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MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1214 Press
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Dated 5 — 9 — 19 1859

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, from 3rd to 9th September 1859.

No. 55. Read the following letter from W. HOLLOWAY, Esq., to the Chief Secretary to Government, dated Vizagapatam, 28th August 1859.

1. I intimated by telegram this morning that I had found it necessary to take the responsibility of altering the wording of the charges furnished to me by Government. I have now the honor to submit a copy of the charges which I propose to exhibit against Mr. Reade, and to explain as concisely as I can what appeared to me the necessity for a course which I would rather have avoided.

The first charge as framed by Government did not correctly state the purport of the letter of 7th June. Paragraphs 9, 10 and 11 of that letter contains not a distinct denial of *any* use of the property of the Rajah of Vizianagrum but a denial of any use other than the use then admitted. The necessity therefore for the alteration will I trust be apparent. The allegation in the charge would otherwise be negatived by the mere reading of the document upon which it is based. I believe this the letter as the charge is now framed will support the allegation but of course as in all questions of the construction of documents will give rise to an interesting argument. I have little fear however of its not being held that the letter does contain the denial here stated. You will observe that I have also inserted an allegation that such receipt or loan was in breach of the Agent's duty. The loans which will, I think, be clearly proved, are of a nature to establish something so like corruption that the most delicate casuistry could hardly distinguish between them. Under these circumstances, I felt bound to take upon me the invidious office of clearly alleging this criminative matter. There does not appear to have been any use of the Rajah's carriages other than that admitted by Mr. Reade. I have therefore omitted this item. I found upon enquiry here that the Rajah's Elephants fed by the Rajah were used for several months by Mr. Reade. This seemed at least as important a matter as that of the horses and it was more peculiarly necessary to allege it because the letter of the 7th June with an affectation of frankness sets out all possible cases which may be the subject of His Excellency's enquiry while there is no allusion to this matter of very recent occurrence which could not have escaped the memory and the denial of any other loans than those there set out clearly amounts to a false statement.

I have omitted the tent for although this was unquestionably lent as well as the other property, yet after some months, some intimation was made to the Rajah of a wish to purchase it. It seems better therefore not to attenuate the proof of unquestionable loans by union with matter at all doubtful.

II. The second charge I wish, if permitted, to abandon. I have no distinct evidence of the persons by whom the horses were used at Dowlaishwaram and it can scarcely appear in the words of the charge that they were used by a female friend, for I understand the person referred to, to be a married woman under her husband's protection and under these circumstances it would be clearly impossible to say that in denying the use by a "female friend," Mr. Reade has made a statement false to his knowledge. I am influenced also by my view of the general prudence of inserting such a charge because it seems to me desirable that where the Government appears before a Court the matter should be transparently clear and the conduct of the case such as an enlightened public opinion will approve as just and even generous. I feel a very strong opinion that the attempt to press this charge will be followed by defeat and that further the pleasant topics of slandering female purity invading the sanctity of private life will form a very undesirable item in the comments which will finally be made upon this case. By dropping this charge I feel certain that none but good results can follow. I shall do so if not positively ordered to do otherwise.

III. The alteration in the third charge requires little remark. As it originally stood it appeared rather to state a charge against the Rajah than against Mr. Reade. It omitted the gist of the very serious offence charged which is the falsity of the statement to the knowledge of the procurer and transmitter of the same. The word "induced" expresses what really occurred. The Rajah's evidence is of course all the direct evidence which exists on this point, but I regret to say that it is very materially supported by letter in Mr. Reade's handwriting which are in my possession and although it is impossible to predict with certainty what the ever shifting incidents of any trial will produce, I confess that I cannot contemplate the possibility of failing either

upon this charge or upon the succeeding one. Of the complete truth of both of them, I can entertain no doubt whatever.

IV. The charge of pecuniary dealings will be proved by the very nature of the defence. I shall of course intimate at the trial, that my case is that the sales are merely colourable, and that the charge has only been framed to meet a possible state of circumstances but one which I do not at all anticipate. The Government will see that my confidence that the possession of the horses would be clearly proved both by my own evidence and the nature of the defence led me to telegraph that if Mr. Knox could speak only to this point, his evidence was not indispensable at the period of my first telegram. I was not so clear upon this point and my recollection of the steamer rendered it desirable at the risk of being charged with precipitation to give Mr. Knox an opportunity of going by her.

