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MADRAS RECORD OFFICE

GOVERNMENT OF MADRAS

Revenue DEPARTMENT

G.O. No. 838 (336-337) Press
~~B.P. No.~~ ~~Mis.~~

Dated 28/5/67, 196 .

Not to be folded or roughly handled

No. 336. Read the following Proceedings of the Board of Revenue, dated 20th April 1875, No. 970 :—

Read the following letter from H. S. THOMAS, Esq., Collector of Tanjore, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated Vallam, 13th March 1875, No. 116.

In reply to Revenue Board's Proceedings marginally quoted, I have the honor to state that I did issue the Circular Order quoted, and that I did so for the following reasons.

Miscellaneous, No. 295, dated 16th January 1875.
Official Memo. ,, 797, ,, 2nd February 1875.
,, 288, ,, 26th ,, ,,

2. Two months after joining the district I received, on the 5th December, the Government Order, dated 13th November 1874, No. 2,113, from which I perceived that the district with which I was newly charged was about the worst district in all the Presidency for crime. To give my earnest and immediate attention to the causes and remedies thereof was obviously my special duty as District Magistrate. I also received numerous and strongly-expressed Session Court Proceedings bearing on the same subject, Police reports which pointed obviously in the same direction, and an accidental civil record which indicated the same. Reviews of criminal calendars and a careful perusal of my predecessor's reviews and characters, together with the constant bitter complaints of petitioners, all told the same tale. Therefore was it that I issued the circular of which the Board inquire, and I did it as one step only in a scheme for the improvement of the administration of justice in this district, a scheme of which, as well as of the aforesaid sketch, I shall proceed to submit the details.

3. Government Order.—In the Government Order above quoted it is pointed out that as regards *dacoity* Tanjore is one of the three districts in which "the worst phase of the crime is shown to prevail;" that as regards *house-breaking* Tanjore and another district "head the list" with the greatest number of offences, and that the detection therein was "among the worst," though my late district of South Canara was, I was glad to see, doubly best in the Presidency. As regards *cattle-lifting*, again, Tanjore is mentioned as seemingly unable to cope with its crime; and when we come to *false cases*, and it is shown to what an extent the Subordinate Magistracy have neglected their duty, and practically handed over their functions to, and thereby overburdened, the Police and hindered them from their more proper duty—the dealing with grave crime,—it is added that, though the practice prevails very generally, it prevails "principally in Tanjore." Under the head of *improvements required* Tanjore is again particularized as one of "the hot-beds of dacoity." Throughout these proceedings it is also clearly indicated that the District Magistrate is not a little responsible for the crime of his district. I accepted the responsibility, and seeing that, in the case of Tanjore, the evil was one of no ordinary magnitude, but as nearly as possible the greatest in the Presidency, I thought that it both justified and called for the remedy too, being a little more than ordinary. That all the ordinary remedies had been duly tried by my predecessors I could not but presume. To presume the contrary would have been egotistic surely and anything but justice to my predecessors, anything but the spirit in which I would enter on my duties in any district, least of all in one in which I followed the Collector and Magistrate under whom I had already had the honor of serving when I was Joint Magistrate of Salem. Any such contrary presumption was also distinctly negatived by a perusal of my office records, which showed careful reviews of calendars, repeated magisterial orders, degradations of Sub-Magistrates, a strong appeal for additional Magistracy, more than doubtful testimonials of character, which showed, in short, all the ordinary means duly followed by my predecessor, but in vain. Under these and the cirumstances to be further stated below, I was led to think that the time had arrived when more than ordinary measures were called for, and that, if I was not prepared to accept the toil and the responsibility of such measures, I should be shrinking from my duty. I doubted not that the Government was in real earnest in its remarks on the excessive crime and its suppression, and I took heart of grace therefrom, feeling sure that I could show that I had no thought but to give effect to those remarks, and relying consequently on support.

4. Session Court's Proceedings.—Passing from the Order of Government to the Proceedings of the Session Court of North Tanjore, I will now make from the latter the following extracts, which shall speak for themselves:—

Proceedings, dated 21st September 1874, No. 610.

"The Session Judge deems it necessary to invite the earnest attention of the Magistrate of the district to the state of things disclosed by the records in these nineteen cases. The records appear to indicate on the one hand want of caution in committing for trial presumably innocent men, and on the other hand want of carefulness in preparing cases against probably guilty men. In many instances the delay in completing the preliminary inquiry has been extraordinarily and intolerably great, and the explanation of delay unsatisfactory in a high degree. * * *

"Altogether the procedure followed by several of the Magistrates who have committed these cases has been very unsatisfactory. * * *

Regular Case No. 2 of 1874 on file of Sub-Magistrate of Vedaraniyam.

"In this case of poisoning the evidence collected by the committing officer was utterly incredible, whilst the main story told was physically impossible. The deceased woman certainly could not have swallowed a large dose of arsenic and then walked some distance home and talked quietly to her brother, and lain down to sleep, and survived the night. Nor is it possible to believe that the woman would calmly hand over some of the poisoned sweetmeats to her brother, and bid him eat of them whilst undergoing the torments that a dose of arsenic occasions. A little reflection should have shown the committing officer that the case for the prosecution was rotten to the core, and that therefore, in all probability, the husband was not the culprit.

Regular Case No. 5 of 1874 on file of 2nd-class Magistrate of Tritrapundi.

"In this case of murder or suicide by hanging there can be but little doubt that the Police at once set to work to extort evidence by improper means. * * *

"The committing officer appears to have left the management of the case far too much in the hands of the Police. The Session Judge has marked with regret for a long time an ever-increasing disposition on the part of the Magistracy to throw the work of investigation and responsibility in serious cases on the Police. * * *

Regular Case No. 6 of 1874 on file of Sub-Magistrate of Kudavassal.

"In this case of dacoity very grave irregularities appear to have been committed, and the Session Judge is of opinion that a searching inquiry should be instituted into the conduct of both the Police and the Magistracy in dealing therewith. * * *

"As the record stands, the detention of the accused persons appears to have been wholly illegal.

"The delay in this case was enormous, whilst the explanation of it is entirely unsatisfactory. * * *

"The Session Judge sees reason to fear that a practice is growing up of leaving serious cases entirely in the hands of the Police for long spaces of time extending to three or four weeks or more. Such practice is wholly illegal, and, if it exist in this district, must be put down with a strong hand. It is not too much to say that leaving accused or suspected persons at the mercy of the Police for long spaces of time renders the right administration of criminal justice utterly impossible. * * *

Proceedings, dated 25th February 1875, No. 196.

"There is here another flagrant breach of explicit rule laid down in Section 124 of the Code of Criminal Procedure." * *

"It would seem to be next to impossible for Police officers improperly to keep men in custody if the lower ranks of the Magistracy determined to restrain them from so doing.

Sub-Magistrate of Kudavassal.

"The whole conduct of the Sub-Magistrate in dealing as he did with the accused person Muttulingam appears to call for very serious notice. * * *

Proceedings, dated 21st September 1874, No. 610,—(continued.)
Regular Case No. 9 of 1874 on file of Sub-Magistrate of Tranquebar.

"In this case also there probably has been a grave miscarriage of justice. A poor feeble old woman was suspected of theft and barbarously tortured in the house of some wealthy Bramans at Tranquebar. She complained at once to the station-house against two persons, whom she named, and the Sub-Magistrate was informed of the occurrence and arrest of the accused persons; but instead of going forthwith to the scene of the crime, which was about a mile from his office, and systematically inquiring into the case, he contented himself with illegally remanding the accused persons to custody for five days, and for several days did nothing.

"The Session Judge desires to be informed under what legal enactment and for what reasons this remand order was made. Had the Sub-Magistrate gone at once to the Bramans' house and honestly bestirred himself in the matter, there can be but little doubt that several influential persons would have been found to be implicated in the crime. Even now it possibly may not be too late to discover the worst offenders, and the Session Judge would suggest to the District Magistrate the expediency of inquiring further into this atrocious case through a European Magistrate."

