

1880
Judicial (193) Department.

Grdy SERIES.

G.O. No. 682

DATED 24-3-1880.

Confid

[Despatch Abstract.]

Rangoon Commissioner-
Fraud

BACK PAPERS.

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

FURTHER PAPERS.

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

Judicial DEPARTMENT

No.

From The Advocate General. 22nd March 1880.

Giving the names of the persons
who prosecuted in connection
with the Commissariat Frauds.

FOR ORDERS.

Special attention is invited
to the Advocate General's
"Opinion" dated 12th instant
in regard to this Govt.
and the Chief Commissioners
of British Burmah sanc-
tioning and directing
trial before the com-
mencement of the pro-
ceedings. -

The first step must
be to Telegraph B. Burma
in cypher - saying -
Advocate General has
advised prosecution
under Sections 109 &
101. Penal code
of 22 persons employed
in Commissariat dept.
now or recently in
B. Burma

22nd March

Advocate General
thinks it desirable
properly necessary that
Chief Comr. should

~~Sanction~~ concur

in sanctioning prosecution

in addition to the

direction or sanction

of Madras Govt -

Presume there will be

no objection - but

await reply

before taking any

steps - names annexed

—

H.E. will I presume

think that some of

the individuals

referred to ~~are~~ who are under

Military rule leave

Sanction. but not ad.

"Weldon & Hallett can supply any
particulars required by you."

A.S.
Bel

I enclose

M. 22/3

Indicate the order
as soon as I have the
official notification the
Govt. intends to prosecute
the accused in the civil
Court. Nayagam - M. 22/3

then present status
when they are under
Arrest in the Court

24th March 1880.

Telegram to Chief Commissioner British
Burmah. - (sent in Cipher)

"Advocate General has advised prosecution
under Sections 109 & 161 Penal Code of 22
persons employed in Commissariat
Department now or recently in British
Burmah. Advocate General thinks it
desirable, possibly necessary, that
Chief Commissioner should concur
in sanctioning prosecution in addition
to the direction or sanction of Madras
Govt. - Presume there will be no
objection - but await reply before
taking any steps. Weldon & Hallett
can supply any particulars required
by you. Names annexed."

W.A.

Wotton came to his house
but not being present for

Under an
understanding

replaced as
his post - etc. Nayagam
and being allowed

Advocate General
 thinks it desirable
 inquiry necessary that

Apply any
 you

6

Memorandum to Chief Counsel
 British Burmah

27th March 1880.

65

the undermentioned
 referred to ~~from~~ ~~those~~
 who are under
 military rule leave

opposed non-ignominy will
 not intend to prosecute
 the accused in the civil
 Court. Nayon - M. 22/3

There already stated
 in the ~~Admiral's~~ ~~General's~~
 letter that I consider Col
 Mansfield ought to be
 prosecuted for receiving
 bribes. It is
 asserted that they were
 regularly sent to his
 house, & have received
 over 3 his servants. I
 hold that he must
 be held responsible for
 the acts of his servants;
 and that it is his duty
 (especially so as a Government
 official) to know that
 nothing came to his house
 without being paid for.

Unless an
 understanding

then present stations
 when they are under
 suspension in the
 Dept. - until allowed
 by competent authority -

Col Mansfield is not
 in the list - and therefore
 unless specially mentioned
 will be present evidence
 not be taken - it is therefore
 to be dealt with
 departmentally - I think
 he should be required to
 stand at once under
 suspension to Madras
 by first steamer. That
 he should be permanently
 replaced at once - in
 his post - at Burma
 and being allowed

to put in at Madras
any further explanation
as a departmental
matter for them dealt
with accordingly to
the facts as they then
appear with disposal
from dept. or ~~expeditions~~
otherwise.

This I think is of
great importance.

22/3

yes - Lady Colebrooke;
but her husband was dead
by a Compooner.