V. I have communicated to the Commissioner the nature of my primâ facie case for I could not otherwise have given him an opportunity of forming a judgment as to the propriety of suspending Mr. Reade. He felt at first that the interests of Government required this measure because no business could proceed while this trial was in progress. I ventured to submit to him that I did not think this a question for us. The Government were as able as we to form a judgment upon that subject and that the necessity of suspension with reference to these proceedings was the only one with which we had any concern. I submitted to him as I now do with all respect to Government that the moral effect of such a trial not preceded by suspension will be so much greater that it is worth while to encounter the increased difficulty for this great benefit. If I had found open endeavours to misuse official position for the suppression of evidence, the overawing of witnesses, I would not myself have hesitated for an instant. The consideration of public justice is of course paramount but there are so many objections to trying a man lying under the displeasure of Government manifested by so strong a measure as suspension, that I earnestly trust that the Government will persevere in what I venture to consider the eminently judicious course already taken.

VI. I have not hesitated to assure the Rajah of Vizianagrum that the absurd threats of indictment for conspiracy and numberless other crimes which are floating about among the society at Waltair, ought not to give him any anxiety, that the only matter to which legal consequences can attach, is a false statement before the Commissioner which I am satisfied that he will not be guilty of making. He has, I am satisfied, told me the exact truth. He will of course be taunted with the discrepancy between his two statements and this constitutes the only real difficulty in the case, although to those who know the relative positions of the Agent and the Rajah and above all those who have seen the moral timidity of this Native gentleman and his morbid fear of the unfavorable opinions of Europeans will not attach any very great importance to this. In my interview I told him that the wish of the Government was to have the truth, they had no desire either for Mr. Reade's conviction or his acquittal except in the interest of justice. I did not disguise my opinion that by committing himself to a false statement, he had been guilty of an act of great impropriety but pointed out that efforts to repair an error were the best mode of excusing it. This was in answer to the repeated reproaches which he himself cast upon his conduct. I at first thought of setting out for the information of Government, the case which I have collected, but on the whole I do not think this necessary or desirable. I trust that I shall be excused for the alterations made by me in the wording of the charges, and that the reasons which I have assigned will be deemed to justify the course which I have adopted. I must also crave the indulgence of Government for submitting to them my not very legible writing, but I have already found that it is not desirable to trust more than is necessary any servant to be found here. The officials have a natural, and until the whole case shall be disclosed a very pardonable bias which their subordinates naturally follow.

Abstract. Submits his reasons for altering the wording of the charges against Mr. C. W. Reade.

Proceedings of the Madras Government, Judicial Department, from 3rd to 9th September 1859.

ARTICLES OF CHARGE.

Mr. C. W. READE, Collector and Government Agent at Vizagapatam, is charged

I. With having in a letter dated 7th June addressed to the Private Secretary of the Honorable the Governor in substance stated that except as a temporary accommodation and in ordinary interchange of civilities, he, the said Mr. C. W. Reade, had never had on loan any horses the property of the Rajah of Vizianagrum, and having further in substance stated in the said letter of 7th June that with the exception of the instances mentioned in the said letter he had not at that time and never had had any property of the Rajah of Vizianagrum on loan, whereas in truth and in fact and in breach of his duty as Agent to the Governor of Fort Saint George at Vizagapatam, the said Mr. C. W. Reade, had as loans in his possession for long periods of time of the property of the Rajah of Vizianagrum (being a Zemindar under the jurisdiction of the said C. W. Reade,) two horses from about the 3rd September 1857, to about the 10th June 1859, three Elephants from on or about the 15th August 1858, to about the 30th September 1858, three Elephants from about the 8th November 1858, to about 6th January 1859, six Elephants from about 6th January 1859, to about 28th February 1859, two mirrors for a long period of time.

II. With having in a letter dated 25th June 1859, addressed to the Private Secretary of the Honorable the Governor stated "no female friend of mine at Dowlasweram or anywhere else has now or has ever had to my knowledge the use of any of the Rajah of Vizianagrum's carriages, horses," whereas in truth and fact the horses of the Rajah of Vizianagrum were for a considerable period at Dowlasweram in the use of a certain lady, a friend of the said C. W. Reade.

III. With having induced the Rajah of Vizianagrum to write a letter dated 9th June, to the address of him the said Mr. C. W. Reade and forwarded to the Private Secretary of the Honorable the Governor, the said letter which stated that he the said Mr. C. W. Reade had no property of the Rajah's on loan, whereas the statement in the said letter was false to the knowledge of the said Mr. C. W. Reade who in truth and fact had on loan at the date of the said letter two carriage horses and two mirrors the property of the said Rajah of Vizianagrum.

IV. Having persuaded the Rajah of Vizianagrum to receive into his possession and with having on or about 11th June 1859 forwarded to the said Rajah of Vizianagrum three cheques bearing the dates respectively of October 1857, June 1858 and September 1858 and with having thereby attempted to establish sales of certain property of the said Rajah of Vizianagrum at the dates borne by the said cheques, while in truth and in fact no such sales ever took place at these dates and the said C. W. Reade drew the said cheques and forwarded them to the said Rajah with intent to give a colour to the false denial of the said Mr. C. W. Reade that he had ever had on loan any property of the said Rajah.