On the same Sub-Magistrate after receiving his explanation.

Proceedings, dated 14th December 1874, No. 895.

"Here again there is no explanation of the omission on the part of the Sub-Magistrate to go to the spot, which is close to his Court-house, and inquire into the circumstances of an atrocious crime. Instead of so doing, he illegally omitted for many days to take any steps against the prisoners actually produced before him, and contented himself with ordering the Police to inquire for him. In the opinion of the Court the Sub-Magistrate has shown himself to be, if honest, quite unfit for the efficient discharge of the duties of a Magistrate."

5. The Head Assistant Magistrate, the Assistant Superintendent of Police, and I have been very carefully into this case, and in this concluding remark of the Judge I quite concur. There is, in my opinion, not a word to be said for the Sub-Magistrate: either he was wilfully shielding the wicked, or, in the face of the most pitiful appeal, he was callously indifferent to duty. In either case he is not fit to sustain the office of a Magistrate, and I could wish might be relieved of all magisterial authority and relegated to the position of a clerk. Still my experience of the general leniency to offending officials is such that, unassured of support, I have not dared to take this step. I think it will be seen, before this letter is ended, that, if crime is to be put down, leniency to the Sub-Magistracy will for the present be misplaced in Tanjore. I ask, therefore, to be permitted to degrade this man, now on Rupees 70, to a position in which he can do less harm.

6. If I quoted *in extenso* all the Proceedings of the Session Court of North Tanjore, I might show the grounds on which such very grave remarks were based, and I might thus give a clearer view of existing evils, but I might also swell this letter to such a length that the main object of it would be in danger of being lost in the maze of details. I have quoted, therefore, though somewhat unfairly to the Judge perhaps, just enough to show that I am not alone in my conclusions; that before I ever saw or conferred with him, nay, even before I entered the district, the Judge had expressed himself, in pretty plain language, that there was very much of wickedness and venality, both in Police and Magistracy, that urgently called for vigorous suppression. I could wish it noted, for it is a point, in which I thoroughly concur, how the Judge holds the authorities most to blame to be the Magistracy.

7. Civil Court.—While the criminal records of the Judge's Court led to these conclusions, they found, quite unknown to him, a perfectly accidental confirmation in his civil proceedings. Certain parties applied to him to appoint a curator of an estate. As required by law, he called on me for a report under Section VIII., Act XIX. of 1841. A glance in consequence at the accounts of the estate showed several entries of sums given to a Tahsildar and to a Deputy Tahsildar besides minor officials. These entries will be further investigated, and the explanations of the Tahsildar and Deputy Tahsildar will be called for in due course.

8. Police Confirmation.—Thus, while criminal and civil records indicated venality on the part of the lower Native Magistracy, and the Government review of crime showed the natural result thereof, it was reserved for the admirable Superintendent of Police, Captain Rolland, to be the first to lay his hand on an actual case in point. He found the Subordinate Magistrate of Arandhangi receiving money to hush up a dacoity, and, for that end, wilfully recording a deposition falsely. This case has been reported to the Board, and will be re-reported, as soon as possible, in answer to their Proceedings, dated 29th January 1875, No. 206.

9. Reviews of Criminal Calendars.—Lastly, I will mention my own proceedings, and I will quote one of them *in extenso*, merely adding here that this case also is being prepared for submission to the Board of Revenue, and I will ask that this Sub-Magistrate too may be deprived of magisterial authority, and placed in a position, which I shall indicate, in which he can less affect the crime of the country.

Proceedings of District Magistrate in Appeal No. 48 of 1874.

"Judgment in Appeal No. 48 of 1874 against the conviction and sentence by the 3rd-class Magistrate of Pattukottai in calendar case No. 153 of 1874.

* * * *

"Date of offence, 23rd September 1873.
Do. of complaint, 24th ,, ,,
Do. of decision, 26th August 1874.
Do. of appeal, 29th September ,,
Grounds of appeal.

* * *

"This is a case reflecting great disgrace on all the Government officials concerned, to wit the Taluq Magistrate, the Police, and the Village Accountant, but most especially on the Taluq Magistrate.

"More than eleven months, or in round terms nearly a year, has been occupied in the trial of a case of theft involving only one Rupee worth of property and ending in one day's simple imprisonment and Rupees 2 fine. Such grievous delay cannot but bring the law into contempt.

"There has been a delay of five months by the Police, for which they will be called on by the Taluq Magistrate to give an exact account, to be forwarded to the District Magistrate. But, whatever may be their delay, the Taluq Magistrate is mainly to blame for it, for on him lay the responsibility of seeing that the Police are in his hands an efficient instrument of justice as expressed in the Preamble Act XXIV. of 1859. With this explanation the Taluq Magistrate will submit his own explanation in detail for all the delay made and permitted by him from the day on which he first received the Police Occurrence Report.

"He will explain why that Occurrence Report is not among the records forwarded to this Court.

"He will also call upon the Curnam for an explanation of his three months' delay, and submit his own explanation for suffering it.

"This Taluq Magistrate will also render his explanation of what appear to be illegalities in this case. The District Magistrate wishes to know why when four men were charged with the same offence two were brought before him on warrants and two on summons; why in a non-bailable offence all the prisoners were admitted to bail at a time when witnesses had given the very evidence on which the appellants have been convicted.

"As regards the appellants the District Magistrate can place no reliance on a trial held in such a highly irregular manner, and remarks that, even if they were guilty, the long time during which they have been held under trial is a grievous burden tenfold worse than the fitting punishment of the petty offence with which they have been charged, to wit the cutting of a tree from a neglected avenue. The District Magistrate, therefore, orders their release or the refund of the fine imposed.

"The Taluq Magistrate's calendar does not show whether or not the fine was paid."

10. In connection with the subject of inordinate delay in the conduct of magisterial inquiries, I will quote one more of my own proceedings on appeal, and will add, with reference thereto, that it is by such improper delays that corrupt Magistrates create for themselves the opportunity for working on the fears of the parties in suspense, and thereby wringing out of them the maximum attainable with safety to themselves. Whenever a Magistrate can give no proper explanation for inordinate delays, they become suspicious. In the case that I am about to quote they are habitual, and continued all the same in the face of the warnings of my predecessor. I have only fined the man because I feared to do more lest I should not be supported. But now that I am laying the whole matter before the Board, and I am consequently in hopes that they will feel themselves in a position to take a wider view of the necessities of the case with reference to the crime of the district, I will plainly state my own opinion, and leave it at their disposal. Even if we put upon his delays the most charitable construction that can possibly be put—that of dilatoriness, not wickedness nor venality—even then we are still driven to the conclusion that a Magistrate who can be thus unconcerned and dilatory while the district is in a blaze with crime and the suffering and injury therefrom accruing is not a fit man to help me to battle with that crime. At the very least I consider that he is not equal to the exigencies of his post and times. Are the European Magistracy alone to work themselves to death, and the Native Magistracy to idle with impunity? He is a Sub-Magistrate on Rupees 100. I would ask that he be relegated to non-magisterial duties.

11. It need hardly be stated that I use the words "a blaze with crime" metaphorically, but it is as well it should be stated that we have had the narrowest escape of my having to use it literally; for a gang of old dacoits, who had just returned from transportation to their former avocations, when reapprehended, told the Superintendent of Police that he had been only just in time, for they had meant, out of revenge, intimidation, and bravado, to set the whole district on fire simultaneously, and that they were only waiting for the return of one leader to concert arrangements when he had anticipated them. He had noted their being time-expired, known they would return to their former means of living, and had recaught them in their very first offence. The proceedings that concern the Sub-Magistrate referred to are then as follows:—

"Read reply of Narayanasami Aiyar, Sub-Magistrate of Tanjore Town, dated 17th November 1874, to the District Magistrate's Proceedings in Appeal No. 52 of 1874.

Proceedings, dated 15th January 1875, No. 4.

