requested the Board to lay my explanation before Government should the Board still consider that on them the Village Magistrate was not open to punishment.

9. I forwarded for information the judgment of the Sessions Court and the explanation taken by the Police Inspector from the Village Magistrate on 12th December, and I requested reference to a map, to see how Gundlapalli lies among the hills in a far corner (South East) of the Hospet Taluq, about 35 miles from Hospet by path and road. I noticed also the following points which had not been adduced, or on which stress had not been laid, in my Proceedings;

Enclosure F.

See Enclosure J

(a) that the Village Magistrate not only knew generally that the Inspector was coming, but knew he was coming on the 11th.

(b) that the attitude of the whole village was sympathetic to the offenders, i.e. on the ground that they had only beaten a thief.

(c) that the Taliari was not only "the chief witness", but a witness whose evidence was

essential

essential to conviction.

(d) that the Village Magistrate must have known on the 10th of the importance of the Taliari's evidence.

(e) that granting the Karnam at 9 a.m. was sending the Taliari to Hospet (with whatever motive i.e. perhaps sympathizing with the persons arrested) yet the Village Magistrate saw the Taliari before he started, and it was his imperative duty to stop him, instead of giving him a report to take and thus making himself responsible for his absence.

(f) that both the accounts of the Karnam and the report of the Village Magistrate might have been sent by the Vetti.

(g) that the falsehood of the Village Magistrate, so far from being an isolated fact, had important value as evidence.

10. I further urged that in any view the Village Magistrate's conduct was not what Government had a right to expect, the most that could be said in his

favour being that he acted foolishly and thoughtlessly. Yet apparently the Board had entirely absolved him from blame in this respect.

11. In conclusion, I begged the Board to pardon me for troubling them again with a matter not on the face of it important but important principles seemed to me to be involved, both as regarded the conduct which was to be expected of a village Magistrate, and also as to the disposal of appeals in the absence of records, without the District Magistrate's knowing of the allegations in the petition of appeal and without reasons given to justify interference with his decision: and these grounds might, I most respectfully hoped, excuse me in the judgment of the Board.

12. In their Proceedings viz 169 Miscellaneous of 24th June the Board was pleased to pass orders on this letter. It was remarked that my order had been assumed to be a complete statement of my reasons, as it had extended to four pages of manuscript.

Enclosure A

It

It was however now presumed that the "points omitted" had been supplied. It is then contended that the Taliari's information, as given at the Hirehal station, had of course been incorporated in the Crime Register and stereotyped in Crime Reports sent from the Station; that the Village Magistrate was only doing his duty in sending the report which was despatched to the Hospet ~~Station~~ Sub-magistrate on the 11th; and that in sending it, as was palpable, he was further perpetuating the statement made by the Taliari. It is admitted indeed that the Village Magistrate's statement to the Inspector that before his own arrival from Bellary, the Karnam had sent the Taliari to Hospet, was not strictly accurate; also that the Village Magistrate ought to have detained the Taliari and sent the Vetti. But, it is replied, the Village Magistrate was not accused of tampering with the Taliari; to send him away, in fact, would preclude tampering; and there was no need of any such action since five of the persons arrested had confirmed to the Sub-Magistrate the confessions they had made to the Taliari.

13. Coming to the evidence in the Criminal case, the Board stated that the judge in convicting of Culpable Homicide, had relied largely on the evidence of three other witnesses; that the judgment did not bear out my opinion of the essential and indispensable character of the Taliari's evidence which had been very much exaggerated by the "Collector"; and that the judgment contained no strictures on the Village Magistrate. In fact, the importance of the Taliari's evidence, on the 11th December might very reasonably have been regarded by the Village Magistrate as small in the face of the confessions of five accused persons repeated before the Sub Magistrate of Bellary.

14. The Board was thus of opinion that the Village Magistrate had been dismissed on the flimsy ground of bare suspicion.

15. Coming now to the method of the decision of the appeal, the Board's order was passed

passed mainly on the "Collector's" own decision and the Board had every reason to believe that all the material facts were before it. This had, it is asserted, turned out to be the case, nothing new, which was useful, having been added. It was, for instance, futile to urge that the Village Magistrate knew the exact date of the Inspector's arrival; and as above noted, the essential character of the Taliari's evidence had been very much exaggerated. These were the only two supplementary points the Collector had brought forward, and the Board could only express astonishment at the present reference.

16. In fine the letter of the "Collector" in which he complained that his orders had been cancelled without his being given an opportunity to meet the allegations of the appellant and in which he requested a reference to Government, was in the judgment

of the Board, singularly inept and no reference would be made.

17. In concluding this summary of the Board's Proceedings, I think it is open to me, without disrespect, to point out that it contains no reference to certain portions of my letter. The impolicy of overlooking without at least a reprimand, the conduct of a village magistrate who, even in good faith, sends away an important witness just before a Police investigation; the enquiry whether the allegations of the order had or had not been impeached by appellant; the difficulty of my arriving at the sum of facts for the Board's consideration without being allowed to see the petition of appeal; all these matters which formed the subject of courteous representation, have been left untouched. And I know not the grounds for the presumption that — though still in the dark as to the appeal petition — I could think myself to have supplied all the omissions

which

which (as I represented) my ignorance of its contents might have entailed.

18. The first position of the Board of Revenue which with great deference I shall beg permission to discuss, is that an order may properly be ~~revised~~ reversed on appeal without seeing the records or referring it for report, when it appears on the face of it to set out all the facts.

19. Treating this matter in particular, it must be admitted that no objection could reasonably be brought against such a course when the subject of appeal is of a very petty nature. No one would care to urge general principles as to a small fine inflicted on a clerk or a Revenue Inspector. In Revenue matters too, the Board is not only a body of experts, but one of its main functions is to watch the direct or indirect interests of public revenue on behalf of Government.

20. In questions arising out of criminal

administration, however, the admission would have to be more guarded. There may be some petty matters on which a District Magistrate takes action, in which he would be rightly indisposed to limit the most summary disposal by the Board of Revenue. But among such will hardly be classed a case in which he explicitly finds that a village Magistrate has taken an active step towards defeating justice in a Culpable Homicide, and in which he states that the condition of his district and the common misconduct of other Village Magistrates require an exemplary punishment. It may be taken therefore that in this particular instance it was not to the interest of the Judicial Department that any means should be overlooked of arriving at a full understanding of conduct in which the criminal administration of Government was concerned.

21. Treating the matter in general, and confining

myself

myself to questions closely connected with the Judicial Department that come up in appeal to the Board of Revenue, I venture to suggest that the position of the Board is neither safe, nor conducive to the best interests of administration. It appears to me to be unsafe, because there is no security that all the material facts and arguments can be entered in the original order. In the first place, the press of modern work renders this increasingly difficult. That ommissions should occasionally occur is only natural. Not much harm results, because most orders are not appealed against, and because the appellate authority is in the habit of sending the appeal petition for records, for remarks or for report. But for my own part, I frankly confess I think Government would not be sufficiently protected were it always assumed that my orders however apparently complete, are really so.

22. In the second place, it is impossible to know before hand the whole sum of facts

and deductions which the appellate authority will require. Some of those set forth may be challenged for the first time in the petition of appeal; it will be necessary to bring forward others in support. Fresh facts may be alleged in appeal and these will have to be met. An attempt may be made to explain away even admitted facts, and these arguments must be controverted.