V. With having in breach of his duty as Agent to the Governor of Fort Saint George, at Vizagapatam had pecuniary dealings with the Rajah of Vizianagrum the proprietor of an extensive Zemindary within the jurisdiction of the said Mr. C. W. Reade as Agent to the Governor of Fort Saint George, at Vizagapatam.

No. 56. MINUTE by the HONORABLE the PRESIDENT, dated 5th September 1859.

It will, I think, be sufficient if we telegraph to Mr. Holloway that the course proposed in his letter of the 28th August, is entirely approved.

(Signed) C. E. TREVELYAN.

No. 57. ORDER THEREON, 5th September 1859, No. 1214.

The Government entirely approve of the course proposed by Mr. Holloway in the above letter, and direct that the following Telegram be despatched.

" Your letter of the 28th Ultimo, has been received. The course proposed in it is entirely approved. The second charge may be dropped. The Government agree with you that Mr. Reade should *not* be suspended."

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

only matter to which legal consequences can attach such is a false statement before the commissioner which I am satisfied that he will not be guilty of nothing — He has, I am satisfied told me the exact truth. His word can be taunted with the discrepancy between his two statements and this constitutes the only real difficulty in the case, although to those who know the relative positions of the agent & the Rajah & above all those who have seen the usual timidity of this native gentleman & his morbid fear of the unfavorable opinion of Europeans will not attach any very great importance to this. — In my interview I told him that the wish of the Government was to have the truth, they had no desire either for his hanging or his acquittal except in the interests of justice". I did not disguise my opinion that by committing himself to a false statement, he had been guilty of an act of great impropriety, but pointed out that the effect to expiate an error were the best mode of retrieving it. His tone in answer to the repeated reproaches which he himself cast upon his conduct — I at first thought for the information of Government of stating all the case which I have collected for as the whole I do not think this necessary as

desirable — I trust that I shall be excused for the alterations made by me in the wording of the charges & that the reasons which I have assigned will be deemed to justify the course which I have adopted. I must also crave the indulgence of Government for submitting to them my not very legible writing but I have already found that it is not desirable to trust more than is necessary any servant to be found here. The officials have a natural & until the whole case shall be disclosed a very pardonable bias which their subordinates naturally follow.

I have the honor to be
Sir
Your most obedient Servant
J. M. Holloway

Mr Holloway Submits his reasons for altering the wording of the charges against Mr C. W. Reade.

Mr Holloway has already [illegible] [illegible] paragraph full [illegible] to frame the charges as he found necessary but [illegible] [illegible] [illegible] orders [illegible] [illegible] him by [illegible] paragraph or [illegible] [illegible] [illegible] charge [illegible] [illegible] [illegible]

Articles of Charge

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Mr C. W. Reade Collector and Government Agent at Vizagapatam is Charged.

1st With having in a letter dated 7th June addressed to the private Secretary of the Hon'ble the Governor in substance stated that except as a temporary accommodation and in ordinary interchange of Civilities, he the said Mr C. W. Reade had never had on loan any horses the property of the Rajah of Vizianagram, and having further in substance stated in the said letter of 7th June that with the exceptions of the instances mentioned in the said letter he had not at that time and never had had any property of the Rajah of Vizianagram on loan whereas in truth and in fact and in breach of his duty as Agent to the Governor of Fort Saint George at Vizagapatam, the said Mr C. W. Reade had as loans in his possession

for long periods of time of the property of the Rajah of Vizianagram (being a Zemindar under the jurisdiction of the said W.P. Rinde) two horses from about the 3rd September 1857 to about the 10th June 1859, three Elephants from on or about the 15th August 1858 to about the 30th September 1858, three Elephants from about the 8th November 1858 to about 6th January 1859, six Elephants from about 6th January 1859 to about 28th February 1859, two Bullocks for a long period of time.

IIdly Witness having in a letter dated 25th June 1859 addressed to the private Secretary of the Honorable the Governor stated "no female friend of mine at Dowlaswheram or any where else has now or has ever had to my knowledge the use of any of the Rajah of Vizianagram's Carriages horses", whereas in truth & fact the horses of the Rajah of Vizianagram were for a considerable period at Dowlaswheram

Read letter from J. Holloway Esq. 28 Aug – Read also Minute 5/9/59
Order thereon No. 1214 dated 5 September 1859.

The Government entirely approve of the course proposed by Mr Holloway in the above letter, and direct that the following Telegram be despatched.

"Your letter of the 28th Ult. has been received. "The course proposed in it is entirely approved. The "second Charge may be dropped. The Government "agree with you that Mr. Reade should not be "suspended."

Writ.

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