"The explanation is rambling and altogether unsatisfactory. The Sub-Magistrate, instead of adjudicating on the case before him on its merits, made himself subservient to the wishes of the complainant to try the counter-complaints first. He made inordinate delay of 100 days for which there is no excuse, and which the records of his office show to be common, there being 1,178 days' delay in 11 cases.

"His delays in magisterial cases have been more than once strongly remarked on by the late District Magistrate, by whom he has been warned in vain. It only remains to punish. Finally, he has decided a case of a riot amongst wealthy Mirasidars' tenants directly against the evidence and the law, for it was a case which he had no power to decide at all. If there were other posts to which it would be convenient to degrade him at this juncture, he would be degraded; as it is, he is fined Rupees 5."

Nos. 27, 78, 79, 82, 86, 88, 119, 139, 140, 141 of 1874, and 361 of 1873.

12. I do not think I need quote the records of my predecessor, for, as Second Member of the Board, he can personally convince the other Members that certain of the Native Magistracy

of this district are not as pure and painstaking as they might be. His characters, which I have had upon my table, perusing and reperusing whenever startled by some strange proceedings of the lower Courts, show a knowledge of his Magistrates with which my five months' experience is *quantum valeat* in strange accord. His magisterial proceedings and letters and District Gazette orders show all the recognized means at the disposal of a District Magistrate utilized to the fullest extent to which ordinary prudence dictated that they would be likely to have the countenance of higher authority, and because I have gone just one step further in the same direction I am immediately called on to explain, and though under the pressure of other circumstances, to wit official visitants, &c., &c., I crave a little time, I am called on to make no "further delay." I would wish to explain that I have made none that I could avoid, and I hope there is implied no want of confidence, or it would be very discouraging.

13. And why did I go just a step beyond my predecessor? Because experience showed that all his efforts had not availed to stem the tide of crime. Why? Because I was in posession of what he was not; I was in possession of the Government Order above quoted, which not only showed the glaring state of Tanjore crime, but, what was of more importance to the District Magistrate, that the Government was alive to it and really anxious to put it down.

14. And what is it that have I done? I have simply applied the selfsame principle that is recognized in the marginally-noted orders, the very number of which is sufficient to show how the subject has been insisted on, and the stringency of which is evidenced by "immediate dismissal" being the punishment for nonreturn of property. In consideration of the peculiar position, I have only carried on the selfsame principle into those particulars in which I understood that it was being systematically evaded. The orders quoted call for a return of immovable property; I simply added movable property, and in doing so I asked nothing inquisitorial, for I wanted no particulars whatever, but only total money values. The calling for the like from one and all was that I might make no invidious distinctions. Those whose consciences did not accuse them had, and could have, no hesitation in the matter, and to no one need it have been the work of more than half an hour.

11th September 1848.
13th October 1862.
19th December 1862.
4th July 1863.
25th November 1863.
26th January 1865.
Board's Standing Circular No. 401, Dalyell's Edition, page 412.

15. And what was my object? I meant, after thus giving every man a fair opportunity of stating the truth with his explanation if any, to have made, if I had not been stayed, further inquiries, and thereon to have laid before the Board and Government a few picked and flagrant instances of men who had amassed fortunes out of all manner of proportion to their possible savings from legitimate gains—fortunes which they had not themselves the face to acknowledge because they were quite unexplainable in any honest way—fortunes which should have left the Government under no doubt but that they were the proceeds of the venal abuse of authority, and under no compunction about dispensing with their services and disallowing any claim for a "*good*-service pension."

16. This I desired to do because I despaired of bringing each individual Magistrate to justice by the tedious and uncertain and very uphill process of a criminal prosecution for corruption, because such a course could work but slowly in its results on the other Magistrates, and, through them, on the crime of the country; and for long weary months or years the people must consequently be left still exposed to the combined mercy of a corrupt Magistracy and emboldened dacoits. That I speak advisedly, and that the Subordinate Magistracy, as well as the Village Magistracy, are on occasions in actual collusion with the dacoits, is undoubted. The Arandhang Sub-Magistrate above referred to is a case in point. I thought the state of crime in this district, as noticed by the Government itself, might, when taken in connection with the remarks of the Judge and the opinion of the District Magistrate, make it sufficiently patent that the inexplicable gains were ill-gotten, and that the result might be the prompt removal of a few of the worst Magistrates, which would so strengthen my hands that I might hope to redeem the rest and begin at once on vigorous measures against crime.

Proceedings of the Madras Government, Revenue Department,
28*th May* 1875.

17. I understand, but I do not know, particulars that the like was done once before under similarly exceptional circumstances in another district, and that the then Government was pleased to remove two Tahsildars summarily.

18. While making these remarks I would not have it thought that I condemn and suspec all alike. Far from it; I am thoroughly alive to the principles inculcated in paragraphs 13, 14, 15 of Board's Proceedings, dated 8th March 1864, No. 1,444, and I venture to think I yield to none in the diligent search after those that are honorable and the honor which I pay them. To particularize those in Tanjore that are, in my opinion, honorable would be highly invidious; it wil suffice to say I know there are such, and that I take the very greatest pains that no honest man should ever suffer at my hands even a moment's uneasiness, nay, rather that he should be able to feel that in his accidental errors, and in the case of combinations against him, he can afford to be fearless, being sure of no half-friend in me.

19. But the elimination of the evil is not the only thing to be done in my opinion for the Magistracy. There is one of them—not one of those with whom I have found fault above—that has such an amount of work to do that he cannot do it properly. Of him it is unfair to be too exacting; we cannot expect impossibilities. But, on the other hand, is it fair to the community to leave the Magistracy insufficient to cope with crime?

20. The excessive weight of work falling upon the Tahsildars of the two heavy taluqs of Tanjore and Combaconum was specially brought to the notice of the Board by my predecessor in his report printed in their Proceedings, dated 10th December 1873, and his proposal that two more Deputy Tahsildars should be appointed, one for the Tanjore and one for the Combaconum Taluq, received the full support of the Board. After some further correspondence, however, the more pressing wants of the Tanjore Taluq have alone been met by the appointment of an additional Deputy Tahsildar for that taluq under the sanction of Government conveyed in the Board's Proceedings of the 21st July last, Miscellaneous No. 4,901, and those of the Combaconum Taluq yet remain to be supplied. I take this opportunity to urge that the additional Deputy Tahsildar asked for for the Combaconum Taluq be allowed. The case is now quite as urgent as before, and cannot be put more clearly than it has been by my predecessor. To his letter therefore, which is quoted above, I beg to refer the Board.

21. The Government has asked for a report of the additional number of Police required. That more Police are required there is no doubt. Their number was mistakenly cut down some little time ago. Their number should, in my opinion, bear some proportion to the population as well as to the area, for a district which is peopled in parts as thickly as Middlesex requires more watching than a thinly-peopled area. The population in places is as many as 1,000 a square mile, and this congregating of people, together with their amassed wealth, allures dacoits from far, and they come conveniently by rail; out of such numbers, crime is also bred on the spot.

	Population per square mile.
Whole District	540
Tanjore Taluq	542
Combaconum Taluq	1,009
Negapatam do.	829·5
Mayaveram do.	794
Nannilam do.	705
Tanjore Town	7,301

22. But into the details of Police wants I will not go, as they will be better dealt with by the Inspector-General of Police in obedience to the Government call. This, however, I will say, that, unless the Magistracy are simultaneously improved, it is hopeless to expect that extra Police will or can make any impression on crime, and, on the other hand, that, if the Native Magistracy are what they should be, it is simply impossible for the Police to go wrong.

23. By Native Magistracy I mean primarily the Sub-Magistrates, but I would not omit the Village Magistracy, who, when properly worked, are the most important machinery, and who urgently need their taliaries of old. It was a mistake indeed that they were ever done away with in this district. This Village Police should be entirely under the Village Magistrate, and in no way at all subordinated to the Police force, and the Village Magistrate being thus able and bound to acertain and immediately report crime in its very birth-place, and to report it both to the Police and to his own superior the Sub-Magistrate, the Police have no excuse for not

promptly following up good clues, and the Sub-Magisttate has ample means for supervising them therein, and seeing they really do it.

