

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	893	Press Mis.
	165-167	
Dated	18-6-1864	

16/17

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
18th June 1864.

Following

N From Lieutenant Colonel W. J. WILSON, Commissioner of Police; to the Honor-
A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated
as, 20th April 1864, No. 50.

I have the honor to acknowledge the receipt of the Order of Government noted in
gin, and herewith forward the statements of
Tiroovengada Charry, and of two others named
respectively Gooroosawmy Naidoo and Sin-
gara Moodelly who are said by Tiroovengada to be the only persons alive, who can speak to the
payment of money to Mr. A. H. Clarke for situations or promotion. Mr. Clarke's statement,
and those of two other persons who were examined are also forwarded.

2. Immediately on receiving copy of the Proceedings of Government in the Revenue
Department regarding this matter, I went to
the Stamp Office, but did not succeed in pro-
curing any information which could be made
us was to examine Tiroovengada Charry, and the two persons
named by him as wit-

3. It will be seen that both of these persons had all knowledge of the transactions
ed by Tiroovengada, and that the only evidence in support of the charge consists in the
possession by him of a Promissory Note for 200 Rupees executed by Mr. Clarke in January
1856, to one C. Ragava Charry now deceased. One hundred Rupees of this sum is admitted to
have been repaid by Mr. Clarke, but Tiroovengada asserts that the balance, including interest,
was su- paid by him in part payment for his promotion, which according to an
250 Rupees. Tiroovengada afterwards
ca- on regarding the amount from one Ramasawmy Pillay
si-

Witnesses either to the Promissory Note, or to the re-payment of the
document itself being authentic, its possession by Tiroovengada requ-
nation, and in calling upon Mr. Clarke for a reply, I specially directed his attention to that
point, and also required him to give a statement of every pecuniary transaction he might have
had with Tiroovengada directly or indirectly, or through him with any third person.

5. I have ascertained that one C. Ragava Charry did occasionally reside in Triplicane as
stated by Tiroovengada, but none of his family know anything about the loan, and his brother
Parthasardy represents him as having been in bad circumstances, and unlikely to be able to lend
money.

6. Mr. Clarke gave in his written statement on the 31st March, and on the 2nd instant he
informed me that certain admissions which would tell in his favor had been made by Tirooven-
gada to Somasoondra Chetty, a Clerk in the Collector's Office, whom he requested me to examine.
I procured the attendance of the said Somasoondrum on the 5th instant, and send his statement
along with the other papers, but I cannot see that the expressions said to have been made use
of by Tiroovengada are inconsistent with his version of the facts attendant on the loan.

7. The death of Ragava Charry and of the other persons who are said to have witnessed
the several occurrences spoken to by Tiroovengada render it difficult to come to any certain con-
clusion as to the truth of the accusation, and were it not that this report would be otherwise
incomplete, I should refrain from offering any opinion. My own conviction regarding one point
is very strong. I cannot help believing that the money was in reality lent by Tiroovengada, and
that the name of Ragava Charry was entered in the Promissory Note merely as a witness. My
reasons for this belief are as follow:—

- I. The poverty of Ragava Charry and his apparent inability to have made any such loan.
- II. Tiroovengada states he was not liable to Ragava Charry for Mr. Clarke in any way.
His pretended fear that Ragava Charry would sue him on the Note jointly with Mr. Clarke
appears unworthy of credit.

I have known Tiruvengada Charry of the Stamp Office for about 15 years. He was my friend. He used to come and ask if I could get him a situation. He was then in the Collector's Office. He me situation than that. This must have been about seven or eight years ago. At this time I knew there was a situation of 25 Rupees vacant in the Stamp Office. I told Tiruvengada Charry to apply for the same to the Civil Auditor. He did so, and was appointed. I do not know whether he paid anything for the place. I am acquainted with Singara Moodelly of the Stamp Office. I had money transactions with Tiruvengada Charry before he was appointed to the Stamp Office. I never received any money from him to be paid to any one as a gratification for procuring a situation. I do not know of money having been paid at any time for situations in the Stamp Office. I never saw Tiruvengada Charry pay money to Singara Moodelly. I know Mr. A. H. Clarke, formerly Manager in the Stamp Office. I do not know of

18th June 1864.

his ever having received money from any one on account of a situation in the Stamp Office never even heard of his having received money for such a transaction.

Taken before me this 5th day of March 1864. (Signed) P. GOOROOSAWMY.