23. It is for these reasons and others that it would be presumption in me to press upon Government; that the convenient custom has long come to be recognized, being occasionally indeed embodied in rules (see B.S.O. 30. para 25 and 176 para 7), of sending an appeal petition to the original authority for submission of records and for report. This in effect gives it a right of reply on the facts and arguments of the petition; and I doubt whether the interests of criminal administration are safe-guarded when this custom is disregarded.

This shd be Para 15 of S.O. 30

24. The position also may be attended

with

with serious results to executive efficiency. If once it be laid down that a conscientious recital of circumstances in an appealable order loses the privilege of seeing the appeal petition and thus abolishes what may be called the right of reply, a premium is at once given to apparent incompleteness. Of late years officers have much improved in this respect, but it was once a common practice, and indeed it obtains too much now, for an appealable order to be passed in two or three words, or two or three lines. This I hold should be discouraged, but the way does not lie in the direction now taken. Completeness in an order is desired as I conceive, for three ends alone; for the public, that all official acts may justify themselves on their face; for the person aggrieved, that he may have reasonable materials for appeal; and for the appellate authority, that it may obtain the convenience of rejecting appeals summarily. The object is not, I would urge, to facilitate a summary reversal, though there might be no objection to this in matters of little importance.

25. The next point in the Board's Proceedings on which I request permission to touch, is one which I shall not elaborate. On an appeal arising directly out of criminal administration - a province in which for the most part the District Magistrate has the honor of working in direct subordination to Government - the Board of Revenue has refused him permission to approach Government in regard either to the reversal of his orders, or to what appeared to him an unusual procedure therein, or to the conduct expected of a village Magistrate; and besides refusing him permission, has censured him for seeking it. I content myself with bringing this to the notice of Government.

26. Another matter on which I shall touch equally shortly is the language in which the Board has thought fit to clothe this censure. I have been told that my letter complaining of the procedure adopted and requesting

"a

"a reference to Government, is singularly inept." These terms appear to me to be needlessly offensive, and are so far as I know without precedent. I beg to enquire of Government; still with the utmost respect to the Board of Revenue, whether this style of official intercourse is approved of, and whether it would with complacency be seen to spread through the different branches and ranks of the public service. If not, I beg in the interests of that Service, that the use of such an expression be discountenanced.

27. I now take leave to submit, with the same deference, that the Board's Proceedings contains certain mis-apprehensions of fact, and draws certain conclusions of doubtful validity, in respect both of the original order and of the supplementary documents. The first two items I believe will show that the Board incorrectly conceived itself as being in possession of all the facts.

28. Misapprehensions of fact on the

original documents.

(a) Para 2. "The Taliari's information was of course incorporated in the Crime Register and stereotyped in Crime Reports to the Police Inspector of Bellary and the Magistracy".

The Taliari's information with which we are concerned is that the accused brought the thief to the chavadi and admitted that they had beaten him. The essential point was this admission. It is not in fact recorded in the Crime Register, as will be seen from the translation enclosed.

xx

Enclosure G.

(b) Para "It is palpable that in sending it (the report), he (the village Magistrate) was further perpetuating the statement made by the Taliari in connection with the case".

The report does not in fact mention the Taliari. It runs thus (see translation enclosed), "I have heard that in the matter of Boya Chinna Hanumanta of Hirehal coming to the village and dying, the Police have charged and sent

Enclosure E.

sent the case to you. I inform this to you".

How did these mistakes of fact occur? Were they suggested in the petition of appeal? I have no means of knowing, for I have not been favoured with a sight of it. The former may have been presumed from the strict letter of the law (S. 156. Proc. Code); but what grounds the Board had for assuming a knowledge of the contents of the report, I profess I am unable to conceive. But at least it is open to me to point out how mistakes of this nature emphasize the necessity of a procedure under which they would be impossible.

[illegible]

29. Conclusions of doubtful validity from the original documents.

(a) Para 4. "The village of Gundlapalli, though attached to Bellary for police purposes, belongs to Hospet. The village Magistrate therefore was only doing his duty in sending this report."

It was certainly the duty of the Village Magistrate to send a report of the crime to Hospet; but that he should send this particular report at this particular time by this particular village servant, is, I think I may surely say, demonstrably wrong. – First as to the nature of the report; it mentions merely a death followed by a charge, not a killing; it is silent about the important evidence of the Taliari – the bearer of the report – from whom otherwise the Magistrate would certainly have recorded a statement; in short, it is not only useless but highly suspicious. Secondly, as to the time; it was the village Magistrate's duty to have reported on the 10th, before he went to Bellary, or if necessary, without going to Bellary; his omission to send the report until a *few*[×] *hours* before the Inspector was to arrive, and his then sending it just at that time by an important witness, are highly suspicious. Last, as to the messenger; the village Magistrate had ascertained the main facts of the case on the morning of the 10th, and the Board assume that he knew by

[×] Extract from Taliari's statement to Hospet Stationary Magistrate on 13th December, "The Reddi wrote a report and gave it to me about mid-day"

by the 11th of the confessional statements given on the 9th in the Bellary Hospital; it was therefore within his knowledge that the accused had brought the dying man to the Taliari, admitting they had beaten him; in short, he knew the Taliari was an important – in my opinion, he knew the Taliari was an essential witness. And he was hourly expecting the Inspector. Under these circumstances, he should by no means have sent the Taliari away on a journey of several days. His alternatives were to send the vetti, or to delay the report which contained the most useless information, a few hours until the Inspector should arrive and examine the Taliari.

(6). Para 5. "No allegation whatever is made that the village Magistrate attempted to tamper with the Taliari or any one else." The Taliari was sent "on an errand which removed him entirely from the exercise of any undue influence on his (the Village

Magistrate's) part."

The objects attributed to the Village Magistrate were "to defeat the ends of justice and wrongfully favor his brother", "that the Police might not examine the Taliari"; and (in my letter) of giving time for influence to be brought to bear upon him." Now I would observe in the first place, that an attributed design cannot be disproved by alleging it was not carried into effect; it must first be shown that there was an opportunity which was not availed of. Here there was no opportunity. As soon as the Taliari's statement was recorded before the Hospet Stationary Magistrate, tampering with him became practically out of the question. In the second place, the chances were that the Inspector could not manage to be in the village to await the Taliari's return; and if so, the Taliari would be open to the strong influence of the Village Magistrate's particular and the villagers' general sympathy for the accused. In the

third

third place, the admission made by the accused to the Taliari had not in fact been entered in any record by the 11th. If this could be seriously delayed, the effect is apparent; the Taliari's evidence in this respect would be absolutely discredited. I desire however not to push this argument unfairly. I do not deny that the Village Magistrate might possibly think that the Police Constable who visited the village on the 8th had entered this admission in his notebook (see enclosure H). In that case was there any advantage in preventing the Inspector making a similar record? Yes, because it is a matter of everyday experience that in a case where popular sympathy is excited statements made to Police Constables are commonly retracted, without any reasonable danger of prosecution; while statements recorded by an Inspector can only be retracted if the witness is strong up to court prosecution. Such is the case generally: it is so particularly with such an Inspector as Muhammed Raja Sahib B.S. who is both respected and feared throughout the district. Under any view, therefore, it would be in the interests of the accused if the only important witness could be sent out of the Inspector's way.

