

G.O. 1911 Judicial dt 11.9.1891

and when we suggested on
the 4th July we were told they
had not had time to make the
examination. When they did make it
I don't know. The certificate is
dated 9th July and is signed
by Newman, countersigned by
the Police, from which I conclude
Newman really made the exam.

In Legal Forensic Medicine a
standard work it is said:-

"Arterial blood has a bright red
colour, & venous blood a dark or
purplish hue, but it becomes arterial
on exposure to the air. After the lapse
of a few hours both kinds of blood lose
their bright colour & assume a reddish
brown hue, which may remain unchanged
for years. When it has assumed this colour
we cannot give any opinion as to its age."

But it would be little use
attack experts shielded
then professional barrier -
would easily allege some
guide satisfactory to them as
the a layman could not control
without study of the subject
did not really matter whether
there was blood or not. On the
seeing that I did not come
from the hands of a post. to
off. & post should have stated
the facts & must be presumed
have done so & that the ad-
how volunteered is untrue.

J. P. M. J.
Muller



COMMISSIONER'S OFFICE
MADRAS CITY POLICE

10. Sep
12 SE
CHIEF SE
CLERK N. C.

My dear Sir

Mr. Apothecary New
is a regular witness chief m
At the Park Fair Evening
Started something ab
Kerosene oil but we got
into the witness box and
soon disposed of him -
Well the then Clerk
was I believe very angry
Newman for the statement
he made -

As to the value of Mr. Presu
Opinion seeing that the charge
was delivered to him on 2nd

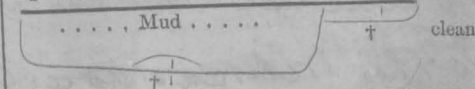
THE TRIPPLICANE MURDER CASE.

SIR,—In the interests of public justice I deem it right to publish the following letter from the Acting Chemical Examiner to myself in reply to certain queries I addressed to him on the 19th instant (on information received that very day) regarding the knife produced at the trial of the above case. As some days have elapsed since the trial took place, and the reports in the public journals were not very complete, I must ask you to permit me to briefly summarise the evidence touching the finding of the knife, so that the full effect and import of the Chemical Examiner's letter may be rightly appreciated. The deceased persons, it should first be stated, met with their death some time between 10-40 P. M. on the night of the 15th, and 7 A. M. on the morning of the 16th June last. Their bodies were found within a yard of each other in an open hall, a verandah of a chuttrum in Triplicane, the principal wounds being, according to the medical evidence, "very deep and clean cut wounds on the heads." At about 4 P. M. on the afternoon of the 18th June the knife produced at the trial was, according to the evidence of two Municipal side coolies and a Municipal peon, found in a sewer in the vicinity of the chuttrum. One of the two coolies deposed that when the knife was taken out of the sewer it was washed first of all with the sewage water flowing through the sewer, that it was subsequently further washed with clean water. Both coolies and the peon depose that the knife was then at once taken possession of by the peon aforesaid, who used it for chopping bamboos at his house, and was retained by him up to the night of the 30th June, when the peon was asked by the particular cooly, who was said to have found the knife in the drain, to return it to him as the Police were looking out for a knife at Triplicane in connection with the murder at the chuttrum. The peon accordingly returned the knife to the cooly in question, who, as he states, deposited it that very night at the identical portion of the same sewer in which it was originally found. At 1-30 A. M. on the 2nd July, as Inspector Bradbury deposes, the drain was "searched," and the knife found. "I examined the knife," says he; "it was besmeared with mud all over; it was wet from being in the drain; I took charge of it, and eventually sent it to the Chemical Examiner." In cross-examination he says, "On the morning of the 2nd July I took the knife with the mud on it. There was more mud than there is now on it." So much for the finding of the knife. I now pass on to what was done with the knife when found. It was sent to the Chemical Examiner by the Commissioner of Police on the 2nd July, and returned by the former to the latter officer with the following Report dated 9th July:—"We have examined the iron chopper and the two cloths received under unbroken seals and found mammalian blood to be present on the chopper. A small blood stain was found on the smaller of the two cloths, but it could not be ascertained whether the blood was mammalian or not. No blood was found to be present on the other cloth. The articles will be delivered to an authorised messenger." Next we have the knife produced before the Committing Magistrate at the preliminary investigation before him on the 23rd July. His record does not show who brought it into his Court; or whether it came there under the seals of the Chemical Examiner, or the Commissioner of Police, or those of any other authority. Eventually the knife was produced at the Sessions on the 11th instant, and was to all intents and purposes a perfectly clean knife. The Chemical Examiner's Report above quoted was put in, and being by law receivable in evidence without further proof, filed on behalf of the Crown; all concerned in the trial, I believe I am justified in saying, being left under the impression that the Chemical Examiner had, in the language of his Report, "examined the iron chopper" i.e. the whole chopper. As Counsel for the prisoner I specially urged upon the Jury the extreme improbability of the whole story as to (a) the buying of the knife by the prisoner at 4 P. M. on the 15th June; (b) the still greater improbability of the blood on the knife, (assuming it to be the instrument with which the murders were committed) being the blood of the murdered persons, after the double washing to which the knife was subjected on the 18th June before the peon took it to his house, and the use to which it had been put by him, viz., cutting bamboos between the 18th and 30th June, and finally the further exposure to sewage water when it was deposited there on the 30th June up to the time it was found by the Police at 2 A. M. on the 2nd July.