(Signed) W. J. WILSON,
Commissioner of Police.

Madras } The statement of M. Singara Moodelly taken this 5th day of March 1864, which
to Wit. } said Singara, saith as follows :—

I am employed in the Stamp Office as a Stamper on 45 Rupees a month. I entered the office in 1850. I know Tiruvengada Charry at present under suspension. I never received any money from him or from Gooroosawmy Naidoo to be paid to Mr. A. H. Clarke for a situation. I do not know anything of money having been paid to any one in the office for such a purpose. There is a Store-keeper in the Stamp Office named Valoo Moodelly who was lately brought into the Office by Mr. Norfor. About a month ago the said Valoo asked me about Tiruvengada Charry and whether he had paid any bribe for his situation, I told him I did not know, but that I had formerly heard it said that money had been paid to some one in the office. I heard this about a month after Tiruvengada Charry entered the office. I cannot say from whom I heard it. I never had been the medium through which the money had been paid, or that I knew any thing of it of my own knowledge, he pretends I did, and told Mr. Norfor. It is now said that Valoo had 50 Rupees at Messrs. Griffiths, he now only receives 25 in the office. He wishes to take my pension, and wishes to get rid of me.

Taken before me this 5th day of March 1864. (Signed) M. SINGARA.

(Signed) WILSON,
Commissioner of Police.

Madras } Comundoor Parthasarathy being examined this 4th day of April 1864:
to Wit. }

I had an elder brother named Ragava Charry. He died in my house at Triplicane about three years ago. He had not any house or property. He generally lived at Chittumbrum with Shashaday Iyengar, who was also his brother-in-law. He performed my brother's funeral expenses, as I had not the means. My brother wanted to come to Madras every now and then. He always put up at my house. He had not any money to my knowledge. I never heard of his lending money. About 20 years ago he was employed as Gumastah in a Moonsiff's Court. He gave up his situation and never held any other afterwards. I am employed in the office of the Controller of Military Finance on a salary of 25 Rupees a month. I am acquainted with Tiruvengada Charry of the Stamp Office. My brother Ragava Charry also knew him. I never heard that my brother had any dealings with him, or that he ever lent him money.

(Signed) P. PARTHASARATHY.

Taken before me this 4th day of April 1864.

(Signed) W. J. WILSON,
Commissioner of Police and Justice of the Peace.

Comundoor Parthasarathy further saith as follows :—

My family name is "Comundoor," I have always signed as P. Parthasarathy from Pulliacarney which is my village.

(Signed) W. J. WILSON,
Commissioner of Police.

(Signed) P. PARTHASARATHY.

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TIRUVENKATA CHERRY.

Who

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holidays that I heard

signed, 1. 1900

CHERRY
CHERRY

CHERRY

CHERRY
CHERRY

CHERRY
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(Signe)

CHERRY
CHERRY
1864. N

CHERRY

CHERRY and others, as well as the
made before the

In hope that His Excellency
founded allegations brought under his notice against the
by the several
I have had the honor to be
faithful and zealous
period of upwards of 23 years.

77B. ORDER June 1864, No. 893.

ded the Commissioner of Police has reported the
of by him charge preferred against Mr.
Commissioner's Office

Charry a situation in that office and subsequent promotion
made by, or rather elicited from, Tiruvengada Charry in the course
Court, Charry, D. Charry, D. Charry, D. Charry, D. Charry, D. Charry, D.
Cherry, D. Charry, D. Charry, D. Charry, D. Charry, D. Charry, D.
the charge brot the General, b
in the course of th
statement that he had when Ma
Stamp of Rupees addition to about Rupees
others on Mr. Clarke's account, being the balance then due to these m
chase money for his promotion. The Advocate General in his report on the trial stated that the
charge thus made by Tiruvengada Charry against his late superior had not been volunteered
him, but "literally dragged out of him" by the Counsel for the defence.

Tiruvengada Charry when examined by the Commissioner of Police repeated his assertion
of his having paid the sum of Rupees 250 to Mr. Clarke for his promotion. In support
proof of his having had money dealings with Mr. Clarke, he produced a note of hand
200 given by Mr. C. Ragavacharry, who, it is stated, is since dead.
which sum Tiruvengada Charry states was subsequently re-paid by Mr. Clarke and the sum
paid by Tiruvengada Charry himself in part payment of the sum of Rupees 250, which he had
agreed to pay and which he alleges that he did pay, for his promotion. The note of hand
an acknowledgment in the hand-writing of Tiruvengada Charry payment of Rupees
Two persons named by Tiruvengada Charry as having been cognizant of one
with Mr. Clarke, were examined by the Commissioner of Police, but denied an knowledge
transaction.