30. Misapprehensions of fact on the Supplementary documents.

(a) Para. 6. "The judge relying largely on the evidence of three other witnesses, found no difficulty in convicting the five accused above alluded to of Culpable Homicide (Para 10 of judgment)"

(b) Para 8. "On the other hand, the essential indispensable character of the evidence of the Taliari is very much exaggerated by the Collector. His opinion on this point is not borne out by the judgment of the Sessions Court (Para 10)"

The material parts of para 10. run as follows; the italics being mine; "There is ample evidence to show that the 1st, 2nd, 3rd, 4th and 7th prisoners

joined

Enclosure F.

joined in the pursuit of Hanumagadu, and were present at the attack that was made on him.× This is proved by the depositions given by the 3rd, 4th and 5th witnesses who are shewn to have come up to the scene of this offence almost immediately after the man had been beaten, and while he was lying on the ground, and also by that of the Taliari to whom these prisoners brought the wounded man as he was at the point of death. *None of these witnesses, however,* were present during the attack made on Hanumagadu, and none of them therefore *can give evidence* as to the actual part which each of these prisoners took in that attack, and *as to whether they did or did not themselves actually inflict blows on the deceased. To prove therefore that these men actually struck Hanumagadu, there is nothing except the confessional statements made by them before the Magistrate on the 9th December and the evidence of the Taliari and the*

Constables

× It will be observed that there is nothing illegal so far as view acted upon in para 9 of the judgment.

constables as to the statements that they made to them in their own village before they were taken in to Bellary. It appears to me, however, that, all the main facts of the case having been proved by the evidence to which I have already alluded, I am justified in convicting these men under S. 304, notwithstanding that the proof that they actually themselves inflicted blows on the man rests almost entirely on the confessional statements made by them before the Magistrate and repudiated now. × × × × ×. They however considering no doubt that they were justified in attacking him as he had been caught in the act of stealing their grain, brought him in and handed him over to the Taliari, acknowledging that they had beaten him as he had been caught in the act of committing theft. It is also shewn that on the following day they admitted to the constables who came to the village that they had beaten the deceased, and there is therefore no reason for supposing that

that they did not, on the 9th December of their own free will and without pressure or compulsion on the part of anyone, make the confessional statements which have been duly recorded by the Stationary Magistrate. I can feel no doubt myself that those statements are true, and taking them into consideration together with the evidence of the 2nd, 3rd, 4th and 5th witnesses they appear to me to justify the conviction of these prisoners."

× The Taliari.

31. I suppose the first remark that this extract suggests, is that the confessional statements made to the Police officers were not evidence against the prisoners (S. 25 Evidence Act). Excluding these, the following seems a fair summary of the paragraph; viz.

that the conviction was based upon confessional statements made to the Stationary Magistrate two days after the offence, which, though repudiated by the prisoners, were believed and acted upon because corroborated by similar statements made to the Taliari immediately after the offence by the prisoners whom other evidence shewed to have joined in the pursuit of the thief and to have been present at the attack made upon him; though such other evidence by itself would not have sufficiently corroborated the confessional statements.

32. If this summary is correct, how would the case have stood if the Taliari had not given his evidence, or, if through × circumstances already presently to be supposed, it had been discredited? It must have broken down, for there would have been left no evidence of Culpable Homicide but uncorroborated and repudiated confessional statements.

x ?

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33. Should this be held to be a necessary conclusion from the view held by the Sessions Judge, it follows that in his treatment the evidence of the Taliari was essential and indispensable.

34. Conclusions of doubtful validity from the Supplementary documents.

(a). Para 8. "The importance of the Taliari's evidence, on the 11th December, may very reasonably have been regarded by the village Magistrate as small, in the face of the confessions of five accused persons repeated before the Stationary Magistrate of Bellary."

Passing over the question how the Village Magistrate could have known of these confessions made in the Bellary Hospital on the 9th, this argument takes for granted that confessions are not withdrawn and repudiated. Yet it is within the knowledge of every officer engaged in Criminal administration that confessions made before a Magistrate are nearly always (as was in fact the here) withdrawn and repudiated before the Sessions Court. On repudiation the confession becomes worthless unless well corroborated and proved to be probably true.

But an equally important point is that no confession before the Magistrate was made by the village Magistrate's brother, in whom of course he was most interested. So far therefore as he is concerned, the importance of the Taliari's evidence cannot be discounted by the confessions. In other words the confession of 5 men to a Magistrate cannot weaken the importance of a witness's evidence against 4 others who have not confessed.

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The same remarks apply to the following passage;

(b) Para 5. "In view of the fact that five of the accused had already (on the 9th) repeated before the Stationary Magistrate at Bellary the statements originally made to the Taliari on the night of the occurrence, it is difficult to follow the Collector when he attributes a criminal motive to the village Magistrate in being a party to sending the Taliari away" (the concluding words will be discussed later).

Note

The Board might have said 'all the accused'. — tho' some confessed & others did not: for they had done the same thing to the taliari → para 10 of Sessions Judgmt & Encl. K.

(c) Para 8.

(c) Para 8. "The Sessions Court Judgment contains no strictures on the Village Magistrate".

The promptness of the Inspector in sending a Head Constable to Hospet and getting the Taliari examined there, rendered it irrelevant to bring the Village Magistrate's action out in the Court of Sessions. To give the remark force, it would have to be shown that the Judge knew of that action. The Village Magistrate, so far as appears from the records, was not even a witness.

35. Having cleared away what with all deference I conceive to be misapprehensions of fact and invalidities of deduction, I now append a short summary of the case against the Village Magistrate, that it may be considered whether it rests on the flimsy ground of bare suspicion. I do not pretend that these are all the points that ought to be taken into judgment that I could only say after seeing whether the appeal petition impugns any of these

allegations, puts forward other facts, or suggests by argument other conclusions. But I do apprehend that they may not unfairly be taken as sustaining a *primâ facie* case against the Village Magistrate, which the explanation I have seen (namely that taken by the Tahsildar) does not rebut.

(1) The case must break down unless at the trial the Taliari should give evidence. ?

(2) Both because his evidence in one important respect had not yet been recorded, and more especially because in a case where the sympathy of the whole village is with the accused witnesses commonly and with impunity retract statements made to a Police Constable, it was essential that the Inspector should at the earliest possible time record his evidence; nor was the Inspector able to get any other witness. ?

(3) It was thus, in the knowledge of the Village ?

Village Magistrate, to the interest of the accused and their sympathizers to get the Taliari out of the way of the Inspector. The Village Magistrate's brother being one of the accused, such a motive may be attributed to the Village Magistrate.

(4) The Village Magistrate did in fact get the Taliari out of the way of the Inspector, within a few hours of the latter's expected arrival, and in such a way that it was highly unlikely the Taliari's statement could be recorded for 4 days at least – a delay under the circumstances dangerous to the case. ?

(5) This being so, it is for the Village Magistrate to give a satisfactory explanation of his conduct.

(6) The Village Magistrate's explanation is not satisfactory,

because it is incredible that he did not know the Taliari's connection with the case

because it does not explain why he only thought just before the Inspector's arrival of sending a report – he might have sent the day before;

because he had another messenger;

because supposing the Taliari to be the messenger, its contents are so unimportant that he might perfectly well have waited until the Inspector should examine the Taliari,

because its contents are suspicious and misleading,

because the explanation does not account for the false reason he gave to the Inspector for the Taliari's absence.