24. Before closing this letter, I would beg to take leave to bring under consideration the effect of the marginally-noted orders. The effect is that the Native Sub-Magistracy, who want most looking after, have none at all, and the European Magistracy, who need it least, have it most. Divisional Officers, who are mostly Europeans, have to submit their calendars both to the District Magistrate and the High Court; and the District Magistrate himself and the District Judges have to submit calendars, but the Native Sub-Magistracy have neither to submit, nor even to write, any at all. It is obvious that there will ordinarily be no appeal in a case when a man worthy of punishment escapes because he is rich enough to pay hush-money. In such cases the calendar is the only clue. I venture to submit that of the two, it is the European that is to be relied on as the backbone of the administration, and the Native that requires the closer supervision. Ought the European then to be placed in an invidious position of comparative distrust, and ought he to be deprived of a means of supervision. ?

Rules of the High Court, dated 11th January 1875, published at page 54 of the *Fort St. George Gazette*, dated 12th January 1875.

G.O., Judical Department, 5th February 1875, No. 256.
Do. do., 20th February 1875, No. 402.

25. It is true that the District Magistrate is ordinarily so had worked, that he can but seldom read up the calendars of his numerous Sub-Magistrates, but it is nevertheless desirable tha he should have the means of watching any particular subordinate whenever he sees or thinks he sees cause.

26. While I have this work on hand, I should be very thankful if I might be exempted from the operation of the order which requires that every District Magistrate shall invariably retain the superior charge of one taluq. It must be patent to Board and Government that I take active interest in the magisterial influence on crime, and I think I can utilize my time much better in supervision of all the Magistrates, and the manner in which they supervise their Police, than in the supervision of one taluq.

G.O., dated 2nd December 1874, No. 2,197, para. 3.

27. For the convenience of the Board and Government my propositions for dealing with the admittedly extraordinary crime of the district are, when summarised, as follows :—

The dismissal of one Sub-Magistrate.
The degradation and relegation to other duties of a Taluq Magistrate and two Sub-Magistrates.
The appointment of one Additional Magistrate.
The strengthening of the Police force.
The re-appointment of Taliaries or Village Police.
The return to calendars from Sub-Magistrates.
The being relieved myself of a taluq charge.

28. In conclusion, I trust the Board and Government, who have in a measure placed me at the bar of a native newspaper correspondent, will be good enough, if satisfied, to let it be practically seen in result, by the strengthening of my hands, that they do not mean that their Magistrates should be any way intimidated by such attacks. If what I ask is done, I am confident that within a twelvemonth of the inauguration of those measures the crime in the district will be sensibly diminished.

This letter will be submitted to Government with referene to G. O., dated 23rd January 1875, No. 129, in which the Board are directed to report, for the information of Government, the result of inquiry which they had ordered as to the issue, by the Acting Collector of Tanjore, of a circular calling upon all subordinates in the district to furnish returns of property of all kinds possessed by them.

2. Mr. Thomas explains that he issued the circular in question being, from a perusal of orders of Government and district records and from personal observation, deeply impressed with the prevalence of crime of all kinds in the district; being persuaded that much of this undue prevalence of crime is owing to the inefficiency and venality of public servants of all ranks, especially Magistrates; and believing that radical improvement would best be secured by measures taken against this great evil.

3. The Board fully appreciate the magnitude and difficulty of Mr. Thomas' task, and his laudable desire to do what he can to check the crime which seems to be so rife. An officer who devotes himself to the interests of his charge as unsparingly as Mr. Thomas does deserves the support of higher authority, which he asks for in this letter, and may be assured that he will find it, for the removal of those shown to be currupt or inefficient.

4. The Board cannot but think, however, that, in issuing the circular in question, Mr. Thomas took a mistaken step. He says those whose consciences did not accuse them could have no hesitation in the matter; but, though the Board are not prepared to admit even so much, they think that the sudden issue of a general order of the kind could not fail to induce a state of terror and suspicion in the minds of all, and must have caused an amount of excitement and fear amongst the public servants generally, which must have had an injurious effect upon the progress of business in the district. Such an order, too, is likely to defeat its own object, as those who have amassed illicit wealth are not likely to have failed to provide for such a contingency, and to have taken measures for its concealment. Honest men might be embarrassed by the order, but knaves could laugh at it. The Board are of opinion that all proceedings in pursuance of the order should be stopped.

5. Mr. Thomas gives a series of quotations from the proceedings of the District Judge, and from his own upon appeal, illustrating the condition of the Native Sub-Magistracy and the Police, [illegible] position he has taken up. He refers in particular to the cases of the Sub-Magistrate of Tranquebar (paragraphs 4 and 5) whom he wishes to degrade to a subordinate position; of the Sub-Magistrate of Arandanghi, whose dismissal he has recommended, and whose explanation as to the charges against him is awaited by the Board (Proceedings, dated 29th January 1875, No. 206); of the Sub-Magistrate of Pattukottai, who is charged with inordinate delay in magisterial trials, and whose case is about to be reported with recommendation that he be deprived of magisterial authority; and of the Sub-Magistrate of Tanjore, on whose file eleven cases remained for 1,178 days, and who has been departmentally fined for this and other faults. The Board must await further communications in these cases.

6. He next adverts to the subject of the appointment of an additional Deputy Tahsildar and Sub-Magistrate for the Combaconum Taluq to be located at Papanassem. This proposal was laid before Government with the Board's support in their Proceedings, 10th December 1873, No. 2,516, but was not acceded to. The Board will be glad if Government find themselves in a position now to entertain it.

7. The re-organization of the Village Police should form the subject of a separate report.

8. Mr. Thomas recommends an increase to the strength of the regular police force, and comments upon the evil effects of the recent orders of the High Court under which the submission of calendars by the Sub-Magistracy to the Appellate authorities is discontinued. he also requests that he may be exempted from the order of Government requiring District Magistrates to retain immediate charge of at least one taluq. These are matters not within the province of the Board to deal with, but they cannot but express their concurrence with Mr. Thomas' remarks as to the effects of the High Court's orders, and thier apprehension that the change will be especially injurious in connection with the extension of Sub-Magisterial powers generally, which Government have declared it to be their intention to carry out.

(A true Copy and Extract.)

(Signed) H. E. STOKES,
Acting Secretary.

No. 337. ORDER THEREON, 28th May 1875, No. 838.

Miscellaneous.

THE only matter that the Government have immediately to deal with on this report is the Circular Order issued by Mr. Thomas, calling for a return from all public servants,—down to peons,—of the amount of their property of every description; the avowed intention being to detect cases of inexplicable accumulation by honest means, and to have dealt with these cases as proved instances of glaring venality.

2. The Governor in Council entirely agrees with the Board in thinking that all proceedings in pursuance of this order should be stopped, and that its uselessness for the object in view should be denounced. He is satisfied that none but ill-results could be attained by such a course as Mr. Thomas has adopted.

3. At the same time, the Government recognise fully Mr. Thomas's praiseworthy anxiety to grapple effectually with the notoriously bad eminence of the criminal classes in Tanjore, and promise him all support in his legitimate efforts to subdue them in all ranks.

4. The High Court's orders in regard to the supervision of the Magistracy of all grades, to which Mr. Thomas adverts, are too recent to allow of their practical working being fairly estimated.

(True Extract.)

(Signed) A. MACGREGOR,
Acting Secretary to Government.

To the Board of Revenue.

Erd. J. W. Fischer.

Govt. of Madras,

REVENUE.

To

The BOARD OF REVENUE.

Dated May, 28th.

Rect.

G. O., 28th *May* 1875, No. 838.

MAY.

Nos. 336-337.

Circular Order issued by Mr. Thomas calling for a return from all public servants in the District of the amount of their property of every description.—Concurring entirely with the Board in thinking that all proceedings in pursuance of this should be stopped, and that its uselessness for object in view should be denounced, as none ill-results could be attained by the course adopted by Mr. Thomas. Recognising fully Mr. Thomas praiseworthy anxiety to grapple effectually the criminal classes in Tanjore, and promising all support in his legitimate efforts to subdue in all ranks.