The only evidence against Mr. Clarke was therefore Tiruvengada
Charry and the note of hand, the authenticity of which is not questioned. Mr. Clarke denies
having had any pecuniary transactions with Tiruvengada Charry and expresses utter ignorance as
to how Tiruvengada Charry can have come into possession of the note. He denies all recollection
of Ragavacharry under which he gave the note. In support of his

along the Note bears endorsement, and it was still, therefore, valuable and negotiable instrument which could have been used against me any time during the past 8 years. Such being the case, may I ask, was there to present either Pagarra Chetty, in whose favor the Note had been granted and who is said to have died only 4 years ago, or Seroovengada Chetty, or in short any other person to whom it might have been easily transferred, - from that time to the present date?

a full written acquittance, to demand or sue for a settlement of the balance, if it had not in fact, as I am convinced it must have been liquidated by myself on the faith of the first payment which I had made; or if, as is not unlikely, the fear of some possible evidence of such liquidation being forthcoming, had not operated to discourage all attempts at fraud. Is it credible, otherwise, that either of the abovenamed parties, the latter more especially, would have allowed so tempting an opportunity to escape, even after he had been at the Stamp Office, and when he was no longer under the influence of my official position? Unfortunately for me Pagarra Chetty, the original holder of the Note in question, and Ramaswamy Pillay, the man through whom, as my accuser declares, I had obtained the loan, are both dead; and I have consequently nothing but my positive denial, strengthened I trust by what has been now advanced, to oppose at this distant period to his unsupported assertion that he had paid a portion of it. And if what he has stated as to a previous payment to me, contradicted as it is by his own witnesses, be unworthy of credit, the probabilities at least, I would submit, are equally against his assertions concerning the Promissory Note, which, I feel assured, it must have altogether escaped me to recover after it had been discharged in full. Besides, if this Note were really in any way connected with a transaction that could not bear

nor by Seroovengada Chetty as long as he remained in public service. He had been paid & gave up the Note. He may do so yet if he wishes to be in public service.

and we must make him examine himself

supported by the note

bear exposure, it is not possible to suppose that, when apprised of the aspersions to which Seroovengada Chetty was reported to have given utterance on his Cross-examination in the High Court, I would have immediately instructed Mr. Gordon, the Attorney, to file an action against him for defamation. The accompanying Plain with the endorsement of Sir Adam Bittlesstone thereon which I beg to forward for submission to the Government, will show that I took no time in taking measures to vindicate myself from the charges trumped up against me by the Plaintiff, as his accusations against another were pronounced to be by the Advocate General - for the purpose of clearing his own damaged reputation in the estimation of the late Superintendent of Stamps.

3. With regard to the statements by Valoo Moodally and Singaram Moodally, I have no observations to offer, as both avowedly based on mere hearsay; and in some important particulars V. Moodally's statement is contradicted by that of S. Moodally.

4. In conclusion, I would faintly hope that His Excellency the Governor in Council will not suffer the unfounded allegations brought under his notice, to weigh against the testimony borne to my character by the several gentlemen under whom I have had the honor to be employed, and against faithful and zealous public services embracing a period of upwards of 23 years.

I beg to remain,
Sir,
Your Obedient Servant,
A. H. Clarke

Madras
4th June 1864

forwarded with my letter of 31st March/64

17 of 1864
1865
28

I have gone carefully
through these papers &
I repeat to say that the
conclusion at which
I have been compelled
to arrive is that Jivoo-
bunga dah Chang's
statement of his having
paid money to Jm H H
Clarke to procure his
admission to the Stamp
Office and his promo-
tion in it, is in sub-
stance true -

Direct corroboration
testimony in such cases,
is not much to be looked
for - If Jivoo-bung
Midor & Singara
modestly are as
asserted concerned
in the transaction, their
denial is not

surprising —

But there is one piece
of real and very impor-
-tant evidence, namely
a promissory note for
R 200 given by Mr Clarke.