36. Under these circumstances, as the Board of Revenue was mistaken in certain of its facts, I hope there is no impropriety in saying that in my opinion here is something more than mere suspicion: and that if no notice is taken of the Village Magistrate's conduct it will be open to any village Magistrate hereafter to similarly hamper with impunity a Police investigation.

37. In this place, I must make a passing

remark

remark on the Board's assertion that its order "was passed mainly on the Collector's own decision, in which he gave his reasons for over-riding the opinion of his Divisional officer". As the Head Assistant Magistrate had given no reasons whatever for his view (which I had carefully set out) of his inability to find anything punishable against the Village Magistrate, it was hardly entitled to much more consideration than the view of the Tahsildar, also given without reasons and also set out that there were no adequate grounds to exonerate the Village Magistrate. And yet, if the Board does not refer to the former, I am rather at a loss; for there were only two papers before it; my order and the petition of appeal. In this view, I would hope the Board's Proceedings was passed not only mainly, but entirely on the District Magistrate's decision.

38. In concluding this letter I earnestly trust that Government will find in none

of its expressions anything derogatory to the high consideration which is due to the Board of Revenue. Though I have conceived it a duty to bring certain matters to the notice of Government, I have striven, and I hope with success, to do so in a way that cannot be found wanting in the smallest point of respect to the Board's authority.

39. I now beg permission to lay the correspondence before Government and to enquire whether the Board of Revenue is upheld in its view of a Village Magistrate's duties and in refusing the request to lay my explanation before Government; whether I deserved censure for making that request or otherwise; and whether the censure was conveyed in proper terms.

I have the honor to be
Sir
Your most obedient Servant
H. Tremenheere
District Magistrate.

Jud. Dept.

CURRENT No. 4705

From

The District Magistrate
Bellary

To

The Chief Secretary to
Government
Judicial Dept.

CHIEF SECRETARIAT
-5. OCT. 1895
GOVERNMENT OF MADRAS

Camp No. A.

Dated 2d
Despd 2d
Received 5
} October 1895

Enclosures 12 as per
list separately
sent

Requesting to reconsider
the orders of the Board in
reinstating the Reddi of
Gundlapalli, Hospet Tq.
Bellary Dt.

C.S.

Endorsement

Referred to the Board of
Revenue for remarks

(By order)
Lionel Davidson
Ag. Under Secretary
9 — 10 95

FOR ORDERS.

Qy. Should send to the Bd. for remarks & should also call for the records. I should like to see the V. M.'s appeal petition

HB
11/10/95

We should certainly see the appeal petition, & I think the Bd shd be asked whether they consider it right that an appeal shd be disposed of without giving the officer whose decision is appealed against an opportunity of reporting on the appeal & submitting records. This point is discussed in the body of the letter (para 18 et seq.) but it is not mentioned in the last para. It seems to me the most important point of all.

JG
12/10/95

Please see note for orders on the I's D.O. within the Current. I presume that reference may be made to the Bd. without hesitation to make it without previous approval

13/10/95

I have no objection to asking the question, but it hardly seems necessary to do so in face of the B.P. of 2/10/82 No. 2415 (copy in the file following the Rev. Sec's note of July 30, 1895. The Bd. has there clearly laid down the principle for which Mr. Tremenheere contends

HB
23/10/95

I think it will be best to ask the question. It will make them refer to the Pro. of 82 wh. they seem to have forgotten

JG
25/10/95

$\left[\frac{G}{25}\right]$
600—23-7-95.

Genl. DEPARTMENT.

C. No. Appeal against censure by the Board

FOR ORDERS.

H.M.
Hon. Mr Grose, Grose

2 Hon. Mr
1 C.S.

Resubmitted for perusal of the Hon. Mr Grose's note

D
18.10.95

[illegible]
21/10/95

Resubmitted to the Hon. Mr Grose for perusal of Hon. Mr Bliss' note of 23rd inst.

D
23—10—95

[illegible]
24/10/95

C 22/10
R 23/10

$\left[\frac{G.}{24.}\right]$
00—5-1895.

DEPARTMENT.

Papers to be read in proceedings :—

Again G.O , dated 189 , No.
Again G.O., dated 189 , No.
Current No. of 189 , dated , from
" " , 189 , " , "
" " , 189 , " , "

C. 4705

ORDER. Endt of 31-10-95, No. 2606.

Referred to the Board of Revenue for remarks. 2. The records of the case shld be transmitted & ~~2. It~~ shld. be stated whether the Bd. considers it right that an appeal shd. be disposed of without giving the officer, whose decision is appealed against, an opportunity of reporting on the matter & submitting records.

[illegible]

D
29. x 95

[illegible]
30/10/95

Board of Rev., L.R.
with current & enclosures thereto

Despd 31/10

Appeal [illegible] Rev.

FROM ORDERS.

C. S.

Recd.
28/1/96

CONFIDENTIAL.

100 copies
6-9-95.

CURRENT No. 1037

Proceedings of the Board of Revenue

(Land Revenue),

Dated 27th February 1896.

No. 999 Mis.
Confl. No. 32.

READ Memorandum from the Chief Secretary to Government, Judicial Department, No. 2606, dated 31st October 1895, and the following Reference thereon, dated 4th November 1895.—

With reference to his letter, Confidential No. A, dated 2nd October 1895, to the Chief Secretary to Government, the Collector and District Magistrate, Bellary, is requested to forward the records noted on the margin×, which accompanied his letter to the Board, Magisterial Reference No. 317, dated 27th May 1895 and which were returned to him with B. P. No. 3169 dated 24th June 1895.

×1. R. Index con=
=taining 14 papers (omit=
=ting such as formed
annexures to the letter
to Govt. above quoted).

Read also letter from H. Tremenheere Esquire, Col=
=lector and District Magistrate of Bellary, to the Secretary to the Commissioners of Land Revenue, Madras, Reference on C No. 317 of '95, dated 9th November 1895, forwarding certain papers which had formed enclosures to his Office Reference to the Board, No. $\frac{317}{27-5-95}$.

Resolution.

Referring to Board's Proceedings, No. 2467, dated 16th May 1895, in which the Board modified a decision of the Collector of Bellary without making a reference to that Officer, Government asks whether the Board considers it right that an appeal should be disposed of without giving the officer, whose decision is appealed against, an opportunity of reporting on the matter and submitting records.

2. Ordinarily, of course, the Board does not adopt the procedure here objected to, but the Board may perhaps be permitted to borrow the language of Government and say that it is "not prepared to admit that a "reference should in all cases be made to the Collector "before an order is issued, interfering with one of his "decisions". There may be special cases in which a Collector has fallen into a palpable error of judgment, + which no array of facts subsequently adduced will serve to justify, and in such a case the Board may claim to pass an order and to adhere to it, without making a reference to the Collector concerned. The present is a case of that kind. As a matter of fact, it was not observed at the time that the appeal petition had not been transmitted through the Collector, as it ought to have been. + But the omission is not of moment in this particular case, in view of the second order passed by the Board after a thorough examination of the record and report submitted by the Collector. It will be observed that his criticisms are directed, entirely, to this second order in the present appeal.

To resume,— a crime of culpable homicide is committed in a village under such circumstances that the offenders regard themselves as having employed against

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the victim no more force than their right of private defence justified them in using. The Village Talayari hears of this transaction almost immediately, and learns the details without any difficulty from the culprits themselves, because it did not strike them that they had done anything wrong; the Talayari reports the occurrence at the nearest Police Station the same night, and the following day a Police Constable takes down the Talayari's statement. On the third day after the occurrence, an inquest with *post mortem* examination takes place in the presence of a Magistrate. Of nine accused persons, who had been taken into custody on the Talayari's information, four confess to the Magistrate their having beaten the deceased, and the other five merely admit having been present while the deceased was being beaten.