No. 970.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 20th April 1875.

Read the following letter from H. S. THOMAS, Esq., Collector of Tanjore, to H. E. STOKES, Esq., Acting Secretary to the Board of Revenue, dated Vallam, 13th March 1875, No. 116 :—

IN reply to Revenue Board's Proceedings marginally quoted, I have the honor to state that I did issue the Circular Order quoted, and that I did so for the following reasons.

Miscellaneous, No. 295, dated 16th January 1875.
,, ,, 797, ,, 2nd February 1875.
Official Memo. ,, 288, ,, 26th ,, ,,

2. Two months after joining the district I received, on the 5th December, the Government Order, dated 13th November 1874, No. 2,113, from which I perceived that the district with which I was newly charged was about the worst district in all the Presidency for crime. To give my earnest and immediate attention to the causes and remedies thereof was obviously my special duty as District Magistrate. I also received numerous and strongly-expressed Session Court Proceedings bearing on the same subject, Police reports which pointed obviously in the same direction, and an accidental civil record which indicated the same. Reviews of criminal calendars and a careful perusal of my predecessor's reviews and characters, together with the constant bitter complaints of petitioners, all told the same tale. Therefore was it that I issued the circular of which the Board inquire, and I did it as one step only in a scheme for the improvement of the administration of justice in this district, a scheme of which, as well as of the aforesaid sketch, I shall proceed to submit the details.

3. GOVERNMENT ORDER.—In the Government Order above quoted it is pointed out that as regards *dacoity* Tanjore is one of the three districts in which "the worst phase of the crime is shown to prevail;" that as regards *housebreaking* Tanjore and another district "head the list" with the greatest number of offences, and that the detection therein was "among the worst," though my late district of South Canara was, I was glad to see, doubly best in the Presidency. As regards *cattle-lifting*, again, Tanjore is mentioned as seemingly unable to cope with its crime; and when we come to *false cases*, and it is shown to what an extent the Subordinate Magistracy have neglected their duty, and practically handed over their functions to, and thereby overburdened, the Police and hindered them from their more proper duty, the dealing with grave crime, it is added that, though the practice prevails very generally, it prevails "principally in Tanjore." Under the head of *improvements required* Tanjore is again particularized as one of "the hotbeds of dacoity." Throughout these proceedings it is also clearly indicated that the District Magistrate is not a little responsible for the crime of his district. I accepted the responsibility, and seeing that, in the case of Tanjore, the evil was one of no ordinary magnitude, but as nearly as possible the greatest in the Presidency, I thought that it both justified and called for the remedy too, being a little more than ordinary. That all the ordinary remedies had been duly tried by my predecessors I could not but presume. To presume the contrary would have been egotistic surely and anything but justice to my predecessors, anything but the spirit in which I would enter on my duties in any district, least of all in one in which I followed the Collector and Magistrate under whom I had already had the honor of serving when I was Joint Magistrate of Salem. Any such contrary presumption was also distinctly negatived by a perusal of my office records, which showed careful reviews of calendars, repeated magisterial orders, degradations of Sub-Magistrates, a strong appeal for additional Magistracy, more than doubtful testimonials of character, which showed, in short, all the ordinary means duly followed by my predecessor, but in vain. Under these and the circumstances to be further stated below, I was led to think that the time had arrived when more than ordinary measures were called for, and that, if I was not prepared to accept the toil and the responsibility of such measures, I should be shrinking from my duty. I doubted not that the Government was in real earnest in its remarks on the excessive crime and its suppression, and I took heart of grace therefrom, feeling sure that I could show that I had no thought but to give effect to those remarks, and relying consequently on support.

4. Session Court's Proceedings.—Passing from the Order of Government to the Proceedings of the Session Court of North Tanjore, I will now make from the latter the following extracts, which shall speak for themselves:—

Proceedings, dated 21st September 1874, No. 610.

"The Session Judge deems it necessary to invite the earnest attention of the Magistrate of the district to the state of things disclosed by the records in these nineteen cases. The records appear to indicate on the one hand want of caution in committing for trial presumably innocent men, and on the other hand want of carefulness in preparing cases against probably guilty men. In many instances the delay in completing the preliminary inquiry has been extraordinarily and intolerably great, and the explanation of delay unsatisfactory in a high degree. * * *

"Altogether the procedure followed by several of the Magistrates who have committed these cases has been very unsatisfactory. * * *

Regular Case No. 2 of 1874 on file of Sub Magistrate of Vedaraniyam.

"In this case of poisoning the evidence collected by the committing officer was utterly incredible, whilst the main story told was physically impossible. The deceased woman certainly could not have swallowed a large dose of arsenic and then walked some distance home and talked quietly to her brother, and lain down to sleep, and survived the night. Nor is it possible to believe that the woman would calmly hand over some of the poisoned sweetmeats to her brother, and bid him eat of them whilst undergoing the torments that a dose of arsenic occasions. A little reflection should have shown the committing officer that the case for the prosecution was rotten to the core, and that therefore, in all probability, the husband was not the culprit.

Regular Case No. 5 of 1874 on file of 2nd-class Magistrate of Tritrapundi.

"In this case of murder or suicide by hanging there can be but little doubt that the Police at once set to work to extort evidence by improper means.

* * *

"The committing officer appears to have left the management of the case far too much in the hands of the Police. The Session Judge has marked with regret for a long time an ever-increasing disposition on the part of the Magistracy to throw the work of investigation and responsibility in serious cases on the Police.

Regular Case No. 6 of 1874 on file of Sub-Magistrate of Kudavassal.

"In this case of dacoity very grave irregularities appear to have been committed, and the Session Judge is of opinion that a searching inquiry should be instituted into the conduct of both the Police and the Magistracy in dealing therewith.

* * *

"As the record stands, the detention of the accused persons appears to have been wholly illegal.

"The delay in this case was enormous, whilst the explanation of it is entirely unsatisfactory.

* * *

"The Session Judge sees reason to fear that a practice is growing up of leaving serious cases entirely in the hands of the Police for long spaces of time extending to three or four weeks or more. Such practice is wholly illegal, and, if it exist in this district, must be put down with a strong hand. It is not too much to say that leaving accused or suspected persons at the mercy of the Police for long spaces of time renders the right administration of criminal justice utterly impossible.

* * *

Proceedings, dated 25th February 1875, No. 196.

"There is here another flagrant breach of explicit rule laid down in Section 124 of the Code of Criminal Procedure."

* * *

"It would seem to be next to impossible for Police officers improperly to keep men in custody if the lower ranks of the Magistracy determined to restrain them from so doing.

* * *

"The whole conduct of the Sub-Magistrate in dealing as he did with the accused person Muttulingam appears to call for very serious notice. * * *

Sub-Magistrate of Kudavassal.

"In this case also there probably has been a grave miscarriage of justice. A poor feeble old woman was suspected of theft and barbarously tortured in the house of some wealthy Bramans at Tranquebar. She complained at once to the station-house against two persons, whom she named, and the Sub-Magistrate was informed of the occurrence and arrest of the accused persons; but instead of going forthwith to the scene of the crime, which was about a mile from his office, and systematically inquiring into the case, he contented himself with illegally remanding the accused persons to custody for five days, and for several days did nothing.

Proceedings, dated 21st September 1874, No. 610,—(continued)
Regular Case No. 9 of 1874 on file of Sub-Magistrate of Tranquebar.

"The Session Judge desires to be informed under what legal enactment and for what reasons this remand order was made. Had the Sub-Magistrate gone at once to the Bramans' house and honestly bestirred himself in the matter, there can be but little doubt that several influential persons would have been found to be implicated in the crime. Even now it possibly may not be too late to discover the worst offenders, and the Session Judge would suggest to the District Magistrate the expediency of inquiring further into this atrocious case through a European Magistrate."

On the same Sub-Magistrate after receiving his explanation.

Proceedings, dated 14th December 1874, No. 895.

