M.R.O. 1—32,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 92-93	1361	Press Mis.-
Dated	14-9-	19 1863

4/4

Not to be folded or roughly handled

No. 92. Read the following letter from Mr. A. H. CLARKE, Late Clerk of the Peace; to the Chief Secretary to Government, Judicial Department, Fort Saint George, dated Madras, 24th August 1864.

In forwarding the enclosed Memorial (in triplicate) permit me to beg you to do me the favor of laying it before His Excellency the Governor in Council for transmission to the Secretary of State in England on as early a date as may be most convenient.

To the Honorable Sir C. WOOD, Bart., G. C. B., & M. P.,
Secretary of State for India in Council, London.

The humble Memorial of ARTHUR HENRY CLARKE, late Clerk of the Peace in the Office of the Commissioner of Police, Madras.

Respectfully Sheweth,

That your Memorialist having, by a recent order* of the Madras Government, been summarily dismissed from the public service, wherein he had for upwards of 23 years filled various offices of *trust and responsibility*, and conceiving that the grounds on which that order is professedly based are such as could never have been held valid in any Judicial proceeding, begs with all deference to appeal from it, fully persuaded that in the exercise of the control vested in your Excellency over the general administration of affairs in this country his case will not fail to receive impartial consideration.

* 18th June 1864, No. 893, J. D., (Enclosure E.)

2. That from the accompanying documents of which your Memoralist humbly solicits an attentive perusal it will be seen that in consequence of certain statements made to his disparagement by an employé of the Stamp Office named Teroovengada Charry in the High Court on cross-examination in the trial of a case in which he had charged one Poolliah Chetty with having offered him a bribe to furnish a false certificate, the Government directed the Commissioner of Police to institute an inquiry into the truth or otherwise of those statements.

3. That pursuant to such directions a *private investigation* was held by Colonel W. J. Wilson in his office building, in the course of which your Memorialist, though *present under the same roof*, was not confronted with his accuser or the two witnesses whom he had cited in support of his unfounded allegations, but who unequivocally denied all knowledge of the transaction whereby it was sought to criminate your Memorialist, who, it is also observable, was not even *allowed the opportunity of seeing their unsworn examinations until after they had been submitted to Government* by the Commissioner of Police with his report, dated 20th April last, the entire proceedings having been conducted in a mode directly *contrary to paragraph 9 of the Rules laid down in a Resolution† of the Governor General in Council to prevent the arbitrary dismissal of Uncovenanted Servants.*

† Recorded in Proceedings of this Government, Public Department, No. 421 of 5th May 1854.

4. That apart from Teroovengada Charry's uncorroborated assertions relative to a Note of hand which he somehow became possessed of, and which had been granted by Memorialist some *nine years ago in favor of a person long since deceased*, there is no evidence whatever to sustain the charge of bribery trumped up at the lapse of so long a period against your Memorialist, whose explanations‡ touching said note, though deemed unsatisfactory by this Government, may, it is hoped, suffice to satisfy every unprejudiced mind.

‡ Vide letters to the Commissioner of Police, dated 31st March and 7th June 1864, B and D.; also paragraphs 4, 5, and 6 of enclosure F.

5. That a reference to paragraphs 4 and 5 of the Order* of Government, dated 18th June last, will show that in forwarding your Memorialist's first letter† of explanation, the Commissioner of Police "expressed it as his opi- "nion that the statements made by Terooven- "gada Charry, to the effect that he did pay money on account of Mr. Clarke, were substantially "true;" and further that the Governor in Council at once "saw every reason to concur in this "opinion," thus *pre-judging as it were your Memorialist's case, and rendering any subsequent attempt of his at self-vindication, though permitted, altogether nugatory.*

* Enclosure E.

† Enclosure B.