3. It is clear that the Police ought not to have allowed themselves, when the case had reached this stage, to have resourse to the Talayari again, four days after the occurrence, for the purpose of supplementing the information already obtained from him. Supposing, nevertheless, that a Police Inspector should be so unreasonable as to expect anything new or useful from a re-examination of the Talayari after so much delay, it is clear that a Criminal Court would discredit the further evidence of the Talayari, exactly in proportion as it differed from other available evidence, and would only tolerate it in so far as it did not materially vary from the rest of the evidence. To designate evidence, which has so little probative value, as "Essential"

or "important" or "necessary to save the case from breaking down" is a palpable error of judgment; and this is what the Board found against Mr Tremenheere in the Proceedings now objected to. It may be observed that this finding of the Board was independent of the exact nature of the first and subsequent records relating to the Talayari's statements. Such a finding would not be weakened if it was discovered, for instance, that the first recorded ×accounts of the Talayari's information were, judging by the later ones, imperfect. The Board might say of the earlier statements, be they what they may, that the Talayari's evidence was "stereotyped" in them, meaning that in whatever form the information was to be found there, it could not receive any material additions from a subsequent examination of the Talayari. If the Police had been + negligent in their first examination and had failed to take time by the forelock, they had no excuse and no remedy: otherwise, there would be no limit to the time after which they might desire to examine such a witness and to obtain "further" information from him. The questions which a Magistrate or Court invariably asks, in dealing with such evidence as a Talayari's are, "How soon after the occurrence of the crime did information reach him? — How soon after the information had reached him did he communicate it to the Police, and in what form did he make his first communication?" The presumption that the evidence of a witness open to so many influences as a Village Talayari is, should not be relied on, unless it was reduced to writing with

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× A copy of these documents will be found against the 9th Extract from Mr Tremenheere's letter (see below).

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the least possible delay — may almost be called an irrebuttable presumption: and any proceedings of a Collector showing an open and unwarranted disregard of such a presumption may be set aside summarily. This the Board did.

4. Mr Tremenheere's arguments in the protest addressed to Government will now be taken up individually and examined as required by Government. Nothing will be said in the meantime about the propriety of his appeal to Government. But it may be observed that a detailed examination of it makes the injudiciousness of his order plainer than ever.

Extracts from Mr Tremenheere's letter.	Remarks.
(1) p. 2. "This being the case, if the 9 men (accused) withdraw before the Sessions Court the statements they have made, the case will be weakened."	This was the Police Inspector's opinion, and it was the Police Inspector who handed up the Reddi for not producing the Talayari for examination on the 11th December. One may read between the lines of the Police Inspector's ×report and perceive the difficulty he found himself in when the village turned round and denied all knowledge of the transaction, and the Police, on the other hand, had neglected for three days to take down a proper statement from the Talayari. The Reddi knew,

× Encl: J

of

Extracts.	Remarks.
	of course, that the Talayari had given a statement, but there was no reason why he should also have known that the statements already recorded were imperfect.
(2) p.4. "The Reddi had no idea the Talayari was connected with the case".	The Reddi probably meant that he had no idea on the 11th December that the Talayari was still connected with the case: he may have thought rightly that the Talayari's connection with the case had ceased, when he had made his report to the Police — this was precisely what the Board itself remarked in para 2 of its Proceedings d/ 24th June 1895.
(3) p.5. "It was to the Talayari that the accused had brought the dying man, admitting the assault, and it was he who went off and fetched the Police. He was the pivot on which the whole case turned".	How was the Reddi to know that the accused had admitted the assault to the Talayari? It was not in the statement recorded in the Crime Register: it was not in the statement given by the Talayari to the Constable on 8th December 1894: it was imported for the first time into the statement given by the Talayari to the Hospet Sub-Magistrate on 13th Dec: 1894. There

Extracts.	Remarks.
	There is accordingly no reason whatever for taxing the Reddi with knowing on the 11th December about the importance of the Talayari's evidence. The Talayari's evidence was not of any consequence except for the admissions made to him by the accused and except as indicating the names of the men who formed the unlawful assembly: this latter indication he had already furnished on 8th Decr to the Police Constable. As for the admissions, there is no proof such as a Court would ordinarily accept, that any admissions were made to the Talayari. His statement d/ 13th Decr 1894 would hardly be accepted in proof of any new fact.
(4) p.7. "The case was saved only by the promptness of the Inspector in sending a special messenger to ~~Hospet~~ Hospet and getting the Talayari examined there".	No such result is ascribed in the Sessions Judgment either to the Inspector's action or to the Talayari's evidence.
(5) p.8. "a man whom he knew to be	It has been already shown

Extracts.	Remarks.
an absolutely essential witness."	that no such knowledge could be reasonably expected on the part of the Reddi. The Collector's argument amounts in fact to saying that the Reddi must have known the Talayari's evidence to be important, because the Police had failed for 3 days to recognize its importance.
(6) p. 9. "the attitude of the whole village was sympathetic to the offenders, i.e., on the ground that they had only beaten a thief."	Was this not a reason why the evidence of the Talayari as to admissions made to himself should be considered by the Reddi as superfluous, when the whole village was prepared to admit the transaction?
(7) p. 9. "a witness whose evidence was essential to conviction".	There is no foundation in the Sessions Court judgment for this statement
(8) p. 10. "it was his imperative duty to stop him, instead of giving him a report to take".	Whether it was the Reddi's duty would depend on the view he took of the necessity for detaining the Talayari to meet the Police Inspector.
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Extracts.	Remarks.
"The Talayari's information, as given at the Hirehal Station, had of course been incorporated in the Crime Register, and stereotyped in Crime reports sent from the station.---- The Village Magistrate was further perpetrating the statement made by the Talayari." p 12 - quoted by Mr Tremenhere from the B.P. *Enclo: H* (Statement given by the Talayari on 8th Decr '94 to a Police Constable) " Talayari Madiga Buddadu stated "the names of the persons who brought "Vadlodu, the deceased, to the Chavady, "namely, (1) Karuppa's son Linga, "(2) Badrahanumaga, (3) Niraganti Bhima, "(4) Makasi Linga, (5) Sirai Gowdu, (6) Rama "(7) Dannga, (8) Kengodu, (9) Thippaga —" × Reddi's brother *Enclo: G* (*First entry in Hirehal Station Crime Register*). " On the 8th Decr '94 at 4-30 P.M. information was received from Ghât Talayari, Bhima, to the effect that "Gundlahalli Madiga, Buddadu, came "and informed that on 7th Decr '94 night "when Hirehal Boya Hanumantha *alias* "Vadlodu *alias* Karrodu was cutting "Cholum	This passage is extracted from the B.P. of 24th June '95. The sense in which the expressions *stereotyped* and *incorporated* are to be understood has been explained already. The Board's remark is not weakened by the discovery since made that up to the 13th Decr '94 no record of the Talayari's statements included any admissions by the accused. The three documents referred to in this passage, viz., Enclos. H. G & E, are transcribed in the margin. It will be seen that, not only was the Constable, who took down the Talayari's statement on 8th Decr, careless as to obtaining complete information from him, but the Station Crime Register contained no record of the report made by the Talayari at the Hirehal Station (*vide* Enclo: K) in the night between 7th & 8th Decr; the Register mentions the occurrence as having been reported in the *afternoon* of the 8th Decr by *another Talayari* who had heard it from the Gundlahalli man. So much for the first handling of the case by the Police.