"Here again there is no explanation of the omission on the part of the Sub-Magistrate to go to the spot, which is close to his Court-house, and inquire into the circumstances of an atrocious crime. Instead of so doing, he illegally omitted for many days to take any steps against the prisoners actually produced before him, and contented himself with ordering the Police to inquire for him. In the opinion of the Court the Sub-Magistrate has shown himself to be, if honest, quite unfit for the efficient discharge of the duties of a Magistrate."

5. The Head Assistant Magistrate, the Assistant Superintendent of Police, and I have been very carefully into this case, and in this concluding remark of the Judge I quite concur. There is, in my opinion, not a word to be said for the Sub-Magistrate: either he was wilfully shielding the wicked, or, in the face of the most pitiful appeal, he was callously indifferent to duty. In either case he is not fit to sustain the office of a Magistrate, and I could wish might be relieved of all magisterial authority and relegated to the position of a clerk. Still my experience of the general leniency to offending officials is such that, unassured of support, I have not dared to take this step. I think it will be seen, before this letter is ended, that, if crime is to be put down, leniency to the Sub-Magistracy will for the present be misplaced in Tanjore. I ask, therefore, to be permitted to degrade this man, now on Rupees 70, to a position in which he can do less harm.

6. If I quoted *in extenso* all the Proceedings of the Session Court of North Tanjore, I might show the grounds on which such very grave remarks were based, and I might thus give a clearer view of existing evils, but I might also swell this letter to such a length that the main object of it would be in danger of being lost in the maze of details. I have quoted, therefore, though somewhat unfairly to the Judge perhaps, just enough to show that I am not alone in my conclusions; that before I ever saw or conferred with him, nay, even before I entered the district, the Judge had expressed himself, in pretty plain language, that there was very much of wickedness and venality, both in Police and Magistracy, that urgently called for vigorous suppression. I could wish it noted, for it is a point, in which I thoroughly concur, how the Judge holds the authorities most to blame to be the Magistracy.

7. Civil Court.—While the criminal records of the Judge's Court led to these conclusions, they found, quite unknown to him, a perfectly accidental confirmation in his civil proceedings. Certain parties applied to him to appoint a curator of an estate. As required by law, he called on me for a report under Section VIII., Act XIX. of 1841. A glance in consequence at the accounts of the estate showed several entries of sums given to a Tahsildar and to a Deputy Tahsildar besides minor officials. These entries will be further investigated, and the explanations of the Tahsildar and Deputy Tahsildar will be called for in due course.

8. Police confirmation.—Thus, while criminal and civil records indicated venality on the part of the lower Native Magistracy, and the Government review of crime showed the natural result thereof, it was reserved for the admirable Superintendent of Police, Captain Rolland, to be the first to lay his hand on an actual case in point. He found the Subordinate Magistrate of Arandhangi receiving money to hush up a dacoity, and, for that end, wilfully recording a deposition falsely. This case has been reported to the Board, and will be re-reported, as soon as possible, in answer to their Proceedings, dated 29th January 1875, No. 206.

9. Reviews of Criminal Calendars.—Lastly, I will mention my own proceedings, and I will quote one of them *in extenso*, merely adding here that this case also is being prepared for submission to the Board of Revenue, and I will ask that this Sub-Magistrate too may be deprived of magisterial authority, and placed in a position, which I shall indicate, in which he can less affect the crime of the country.

Proceedings of District Magistrate in Appeal No. 48 of 1874.

"Judgment in Appeal No. 48 of 1874 against the conviction and sentence by the 3rd-class Magistrate of Pattukottai in calendar case No. 153 of 1874.

* * *

"Date of offence, 23rd September 1873.
Do. of complaint, 24th ,, ,,
Do. of decision, 26th August 1874.
Do. of appeal, 29th September ,,
Grounds of appeal.

* * * *

"This is a case reflecting great disgrace on all the Government officials concerned, to wit the Taluq Magistrate, the Police, and the Village Accountant, but most especially on the Taluq Magistrate.

"More than eleven months, or in round terms nearly a year, has been occupied in the trial of a case of theft involving only one Rupee worth of property and ending in one day's simple imprisonment and Rupees 2 fine. Such grievous delay cannot but bring the law into contempt.

"There has been a delay of five months by the Police, for which they will be called on by the Taluq Magistrate to give an exact account, to be forwarded to the District Magistrate. But, whatever may be their delay, the Taluq Magistrate is mainly to blame for it, for on him lay the responsibility of seeing that the Police are in his hands an efficient instrument of justice as expressed in the Preamble Act XXIV. of 1859. With this explanation the Taluq Magistrate will submit his own explanation in detail for all the delay made and permitted by him from the day on which he first received the Police Occurrence Report.

"He will explain why that Occurrence Report is not among the records forwarded to this Court.

"He will also call upon the Curnam for an explanation of his three months' delay, and submit his own explanation for suffering it.

"This Taluq Magistrate will also render his explanation of what appear to be illegalities in this case. The District Magistrate wishes to know why when four men were charged with the same offence two were brought before him on warrants and two on summons; why in a non-bailable offence all the prisoners were admitted to bail at a time when witnesses had given the very evidence on which the appellants have been convicted.

"As regards the appellants the District Magistrate can place no reliance on a trial held in such a highly irregular manner, and remarks that, even if they were guilty, the long time during which they have been held under trial is a grievous burden tenfold worse than the fitting punishment of the petty offence with which they have been charged, to wit the cutting of a tree from a neglected avenue. The District Magistrate, therefore, orders their release or the refund of the fine imposed.

"The Taluq Magistrate's calendar does not show whether or not the fine was paid."

10. In connection with the subject of inordinate delay in the conduct of magisterial inquiries, I will quote one more of my own proceedings on appeal, and will add, with reference thereto, that it is by such improper delays that corrupt Magistrates create for themselves the opportunity for working on the fears of the parties in suspense, and thereby wringing out of them the maximum attainable with safety to themselves. Whenever a Magistrate can give no proper explanation for inordinate delays, they become suspicious. In the case that I am about to quote they are habitual, and continued all the same in the face of the warnings of my predecessor. I have only fined the man because I feared to do more lest I should not be supported. But now that I am laying the whole matter before the Board, and I am consequently in hopes that they will feel themselves in a position to take a wider view of the necessities of the case with reference to the crime of the district, I will plainly state my own opinion, and leave it at their disposal. Even if we put upon his delays the most charitable construction that can possibly be put—that of dilatoriness, not wickedness nor venality—even then we are still driven to the conclusion that a Magistrate who can be thus unconcerned and dilatory while the district is in a blaze with crime and the suffering and injury therefrom accruing is not a fit man to help me to battle with that crime. At the very least I consider that he is not equal to the exigencies of his post and times. Are the European Magistracy alone to work themselves to death, and the Native Magistracy to idle with impunity? He is a Sub-Magistrate on Rupees 100. I would ask that he be relegated to non-magisterial duties.

11. It need hardly be stated that I use the words "a blaze with crime" metaphorically, but it is as well it should be stated that we have had the narrowest escape of my having to use it literally; for a gang of old dacoits, who had just returned from transportation to their former avocations, when reapprehended, told the Superintendent of Police that he had been only just in time, for they had meant, out of revenge, intimidation, and bravado, to set the whole district on fire simultaneously, and that they were only waiting for the return of one leader to concert arrangements when he had anticipated them. He had noted their being time-expired, known they would return to their former means of living, and had recaught them in their very first offence. The proceedings that concern the Sub-Magistrate referred to are then as follows:—

"Read reply of Narayanasami Aiyar, Sub-Magistrate of Tanjore Town, dated 17th November 1874, to the District Magistrate's Proceedings in Appeal No. 52 of 1874.

Proceedings, dated 15th January 1875, No. 4.

"The explanation is rambling and altogether unsatisfactory. The Sub-Magistrate, instead of adjudicating on the case before him on its merits, made himself subservient to the wishes of the complainant to try the counter-complaints first. He made inordinate delay of 100 days for which there is no excuse, and which the records of his office show to be common, there being 1,178 days' delay in 11 cases.