The genuineness of
this note is not disputed —

Mr Clarke has failed,
indeed has not attempted,
to give any account
of it — That he could

have given a note,

signed for a man exceed-

-ing a month's salary

and forgotten all the

circumstances concern-

-ted with it, is absolutely

incredible — In the absence

of all explanation from

Mr Clarke, I must

infer that Trooveng-
-adatt Chetty received

this note from him as

a bona fide transaction

perhaps he

Report 22 Feb 62,
P 5-

money paid to Mr C
for the purpose stated
by Troovengadatt

It should be remarked
that Troovengadatt Chetty
has not volunteered in
this accusation. It was
extracted from him —
"literally dragged out
of him" the Advocate
journal states — by
Mr Mayne in cross
examination.

The testimony of
Mr Clarke, which
Tornatondra Chetty
seems to make rather
against him than in
his favor — What Troo-
-vengadatt Chetty is
said to have told him
gives a correct view
of the transaction
connected with the

Promissory note — To-
-troovengadatt Chetty
might have been
perhaps he

ye M

agree with Mr.
 Wright & Mr.
 he directed
 as to
 the Public Service

May 11/54.

If the members of
for-conv are any
near Mr A H Clark
should I think be
dismissed & —
the Public Service

Heinrich

West. Sch. Co.
26 Oct. 1884

Undershaft 18th Sept.

vi 543

43
Munich by 10 o'clock
21/6 1891

8.19.13

Dated 11 May 1884

Financial Dept.

2/
Hon Commissioner of Police
7th June 1864
No. 60

For Orders

I am sorry to say that I do not con-
-sider this explanation ~~as~~ at all satisfac-
-tory or that it in any way improves
Mr Clark's case. It shows that with
long opportunity afforded him & his
attention specially directed to the point,
he has wholly failed to explain why
if the transaction with Ragan Cherry
was a loan on & the loan repaid by
him he did not get back the note, nor

how it could have passed in the hands
of Tiruvannamalai & Co.

See my note on page of Mr. C. last state-
ment - As for the trial which as he says
he wanted to be - I must
have been clear that that party's evidence
before the trial Court would attract a con-
viction & lead to inquiry & Mr. C. wished
to see the trial in the field - His lawyer
too probably knew if he did not that there
was no cause of action -

Under these circumstances I have
been constrained to pass the above order
dismissing Mr. Clarke from the first
trial - but it will need some slight
addition to show that Mr. C. had a second
opportunity for exculpation afforded to him
but could not profit by it.

8 June 1864

[Signature]

Proceedings of the Madras Legislative Council

Read against the following paper

Minutes of the
Madras Revenue Commission

Dated 18 June 1864
Recorded in the
minutes of the Council

in the proceedings of the
Commission of Enquiry
has reported the result
of his enquiry and
has with reference to the
charge proposed against
Mr. A. H. Clarke
that he has in the
Commissioner's office of
Revenue and Public Works
been employed as the
Stamp Officer. He has
however been an efficient
during his administration
of his station for the
last twenty years. There
is a suggestion in the
minutes that he should be
removed from the office in
function was made by
the Council that he
should be removed from
the office of a trial Court.

The former opinion was
~~this~~ ^{presenting the same view}
and a letter addressed to him in June with a view
to the American people & the change made
made of Livingston's as his opinion that
change would be
effort. And we did pay
money on account of
the Clarke are not.
- constantly true -

The Governor in Council
 has very recently
 announced in his opinion,
 he will even direct
 a subscription to the
 is small - he has had
 for - If Governor
 had not a large number
 been a subscription
 change of the amount
 in the transaction, this
 denial of it is not
 inquired - but there
 is one piece of real
 and very important
 evidence - viz the
 note for Rs 200 given
 by Mr Clarke - The
 of this note is not
 Mr Clarke has failed

but before passing
 when in the case he
 is proper to direct a
 deposition, I was
 charged and other persons who
 had been examined by the
 Comr. of Police as well
 by certain persons who
 had made statements
 which Mr Clarke's name
 was mentioned before
 the late Superintendent
 of Police, who has
 explained the matter
 before the court, and
 after the same has
 appeared by Mr Clarke
 after perusing these depo-
 sitions. It is very satisfactory
 and shows that Mr Clarke
 opportunity has been afforded
 to him and his attorney
 to cross-examine the witness
 and to put to the witness
 the questions which he
 thought proper to ask.

[illegible]

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"*P. L. to 8. 28th*
to 22-17 of 1864
P. L. to 28-30 of 1864

Judicial 1864 By act
N. 893

Proceedings of Court

of 14-16-1867

dated 18th June 1864