Extracts.	Remarks.
"Cholum and Sajja ears in Gundla-halle Lingappa's field, the said "Lingappa, Ramudu, Tayappa's son "Linga and Bhimappa saw him "and beat him with sticks and "stones to death and threw him "near the Village Chavadi."	It is not difficult to imagine why they should, after this, seek to evade responsibility and throw the whole blame on the Reddi.
Enclo: E (Village Magistrate's report sent by Talayari to Hospet) " I was in your Court for the pur-pose of giving evidence in a Cri-minal case till the 9th and re-turned to the village on the 10th. I "have heard that Boya Chinna "Hanumantha of Hirehal came to "this village and died; and in that "connection the Hirehal Police have "charged (the case) before you. I in-form this to you — 11-12-94."	
(10)	
"The importance of the Talayari's evidence on the 11th Decr. might very reasonably have been regarded by the Village Magistrate as small in the face of the confessions of five accused persons repeated before the Sub Magistrate at Bellary". — p. 13, quoted by Mr Tremenheere from the B. P.	This remark of the Board is not disproved by anything in the Collector's protest. The Talayari's statement was important on the day of the occurrence, but on the 11th, i.e., 4 days after his "further" evidence was of very little worth.
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Extracts.	Remarks.
(11)	
p. 15. " A Village Magistrate who even in good faith sends an important witness away".	The Board having shown that the witness was not important, this ar-gument is completely disposed of.
(12)	
p. 16. "That an order may properly be reversed on appeal without seeing the records or referring it for report, when it appears on the face of it to set out all the facts".	This proposition would represent the Board's view correctly if the words "and when it contains a palpable error of judgment" were added to it.
(13)	
p. 23. "The Talayari's information with which we are concerned is that the accused brought the thief to the Chavadi and admitted that they had beaten him. The es-sential point was this admission. It is not in fact recorded in the Crime Register."	If the admissions of the accused had not been brought on the record up to 11th Decr. and if the admissions were the only important part of the Talayari's evidence, then how was the Village Magistrate to understand on the 11th Decr. the importance of that evidence? and how can he be con-victed for not understanding it? On the other hand, if the admissions were already well known on 11th Decr; surely the Village Magistrate might presume they were known to and had been recorded by the Police. If so what was the use of detaining
"It	the

Extracts.

(14)

p. 25.

"It (the report) is silent about the important evidence of the Talayari, the bearer of the report, from whom otherwise the Magistrate would certainly have recorded a statement."

"The

Remarks.

the Talayari? The Collector's position is simply impossible.

The importance of the Talayari's evidence dawned on the Police Inspector for the first time on 11th Decr '94, or, perhaps, not until the 12th, on which day he despatched a Head Constable to Hospet to get the Talayari examined. If so, it is not fair to blame the Village Magistrate for not being wiser than the Police Inspector. It is conceivable that the Police Inspector had come to Gundlahalli, in the expectation that plenty of evidence would be forthcoming, and finding the people not disposed to come forward, had become uneasy about the Talayari's evidence which had not been properly got ready by the Police. That the Village Magistrate had created the state of the public mind in the village, which was averse from giving evidence and had also ⊗ *got the Talayari out of the way* in furtherance of the same design, is not impossible, but all that the Board said was, he ought not to have been convicted of such a design on evidence which in the

ultimate

Extracts.

(15)

"The Village Magistrate had ascertained the main facts of the case on the morning of the 10th, and the Board assume that he knew by the 11th, of the confessional statements made on the 9th in the Bellary Hospital: it was *therefore* within his knowledge that the accused had brought the dying man to the Talayari, *admitting that they had beaten him: in short, he knew the Talayari to be an important*, in my opinion he knew the Talayari to be an essential witness."

Remarks.

ultimate analysis reduced itself to a mere suspicion.

⊗ N.B. This hypothesis, however, does violence to the probabilities of the case: for on this supposition the Village Magistrate would only be helping the Police Inspector to get from the Talayari, in lieu of a statement, a regular and sworn deposition before the Hospet Sub-Magistrate, which in fact was what took place

The Board's assumption that the Reddi knew of the confessional statements is quite correct, because the Reddi was at Bellary on the 10th for the very purpose of getting his brother out of the scrape: and his brother had stood before the Magistrate on the 9th with his fellow accused who had confessed.

But, assuming this knowledge in the Reddi, the Board may say *non sequitur* to the passage (underlined) in the margin. It does not follow from the known fact that confessions were made to the Stationary Sub-Magistrate, Bellary, on the 9th Dec: that similar admissions must have been previously made to a Talayari

at

Extracts.	Remarks.
	at Gundlahalli. On the other hand, the Reddi, supposing he knew of both sets of admissions, may have regarded those made to the Talayari as insignificant in comparison with the subsequent confessions, and this is the view the Board held in its Progs: dy 24th June 1895. Mr Tremenheere, however, styles this remark of the Board (vide p. 34 of his letter) "a conclusion of doubtful validity", because "confessions made before a Magistrate are nearly always withdrawn and repudiated before the Sessions Court." The Board did not deny this, but instituted a comparison between an unrecorded admission made to a Talayari and a solemnly recorded confession made on the day after the occurrence and in the presence of the body of the victim, before a Magistrate. If confessions of the latter description are "nearly always retracted", what will Experience say about a casual admission made to a Talayari and what is the use of recording such an admission two days after the much more

Extracts.	Remarks.
	more solemn record of a confession to the same or similar effect has been made by a Magistrate?
(16) p. 28. "(a) I do not deny that the Village Magistrate might possibly think that the Police Constable who visited the village on the 8th had entered the admission in his note-book. (b) In that case was there any advantage in preventing the Inspector making a similar record?"	(a) Not only this, but the Village Magistrate might think that the Crime Register of the Hirehal station contained a full account of the Talayari's report. He was mistaken in the one Expectation as well as in the other: but it was not his fault that he acted on the strength of such Expectations which were such as every reasonable man would form. (b) Any record ~~of~~ that the Inspector might make on the 11th would be stale Evidence, coming as it would do after the confessions recorded on the 9th at Bellary. If the confessions went to the wall, so would the Inspector's subsequent record, as it would be set down to the same influence as the confessions.
(17) p. 33. "The conviction was based upon confessional statements made	This inference is not ~~supported~~ supported by the judgment: the words

Extracts.	Remarks.
made to the Stationary Magistrate two days after the offence, which though repudiated by the prisoners, were believed and acted upon because corroborated by similar statements made to the Talayari immediately after the offence by the prisoners"	words "immediately after the offence" are fallacious: such language is inapplicable to statements made immediately, it may be, after the commission of the offence, but reduced to writing four days after, without any valid explanation for the delay.
(18) p. 33. "If this summary is correct, how would the case have stood if the Talayari had not given his evidence, or if, through circumstances already supposed, it had been discredited? It must have broken down, for there would have been left, no evidence of culpable homicide, but uncorroborated and repudiated confessional statements. "Our	This is Mr Tremenheere's crucial arguments. It is sufficiently answered by reversing the case and asking "How would the case have stood if the confessional statements had been discredited by the Sessions Judge and the Talayari's evidence had stood alone in proof of the admissions?" It is evident that if the confessional statements had been suspected as having been obtained by undue influence, the very same suspicion would have attached to the subsequent statement taken down from the Talayari, the express object of which was to implicate those against whom the Talayari had said nothing in his first