"His delays in magisterial cases have been more than once strongly remarked on by the late District Magistrate, by whom he has been warned in vain. It only remains to punish. Finally, he has decided a case of a riot amongst wealthy Mirasidars' tenants directly against the evidence and the law, for it was a case which he had no power to decide at all. If there were other posts to which it would be convenient to degrade him at this juncture, he would be degraded; as it is, he is fined Rupees 5."

Nos. 27, 78, 79, 82, 86, 88, 119, 139, 140, 141 of 1874, and 361 of 1873.

12. I do not think I need quote the records of my predecessor, for, as Second Member of the Board, he can personally convince the other Members that certain of the Native Magistracy of this district are not as pure and painstaking as they might be. His characters, which I have had upon my table, perusing and reperusing whenever startled by some strange proceedings of the lower Courts, show a knowledge of his Magistrates with which my five months' experience is *quantum valeat* in strange accord. His magisterial proceedings and letters and District Gazette orders show all the recognized means at the disposal of a District Magistrate utilized to the fullest extent to which ordinary prudence dictated that they would be likely to have the countenance of higher authority, and because I have gone just one step further in the same direction I am immediately called on to explain, and though under the pressure of other circumstances, to wit official visitants, &c., &c., I crave a little time, I am called on to make no "further delay." I would wish to explain that I have made none that I could avoid, and I hope there is implied no want of confidence, or it would be very discouraging.

13. And why did I go just a step beyond my predecessor? Because experience showed that all his efforts had not availed to stem the tide of crime. Why? Because I was in posession of what he was not; I was in possession of the Government Order above quoted, which not only showed the glaring state of Tanjore crime, but, what was of more importance to the District Magistrate, that the Government was alive to it and really anxious to put it down.

14. And what is it that I have done? I have simply applied the selfsame principle that is recognized in the marginally-noted orders, the very number of which is sufficient to show how the subject has been insisted on, and the stringency of which is evidenced by "immediate dismissal" being the punishment for nonreturn of property. In consideration of the peculiar position, I have only carried on the selfsame principle into those particulars in which I understood that it was being systematically evaded. The orders quoted call for a return of immovable property; I simply added movable property, and in doing so I asked nothing inquisitorial, for I wanted no particulars whatever, but only total money values. The calling for the like from one and all was that I might make no invidious distinctions. Those whose consciences did not accuse them had, and could have, no hesitation in the matter, and to no one need it have been the work of more than half an hour.

11th September 1848.
18th October 1862.
19th December 1862.
4th July 1863.
25th November 1863.
26th January 1865.
Board's Standing Circular No. 401, Dalyell's Edition, page 412.

15. And what was my object? I meant, after thus giving every man a fair opportunity of stating the truth with his explanation if any, to have made, if I had not been stayed, further inquiries, and thereon to have laid before the Board and Government a few picked and flagrant instances of men who had amassed fortunes out of all manner of proportion to their possible savings from legitimate gains—fortunes which they had not themselves the face to acknowledge because they were quite unexplainable in any honest way—fortunes which should have left the Government under no doubt but that they were the proceeds of the venal abuse of authority, and under no compunction about dispensing with their services and disallowing any claim for a "*good*-service pension."

16. This I desired to do because I despaired of bringing each individual Magistrate to justice by the tedious and uncertain and very uphill process of a criminal prosecution for corruption, because such a course could work but slowly in its results on the other Magistrates, and, through them, on the crime of the country; and for long weary months or years the people must consequently be left still exposed to the combined mercy of a corrupt Magistracy and emboldened dacoits. That I speak advisedly, and that the Subordinate Magistracy, as well as the Village Magistracy, are on occasions in actual collusion with the dacoits, is undoubted. The Aranthangi Sub-Magistrate above referred to is a case in point. I thought the state of crime in this district, as noticed by the Government itself, might, when taken in connection with the remarks of the Judge and the opinion of the District Magistrate, make it sufficiently patent that the inexplicable gains were ill-gotten, and that the result might be the prompt removal of a few of the worst Magistrates, which would so strengthen my hands that I might hope to redeem the rest and begin at once on vigorous measures against crime.

17. I understand, but I do not know, particulars that the like was done once before under similarly exceptional circumstances in another district, and that the then Government was pleased to remove two Tahsildars summarily.

18. While making these remarks I would not have it thought that I condemn and suspect all alike. Far from it; I am thoroughly alive to the principles inculcated in paragraphs 13, 14, 15 of Board's Proceedings, dated 8th March 1864, No. 1,414, and I venture to think I yield to none in the diligent search after those that are honorable and the honor which I pay them. To particularize those in Tanjore that are, in my opinion, honorable would be highly invidious; it will suffice to say I know there are such, and that I take the very greatest pains that no honest man should ever suffer at my hands even a moment's uneasiness, nay, rather that he should be able to feel that in his accidental errors, and in the case of combinations against him, he can afford to be fearless, being sure of no half-friend in me.

19. But the elimination of the evil is not the only thing to be done in my opinion for the Magistracy. There is one of them—not one of those with whom I have found fault above—that has such an amount of work to do that he cannot do it properly. Of him it is unfair to be too exacting; we cannot expect impossibilities. But, on the other hand, is it fair to the community to leave the Magistracy insufficient to cope with crime.

20. The excessive weight of work falling upon the Tahsildars of the two heavy taluqs of Tanjore and Combaconum was specially brought to the notice of the Board by my predecessor in his report printed in their Proceedings, dated 10th December 1873, and his proposal that two more Deputy Tahsildars should be appointed, one for the Tanjore and one for the Combaconum Taluq, received the full support of the Board. After some further correspondence, however, the more pressing wants of the Tanjore Taluq have alone been met by the appointment of an additional Deputy Tahsildar for that taluq under the sanction of Government conveyed in the Board's Proceedings of the 21st July last, Miscellaneous No. 4,901, and those of the Combaconum Taluq yet remain to be supplied. I take this opportunity to urge that the [illegible] Tahsildar asked for for the Combaconum Taluq be allowed. The case is now quite as urgent as before, and cannot be put more clearly than it has been by my predecessor. To his letter therefore, which is quoted above, I beg to refer the Board.

21. The Government has asked for a report of the additional number of Police required. That more Police are required there is no doubt. Their number was mistakenly cut down some little time ago. Their number should, in my opinion, bear some proportion to the population as well as to the area, for a district which is peopled in parts as thickly as Middlesex requires more watching than a thinly-peopled area. The population in places is as many as 1,000 a square mile, and this congregating of people, together with their amassed wealth, allures dacoits from far, and they come conveniently by rail; out of such numbers, crime is also bred on the spot.

	Population per square mile.
Whole District	
Tanjore Taluq	540
Combaconum Taluq	542
Negapatam do.	1,009
Mayaveram do.	829·5
Nannilam do	794
Tanjore Town	705
	7,801

22. But into the details of Police wants I will not go, as they will be better dealt with by the Inspector-General of Police in obedience to the Government call. This, however, I will say, that, unless the Magistracy are simultaneously improved, it is hopeless to expect that extra Police will or can make any impression on crime, and, on the other hand, that, if the Native Magistracy are what they should be, it is simply impossible for the Police to go wrong.

23. By Native Magistracy I mean primarily the Sub-Magistrates, but I would not omit the Village Magistracy, who, when properly worked, are the most important machinery, and who urgently need their taliaries of old. It was a mistake indeed that they were ever done away with in this district. This Village Police should be entirely under the Village Magistrate, and in no way at all subordinated to the Police force, and the Village Magistrate being thus able and

bound to ascertain and immediately report crime in its very birth-place, and to report it both to the Police and to his own superior the Sub-Magistrate, the Police have no excuse for not promptly following up good clues, and the Sub-Magistrate has ample means for supervising them therein, and seeing they really do it.