It is well to
prosecute criminally
where failure is likely
here are some matters
of dealing with him

understanding of the
King be accepted as
a matter of principle, I
do not know how wrong
practice of the King be
to be checked.

I further hold that as a
FOR ORDERS
J. S. Servant, Colonel ~~Stewart~~
is accountable to go to
for the acts of misappropriation
of the King of his wife.

I think a Resident
at Delhi some 50 years
ago lost the service
because his wife accepted
bribes - money & jewellery -
sent to the Resident his
baskets of fruit & flowers.

I am opposed to Col.
Stewart's escape from trial.
His doing so would give rise
to most unfavorable im-
pressions.

22/3
J. S. Servant
22/3

Confidential

PROCEEDINGS of the MADRAS GOVERNMENT.

Judicial Department.

Read the following letter again

Opinion of the Advocate
General 21/12 March and
recorded in G.O. dated
15 March 1880.

Read also Opinion of
the Advocate General
21/22 March 1880.

Order thereon 24 March 80,
No. 682.

The Govt. adopt the
views expressed by the
Advocate General and
accept the list of the
32 officers and others,
as per margin, whose
criminal prosecution is
he recommends. Ap-
plication will be made
to

1. Sub Conductor R. Langley.
2. Sub Conductor H. States
3. Apothecary H. H. Miles
4. Sergeant Thomas Mc Dermott
5. C. Davisagominy, Clerk in
the Commissariat Deptt.
6. L. D'Santos, late Clerk in
the Commissariat Deptt.
7. Captain Shelley Leigh Hunt.

to the Chief Commissioners
British Burma by
telegram to concur in
sanctioning their pro-
secution in accordance
with the advice of the
Law Officers.

His Excellency the
Commander in Chief
will be requested to
the Military Dept. to
issue instructions that
such of the 22 persons
aforenamed as are
under military con-
trol be detained or
forbidden to leave the
stations at which they
now are pending pro-
ceedings in the Burma
(Criminal)
Civil Courts.

The

8. Conductor James Minty.
9. Conductor Frederick Edwards.
10. Conductor William Anderson
11. Sub Conductor Thomas Quin
12. Sub Conductor William Weightman
13. Quarter Master Sergeant Kelham
44th Regiment.
14. Color Sergeant Clement Johnson
44th Regiment
15. Assistant Apothecary Daniel
Thomas Baker.
16. M. J. Vyapooray Moodally.
17. J. C. Rangasawmy Naidu
18. A. Ponnasawmy Monlilly.
19. E. Peters.
20. J. W. Johnson.
21. H. Trevor.
22. M. Agappa.

Clerks in the Commo.
= Sanat Sahasrabud.

3. The case of Colonel
Stausfield whose cri-
minal prosecution is
not recommended, will
be dealt with departmentally
and the Commissary General
will accordingly be
instructed to direct
that officer to proceed
forthwith to Madras
by first steamer, under
suspension.

4. In view of the com-
plicated nature of the
case and the great im-
portance of a thorough
investigation being
ensured, the Govt.
consider it essentially
necessary to employ
counsel of standing
and

and experience, with
whom they can personally
confer at Madras and
whom they can confi-
dentially instruct; &
they resolve therefore
to retain M. Tarrant,
as the Crown Prosecutor
of the High Court, Madras,
for the prosecution.

5. The Govt. assume
that the etiquette of
the Rangoon Bar renders
it necessary that the
Chief Law officer in
the local Court shall
lead the prosecution,
in which case M.
Tarrant will take the
place of junior Counsel.
Otherwise he is authorized
to

to take the leading
part in the proceedings.

H. J. T.

Advocate General.
H. J. Tarrant Esq. ^{Opinions &c}
Military Dept.
Military Secy. to H. G.
The Commr. in Chief.

L.O. of 26. March
1880.

12682

Obbt. of { 187 } Madras.

To

Undel.
Recd.

}

187, No.

Nos.

Adon Phil. & Co.
Latham & Co. 13/9