Extracts.	Remarks.
	first statements
(19) p. 34. "On repudiation a confession becomes worthless unless well corroborated and proved to be probably true."	It may be safely asserted that the corroborating evidence in this case was that furnished by the witnesses who spoke to their having been present during the assault. Moreover, a confession does not become worthless, merely because it is afterwards repudiated by the accused.
(20) "But an equally important point is that no confession before the Magistrate was made by the Village Magistrate's brother, in whom of course he was most interested. So far, therefore, as he is concerned, the importance of the Talayari's evidence is not discounted by the confessions. In other words the confession of 5 men to a Magistrate cannot weaken the importance of a witness' evidence against 4 others who have not confessed."	This passage is unintelligible unless Mr Tremenheere is under the impression that the Village Magistrate's brother made an admission of guilt to the Talayari. There is no such thing on record. The Talayari merely said in his statement taken on 13th Decr '94 (Enclo: K) that the Reddi's brother was in the crowd that brought the dying man to the Chavadi. This information had been already given to and reduced to writing by the Constable who visited the village on 8th Decr.
(21) p. 37. (1) The case must break down unless	There is nothing to support this assertion

Extracts.	Remarks.
unless at the trial the Talayari should give evidence.	assertion beyond the Collector's *ipse dixit*. Moreover, the Talayari would have given evidence at the trial even if the Police Inspector had failed to examine him on the 11th Decr. Lastly, the statement given by the Talayari on the 13th Decr. contained no new item of evidence
(22)	
p. 37. (2) "his evidence in one important respect had not yet been recorded."	Mr Tremenheere has in view in this passage also some supposed evidence that the Talayari was prepared to give against the Reddi's brother. No such evidence is on record among the 11 papers furnished to the Board.
(23)	
p. 38. (3) "it was thus in the knowledge of the Village Magistrate to the interest of the accused to get the Talayari out of the way."	It has been shown that it was unreasonable to expect such knowledge on the part of the Reddy, when the Police themselves were careless about securing the Talayari's evidence for four days after the occurrence. It must be remembered, likewise, that this sending away of the Talayari was really the act of the Karnam, not of the Village Magistrate. When the latter returned to the village, he found the Talayari under orders to proceed to the Taluk Office at Hospet. This fact seriously weakens any presumptions against the Village Magistrate.
(24)	
(4) "It was highly unlikely the Talayari's statement could be recorded for four days at least." Vide Encl: K.	The Police had already lost 4 days (8th to 11th) and what did it matter if they should have to wait for another 4 days? In fact, however, the Talayari would not have been absent for 4 days, if the Police had waited for him at Gundlahalli. He was preparing to take the return train to Gundlahalli in the night between the 12th and the 13th December, which means that he would have been back in his village on the 13th, having left it at midday on the 11th, that is, he would have been absent from his village for only two days. (As it was, he was overtaken by the Head Constable at the Hospet Railway Station on 13th December, and taken back to Hospet on the same day when he also gave his statement).

2

5. The Board has now, as directed by Government, gone patiently over the points raised in Mr Tremenheere's appeal. This having been done, it begs to submit the following observations.

6. When the Village Magistrate's petition came before it in the first instance, the Board came to the conclusion

that, assuming the correctness of the facts as stated in the somewhat lengthy order of the Collector, the punishment of dismissal could not, on the very face of that order, be supported. It seemed clear to it that the conclusions drawn by the Collector were unsound, and that it would have a most mischievous effect to endorse the Collector's view that this would be an appropriate opportunity for making an example from which other Village Officers might profit. In pursuance, however, of the invariable rule followed by the Board of supporting Collectors whenever possible, it confined itself to modifying, instead of entirely reversing, the Collector's decision. It accordingly passed an order of suspension against the Village Magistrate for having failed to disclose the whole truth regarding the sending away of the Talayari to Hospet. It may be observed in passing, that no one reading Mr. Tremenheere's present appeal (paras 17 & 18) could possibly adopt this interpretation. Mr. Tremenheere protests against "the impolicy" of overlooking the Magistrate's conduct "without even a reprimand," and he alleges that his order was "reversed." This may be a comparatively small matter, but the strictest accuracy is required in order to justify the passing of strictures on a superior authority. It has not been observed here. Mr. Tremenheere must be perfectly well aware of what the "reversal" of an order or a finding means. The truth is that in its desire to shield the administration of the Bellary District from the consequences of the mistake, which it found to have been made by the Collector, and which it was bound to correct, the Board went to the very verge of propriety and justice in confirming that portion of the Collector's

finding

finding, which accordingly formed the grounds of ~~its~~ order suspending the Village Magistrate.

7. The Collector, being dissatisfied with this order, addressed a letter to the Board, in which he requested a reconsideration of it, and failing that, a reference to Government. The Board then* proceeded to carefully ~~examine~~ re-examine the whole case in the light of the documents and arguments put forward by him. It found that absolutely no grounds existed to justify the position assumed by the Collector, and it of course declined to make any reference to Government. It likewise placed on record its astonishment at, and reprehension of, the re-opening of a case on grounds so palpably inadequate and conjoined with a demand of a character so unusual. The Board characterized the reference as "singularly inept," that is, unsuitable, inapt, out of place. Mr. Tremenheere invokes the protection of Government against this term. The Board contents itself with pointing to the analysis of his letter, which it has now supplied, as fully justifying it.

*B.P. 3169 Mis:
24-6-95

8. The Collector has now thought fit, on his own responsibility, to appeal to Government against the propriety of the Board's action in the disposal of this case. It remains for Government to determine whether the orderly transaction of public business is compatible with the revolt on the part of an officer, placed under its control, against the exercise of the powers vested in an appellate and supervising authority in the circumstances above recited. For it must be observed that it is not merely against the original order of the Board that Mr. Tremenheere now appeals. His present protest deals substantially with the propriety,

not of the first, but of the second Resolution of the Board recording its finding on the facts, which Mr Tremenheere alleged were before him when he dismissed the Village Magistrate. It is to this second order that he mainly applies his criticisms and animadversions. If such a departure from fixed rule were to become common, it is hard to see how the ordinary work of Courts or Public Offices could go on.

9. The Board, after close examination of his present appeal, is clearer than ever as to the extreme injudiciousness of dismissing the hereditary head of a village on the materials which were before Mr Tremenheere, when he overruled the sound and sensible opinion expressed by his Head Assistant Collector. The confirmation of that order would most certainly have been viewed by every village Officer in the Bellary District in the light of the sacrifice of a Village Magistrate as a cloak to the neglect and irregular procedure of the Police.

10. The report on this matter has been delayed principally owing to the desire of the First Member to institute local enquiries during a tour which he had projected in the Bellary District. The arrival of Sir E. Buck in Madras dislocated his tour arrangements in December, and, since then it has not been found possible to visit the District.

(True Extract)

Ag: Secretary.

To The Chief Secretary to Government, J. D.
with Collector's letter in Govt. Regr No 2322 of 95
and its eleven enclosures and one list returned —
and with two enclosures in Gl. Regr no 2528 of 95 to be returned.

xd Govt
Cop/S.P.

CURRENT NO. 1037

CONFIDENTIAL.