24. Before closing this letter, I would beg to take leave to bring under consideration the effect of the marginally-noted orders. The effect is that the Native Sub-Magistracy, who want most looking after, have none at all, and the European Magistracy, who need it least, have it most. Divisional Officers, who are mostly Europeans, have to submit their calendars both to the District Magistrate and the High Court; and the District Magistrate himself and the District Judges have to submit calendars, but the Native Sub-Magistracy have neither to submit, nor even to write, any at all. It is obvious that there will ordinarily be no appeal in a case when a man worthy of punishment escapes because he is rich enough to pay hush-money. In such cases the calendar is the only clue. I venture to submit that of the two, it is the European that is to be relied on as the backbone of the administration, and the Native that requires the closer supervision. Ought the European then to be placed in an invidious position of comparative distrust, and ought he to be deprived of a means of supervision?

Rules of the High Court, dated 11th January 1875, published at page 54 of the *Fort St. George Gazette*, dated 12th January 1875.

G.O., Judicial Department, 5th February 1875, No. 256.
Do. do. 20th February 1875, No. 402.

25. It is true that the District Magistrate is ordinarily so hardworked, that he can but seldom read up the calendars of his numerous Sub-Magistrates, but it is nevertheless desirable that he should have the means of watching any particular subordinate whenever he sees or thinks he sees cause.

26. While I have this work on hand, I should be very thankful if I might be exempted from the operation of the order which requires that every District Magistrate shall invariably retain the superior charge of one taluq. It must be patent to Board and Government that I take active interest in the magisterial influence on crime, and I think I can utilize my time much better in supervision of all the Magistrates, and the manner in which they supervise their Police, than in the supervision of one taluq.

G. O., dated 2nd December 1874, No. 2,197, para. 3.

27. For the convenience of the Board and Government my propositions for dealing with the admittedly extraordinary crime of the district are, when summarised, as follows:—

The dismissal of one Sub-Magistrate.
The degradation and relegation to other duties of a Taluq Magistrate and two Sub-Magistrates.
The appointment of one Additional Magistrate.
The strengthening of the Police force.
The re-appointment of Taliaries or Village Police.
The return to calendars from Sub-Magistrates.
The being relieved myself of a taluq charge.

28. In conclusion, I trust the Board and Government, who have in a measure placed me at the bar of a native newspaper correspondent, will be good enough, if satisfied, to let it be practically seen in result, by the strengthening of my hands, that they do not mean that their Magistrates should be any way intimidated by such attacks. If what I ask is done, I am confident that within a twelvemonth of the inauguration of those measures the crime in the district will be sensibly diminished.

This letter will be submitted to Government with reference to G. O., dated 23rd January 1875, No. 129, in which the Board are directed to report, for the information of Government, the result of inquiry which they had ordered as to the issue, by the Acting Collector of Tanjore, of a circular calling upon all subordinates in the district to furnish returns of property of all kinds possessed by them.

2. Mr. Thomas explains that he issued the circular in question being, from a perusal of orders of Government and district records and from personal observation, deeply impressed with the prevalence of crime of all kinds in the district; being persuaded that much of this undue prevalence of crime is owing to the inefficiency and venality of public servants of all ranks, especially Magistrates; and believing that radical improvement would best be secured by measures taken against this great evil.

3. The Board fully appreciate the magnitude and difficulty of Mr. Thomas' task, and his laudable desire to do what he can to check the crime which seems to [illegible] rife. An officer who devotes himself to the interests of his charge as unsparingly as Mr. Thomas does deserves the support of higher authority, which he asks for in this letter, and may be assured that he will find it, for the removal of those shown to be corrupt or inefficient.

4. The Board cannot but think, however, that, in issuing the circular in question, Mr. Thomas took a mistaken step. He says those whose consciences did not accuse them could have no hesitation in the matter; but, though the Board are not prepared to admit even so much, they think that the sudden issue of a general order of the kind could not fail to induce a state of terror and suspicion in the minds of all, and must have caused an amount of excitement and fear amongst the public servants generally, which must have had an injurious effect upon the progress of business in the district. Such an order, too, is likely to defeat its own object, as those who have amassed illicit wealth are not likely to have failed to provide for such a contingency, and to have taken measures for its concealment. Honest men might be embarrassed by the order, but knaves could laugh at it. The Board are of opinion that all proceedings in pursuance of the order should be stopped.

5. Mr. Thomas gives a series of quotations from the proceedings of the District Judge, and from his own upon appeal, illustrating the condition of the Native Sub-Magistracy and the Police, and intended to substantiate the position he has taken up. He refers in particular to the cases of the Sub-Magistrate of Tranquebar (paragraphs 4 and 5) whom he wishes to degrade to a subordinate position; of the Sub-Magistrate of Arandanghi, whose dismissal he has recommended, and whose explanation as to the charges against him is awaited by the Board (Proceedings, dated 29th January 1875, No. 206); of the Sub-Magistrate of Pattukottai, who is charged with inordinate delay in magisterial trials, and whose case is about to be reported with recommendation that he be deprived of magisterial authority; and of the Sub-Magistrate of Tanjore, on whose file eleven cases remained for 1,178 days, and who has been departmentally fined for this and other faults. The Board must await further communications in these cases.

6. He next adverts to the subject of the appointment of an additional Deputy Tahsildar and Sub-Magistrate for the Combaconum Taluq to be located at Papanassem. This proposal was laid before Government with the Board's support in their Proceedings, 10th December 1873, No. 2,516, but was not acceded to. The Board will be glad if Government find themselves in a position now to entertain it.

7. The re-organization of the Village Police should form the subject of a separate report.

8. Mr. Thomas recommends an increase to the strength of the regular police force, and comments upon the evil effects of the recent orders of the High Court under which the submission of calendars by the Sub-Magistracy to the Appellate authorities is discontinued. He also requests that he may be exempted from the order of Government requiring District Magistrates to retain immediate charge of at least one taluq. These are matters not within the province of the Board to deal with, but they cannot but express their concurrence with Mr. Thomas' remarks as to the effects of the High Court's orders, and their apprehension that the change will be especially injurious in connection with the extension of Sub-Magisterial powers generally, which Government have declared it to be their intention to carry out

(A true Copy and Extract.)

Acting Secretary.

To the Secretary to Government, Revenue Department.

Copy to the Collector of Tanjore.

Exd. J. W. Fischer.

REVENUE DEPARTMENT.

No. 1593 No 838

From 13d May 1875

Dated 20 April 1875.

FOR ORDERS.

Go 10 Feb/74 No 69 - 71
— 8 July/74 - 44 - 45
— 2 Dec/74 - 16 Mis
— 23 Jan/75 - 262
— 2 Dec/74 - 24 Jud Depts
— 5 Feb/75 - 59 Do &c
— 20 do — 168 - 69 do

No 1593

Revenue 1875. Depte

Board of Revenue,

MADRAS.

PROCEEDINGS, 20TH APRIL 1875, No. 970.

Depts 29 apl 75

Encl:

Received 30th April

APRIL.

No. 970.

Circular—calling upon all subordinates in Tanjore District to furnish returns of property of all kinds possessed by them.—Letter from Collector reporting his reasons which led to the issue of — submitted to Government. Remarks passed regarding certain propositions made by him for dealing with the crimes prevalent in the district.

No 838 28 May 875

W Rl order

Rd 21 May 75.

in pursuance of this order shall be stopped, & that its necessary for the object in view should be pursued. Consider it just that more but the result could be attained by such a course as H.S. has adopted.

I would at the same time be for recognising fully H. Thomas's praiseworthy anxiety to grapple effectually with the notorious ~~Ladrone~~ Ladrones the criminal character in Lagos. ~~&~~ perniciously all support in his legitimate efforts to put down them in all quarters

He is

The Kings orders are in regard to the suppression of the Traffic into the Gulf of Benin, to which Govt. draws

Lord Palmerston

His Majesty's Ship Bloodhound at Sea 14th June 1851

I entirely agree in these remarks.

R.S.E.

Secretary concurs. Let us pursue the Govt. & the action immediately under explanation & condemn that action as ill judged & inefficacious

We direct a Separate Commission to be made out of the Rev. Prints Com

FOR ORDERS.