6. That your Memorialist is deeply impressed with the conviction that he has been sacrificed to personal pique on the part of the Commissioner of Police, being otherwise at a loss to imagine how in the face of the examinations taken down by that Officer he should have *ventured such an opinion* as he did; and as this opinion appears to have in no small degree *influenced the decision of the Government*, your Memorialist is constrained to bring under the notice of your Excellency in Council an incident connected with the Department from which he has just been removed that may serve to throw some light on the *actual* cause of the extreme severity with which he has been treated. Your Memorialist here refers to the promotion, on Colonel Wilson's *recommendation*, of one Mr. James Ansell, (first a Constable, next an Inspector, and third Superintendent of the Marine Police) to the high office of Deputy Commissioner of Police and Justice of the Peace, although he had some few years back been tried, convicted and sentenced to three months' imprisonment with hard labor in the Madras House of Correction, for having attempted to excite the crew (of whom he was one himself) of a vessel on the high seas to gross insubordination amounting almost to open mutiny. Your Memorialist finding his reasonable claims to that appointment set aside, and naturally feeling much hurt at his supersession, unguardedly gave free vent to his sentiments as to the great injustice done to him in the hearing of some persons in the office who were present on the occasion, and who, he has strong reasons for believing, communicated all that was then uttered to Colonel Wilson, the effects of whose bitter resentment your Memorialist doubts not at all he has now been made to suffer.

7. That from what has just been stated, your Excellency will not fail to remark that while on the one hand, an uneducated man and one who was imprisoned and sentenced to hard labor has been elevated to so high a post as that referred to, on the other, a zealous, faithful public servant of more than 23 years' standing who for a twelve-month satisfactorily discharged the duties of an Assessor‡ under the Income Tax Act (having after a rigid inquiry into his private character been selected for this very important office with four other candidates out of a large number of applicants) whose character for integrity was never before called in question, and a member of whose family now occupies a seat on the Magisterial Bench of this Presidency, has, *upon the mere exparte statement of a person proved in the High Court to have brought a false§ accusation against another been pronounced guilty of an offence not established by any the least* PROOF, ignominiously dismissed from his employment, and thereby deprived of the pension to which, in common with all those of his class, he had anxiously looked forward.

‡ Vide Enclosure R.

§ Vide Enclosure A.

8. Your Memorialist begs in conclusion most respectfully to reiterate his solicitation, that your Excellency in Council may be graciously pleased to accord to the documents transmitted herewith a careful perusal in connection with all the circumstances he has above set forth, and with the testimony‖ borne to his character and conduct by all under whom he has had the honor to serve, more especially that of Mr. Bruce which will be found appended to Memorialist's petition¶ to this Government. He relies with the most implicit confidence upon your

‖ Enclosures G. to S.

¶ Dated 29th June 1864, Enclosure F.

Proceedings of the Madras Government, Judicial Department,
14th September 1864.

Excellency's discrimination and sense of justice in arriving at a final conclusion with respect to his case, well assured that his long, zealous, and faithful servitude will not be allowed to pass at last totally unrewarded, and that on this ground alone, if not for the sake of the large family dependant upon his exertions for support, your Excellency may see reason, with reference to the highly irregular proceedings taken against him, to reverse the decision of the Madras Government, and to direct your Memorialist's restoration to the position he till lately held under it, or pass such other orders on his case as may seem fitting. And your Memorialist, as in duty bound, will ever pray.

MADRAS, *24th August* 1864. (Signed) A. H. CLARKE.

No. 93. ORDER THEREON, 14th September 1864, No. 1361.

Resolved that the Memorial received with the foregoing letter be forwarded to the Right Honorable the Secretary of State.

(True Extract.)

Secretary to Government.

Exd. J. Tulloch

14th September 1861 No. 1361.

Resolved that the Memorial received with the foregoing letter be forwarded to the Right Honble the Secy of State

Intimation of the despatch of the Memorial to be given to the Memorialist by Secy—

Proms. 147-148
13.7.64
165-167
18.6.64
207-209
26.5.64
152-153
14.5.64