His Lordship Mr. Justice Shephard, in summing up, told the Jury that "not much reliance could be placed on the Chemical Examiner's Report as to the finding of blood on the knife." Then came the verdict of the Jury, three of their number being for an acquittal, and six finding the prisoner guilty; three of these latter, however, recommending him to mercy on the ground of extreme provocation. His Lordship, after an interval of half an hour, in sentencing the prisoner to death, refused to recognise the recommendation to mercy. Thus ended the trial on the 13th instant. On the 19th, as I have already said, certain information being brought to me as the prisoner's Counsel, I immediately addressed the Chemical Examiner, who has been good enough to answer me most promptly and fully. His letter is as follows:—

From Surgeon A. E. Grant, M. B., Ag. Chemical Examiner, Madras, to W. S. Gantz, Esq., Barrister-at-Law, dated Madras, 20th Aug. 1891.

SIR,—With reference to your letter dated the 19th instant, I have the honour to intimate that the knife in question was received for examination in this office prior to my assuming charge, but the Assistant Chemical Examiner, Mr. W. S. Newman, examined the same and from him I gather the following information, viz., that the knife was received together with two cloths under seals of the Commissioner of Police, Madras, on the 2nd July, 1891. On opening the parcel the knife was found almost entirely covered on both sides of the blade with a thick coating of mud. The only portions exposed were two corresponding places on either side of the blade, about half an inch wide and two inches long, near the cutting edge and about three inches from the point of the knife, and the handle. These exposed places did not seem to have been previously smeared with mud, as the blood stains thereon were apparently quite fresh. Blood was found only on the exposed portion of the blade. There was no blood on the handle. The reason why the portions of the knife covered with mud were not examined was the extreme improbability of finding blood after removal of the mud, which latter could only have been removed by washing. The knife with the mud on it as received for examination and the cloths were returned to the Commissioner of Police under this office seal on 10th July, 1891. Below is shown a sketch marking the portions whereon blood was detected, the rest of the blade was covered with mud excepting the handle, which was quite clean.



† Fresh blood marks on both sides.