1896.

Board of Revenue

(Land Revenue),

MADRAS.

To

THE Chief Secretary to Government,
Judicial Department.

CHIEF SECRETARY
-3 MAR. 1896
GOVERNMENT OF MADRAS

Regd 4/3/96

Proceedings, dated 27th February 1896.
No. 999 Mis:
Confl. No. 32.

Abstract.

Encls: c.r. No. 4705 & its 11 Enclos. ret. + 2 Encls

Submitting remarks with reference to Mr. H. Tremenheere's appeal to Govt. against the Board's order modifying his decision dismissing the Village Magistrate of Gundlahalle, Hospet Taluk, Bellary Dt.

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D.O. 184

Camp - Harpanahalli.
16. March. 1896.

UNDER SECRETARY
19 MAR 96
PUBLIC & JUDL DEPT

My dear Price,

Many thanks for your note of 11th instant, which crossed mine & my telegram. I felt sure that Government would give me the holidays if they could.

Let me congratulate you on the wonderful way your

Yours Sincerely,
H. Tremenheere.

NOTE FOR THE ~~UNDER~~ chief SECRETARY.

The paper regarding the action of the Board of Revenue on an appeal from the village Magistrate of Gundlapalli, Hospet Taluk, was submitted to the C.S. some days ago and has not yet returned into office.

AS
21/3

Mr. Forbes
[illegible] 21/3

It went in on some time ago

NOTE FOR THE ~~UNDER~~ chief SECRETARY.

The paper regarding the action of the Board of Revenue on an appeal from the village Magistrate of Gundlapalli, Hospet Taluk, was submitted to the C.S. some days ago and has not yet returned into office.

AB
21/3

Mr. Forbes has
it
D 21/3

It went in
some time ago

Municipal Bill is going through the Legislative Council.

Can you hold out any hope of my receiving before I take leave, Government orders on a reference I made last year regarding the action of the Board of Revenue on an appeal from the village-Magistrate of Gundlapalli, Hospet Taluk? I am almost ashamed to trouble you in the midst of so much larger work; but as it is a personal matter in one aspect, I confess I should like to have it settled before I go.

[G./9]
4,000—28-1-96.

~~Current~~ No. D.O. 184

DEPARTMENT.

From
T. H. Tremenheere Esq. I.C.S.
Harpanahalli Camp

No.

Dated 16
Received 19 } 3. 96.
Registered 20

Enclosures

SUBJECT.

Enquiring whether he can hope to receive, before he takes leave, Govt. orders on a reference made by him regarding the action of the Board of Revenue on an appeal from the Village Magistrate of Gundlapalli, Hospet Taluq.

The latter portion seems to relate to a matter. Please ask H.C. to send a chit to the clerk about it.

FROM CIRCULATION
WITH REMARKS.

Submitted to U.S. for perusal.

Seen. Issue
W.

The draft adm. seems to me exactly to suit
KS
23/3/96
JG
27/3/96

[G./25]
1,000—5-11-95

Judicial DEPARTMENT

C. No's 4705 & 1037.

FOR ORDERS.

Please see previous notes marked with slips.

The last current is the Board's reply to G.O. endt. No. 2606/31-10-95

W. 7-3-96

H.M.

In this case it does not seem to be at all advisable that Govt. shd. go into the facts of the case or in any way indicate in its final orders an opinion on the merits of the decision of either the Collr. or the Board of Revenue or of the subsequent discussion.

The Board [Mr. Crole] has entered into an elaborate justification of its original order with a severe criticism of Mr. Tremenheere's arguments. As the case in fact turned out the Talayari's evidence was not vital to the result in the Session Court, and the Village Magr's. conduct in sending him away, which was the gravamen of the charge on wh. he was dismissed, had therefore, as it happened, no particular consequences. The Board taking advantage, as it seems to me, of this post factum result, is able to put forward an exceedingly plausible case in defence of its original orders.

Mr Tremenheere, however, when he dismissed the Vill. Mag. was taking a different point of view & regarding not what was the actual effect ~~was~~ ~~[illegible]~~ of that official's conduct but what it really imported at the point of time when knowing that his brother was implicated in the murder, he sent the Talayari away to escape, as Mr Tremenheere believes, the oral examn. on the spot which the Police Inspector wd have administered.

I ~~merely~~ mention these facts merely to give an idea of the general line adopted by the Board; but as I have noted above the Govt. will not, I understand, seek to go into the merits of the case as if it were an appeal.

It is sufficient, I wd suggest, if Govt takes the opportunity of reiterating the principle wh. the Bd has itself laid down in B.P. no 2415 d. 2-10-82 that all appeals from officials dissatisfied with the orders of the Collector shall be submitted thro him. It is a principle wh. the Govt has itself adopted.

As to the language, of wh. Mr T. complains, used by the Bd. in rejecting his application for a reference to Govt., I am inclined to think he makes a little too much of it. I have however referred to it in the draft below which I put up for approval.

G.T.F. 23.6

Bd of Rev
Collr of Bellary
Rev Dept.

Appeal to Board of Revenue

FOR ORDERS.

~~H. E. THE GOVERNOR.~~

THE HON'BLE MR. H. W. BLISS, C.I.E.

THE HON'BLE MR. J. GROSE, C.I.E. 2

In Mss. in the file

G.O. 8/1/94
No 4R

[G. / 25]
1,000—5-11-95

DEPARTMENT

C. No.

FOR ORDERS.

A.SH
4.4.96

Draft Order No. 70689"
April 1896.

Recorded

The Govt has no desire to enter into the merits of the case to which this reference relates. The Bd. has passed orders on the Vill. Ingles appeal & the decision will not be interfered with. But the Govt wd. take the opportunity of expressing the hope that the Bd. will not depart from the rule — which H.E. in C. is glad to note was departed from in the present instance only through inadvertence — embodied in its own Circular Procgs. no 2415 of the 2.10.~~7~~82 that (with the exception of statutory appeals under the Regulations) all appeals (by officials) "from the orders of Collectors & other "Officers under the control of "the Board shall be addressed to the Board through the officer "from whose orders the appeal is made" This is a principle wh. the Govt has also adopted.

The policy of the rule is manifest; & ~~the~~ it is unnecessary to recall the arguments in favor of its strict observance ~~even in~~ in all cases, even those which on the face of them may not appear to be open to doubt or question.

Mr Tremenheere was not unnaturally dis~~tressed~~turbed when this long ~~observed~~ respected & well understood practice was violated in the case represented, which he regarded as of great importance ~~to~~ in the interests of the pure admn. of justice in his district. Unfortunately too the order by wh. the Board rejected his request for a reference to Govt. was couched in language which an earnest & ~~energetic~~ conscientious officer in the onerous & responsible position of a Collr. & Distt. Mt. might not unreasonably consider as more severe than the occasion demanded.

In these circs. the Govt. sees no sufficient reason for regarding Mr. T's action in making the present reference to Govt. as worthy of animadversion

S.K. 21/3/6.

Mr Tremenheere & the Board of Revenue

Draft Order

FOR ~~ORDERS~~ approval.

(3) H. E. THE GOVERNOR.

(1) THE HON'BLE MR. H. W. BLISS, C.I.E.

(2) THE HON'BLE MR. J. GROSE. C.I.E.

Now issue

S.K.

Despd. C. 21/3 R 6/4/4

BD of Rev. L. R with 2 Encls retd

D.M. Bellary with Encls

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