From the immediately preceding letter, therefore we gather (a) that the Chemical Examiner did not

"examine the iron chopper," but only a very small portion of it i.e. a "portion about half an inch wide, and two inches long near the cutting edge," the total length of the blade of the knife being about 10 or 12 inches, and the width about three; (b) that the rest of the knife "was almost entirely covered on both sides of the blade with a thick coating of mud,"—an important fact as to which the Report says not a word; (c) that that coating of mud was not removed by the Chemical Examiner because of "the extreme improbability" of finding blood after the removal, which could only have been effected by "washing" (d) that the exposed places (i.e. the two corresponding places on either side of the blade) "did not seem to have been previously smeared with mud, as the blood stains on them were apparently quite fresh" (italics are mine).

Judged then by the light of these subsequent admissions it is apparent that the Chemical Examiner's Report was misleading in the extreme. Even if that officer did not think it incumbent on him to allude to the condition in which the knife reached him, or the suspiciously small portion of the blade that was exposed to view, I maintain that he ought to have clearly stated that in his opinion the blood found by him was "apparently quite fresh."

Treating, as I do, the Chemical Examiner's letter as supplementing his Report, yet other questions arise, such as:—

(1.) If the blood was quite fresh, who caused it to appear on the knife—for clearly somebody must have put it there? It is impossible for a moment to suppose that the blood of the murdered persons would, after all the washings and wetting the knife had got, have adhered to the very portion of the blade where the cutting of the bamboos would be most likely to scratch away all traces of blood.

(2.) What became of the thick coating of mud that was on the knife when the Chemical Examiner returned it. If it was removed, by whose orders was it removed, and why?

(3.) When so much suspicion attaches to this particular phase of the case, what guarantee is there that the rest of the evidence has not been similarly worked up?

I will only add that after consulting some of my friends at the Bar, I have laid the fresh information obtained from the Chemical Examiner before Mr. Justice Shephard. His Lordship however, is *functus officio*. But as the convict has already memorandised His Excellency the Governor for a pardon, I am submitting a supplemental Memorial on his behalf, and have already prayed by telegram that the carrying out of the capital sentence may be deferred until such supplemental Memorial has been considered by His Excellency.

Madras.

W. S. GANTZ.

No. 65

City Police Office,

Madras, 10th September 1891

From

Colonel J. Weldon, C. I. E.
THE COMMISSIONER OF POLICE,
MADRAS.

To

Chief Secretary to Government,
with the Governor,
Stanhurst Hill.

Sir,

Enclosed

In the Madras Mail of 24th August 1891 appears a letter under the heading "The Triplicane Murder Case," and signed "W. S. Gantzy," on which, as I understand this Case to be now under Consideration of Government, I have the honour to submit the following remarks.

2— Mr Gantzy was assigned as Counsel for the prisoner and, with the exception of the Extra-Judicial statements made to him by the Chemical Examiner and to which I shall

X

presently after, he had full opportunity at the trial to elicit from the witnesses all the information he now professes to seek. It must be presumed that if he neglected to avail himself of this legitimate ~~Course~~ ^{Course} his present anxiety to draw attention to what he lays stress on is indicative of either a neglect of his duty or a purposed avoidance of examination on those points when he would be subject to the Criticism of the Crown Prosecutor and the Judge, in order to recur to them in future Ex parte Communications, and base on this absence of information which could have been obtained by him at the proper time unjustifiable insinuations impugning the good faith of the prosecution.

3 — I will therefore state the simple facts as regards the finding and disposal of the Chopper referred to

by Mr Gantry. P-2
4 — A Municipal Officer informed the Police that a Chopper was said to have been found near the Scene of the Murder. This on enquiry was ~~proved~~ ^{found} to be true and the Chopper was taken by the finder from the drain in which it had been replaced in the presence of District Inspector Bradbury, who took charge of it. It was delivered to Mr. Bradbury at 1.30 A.M. and handed by him to the Chemical Examiner about 3 P.M. the same day in precisely the same state as it had been received. The Police did not expect that any traces of blood would have been found in the Circumstances, but the Submission of the instrument for Chemical Examination was a first step taken as matter of Course as much in the

interests of the accused as of the prosecution, and to avoid any possible remark on an omission to have the knife examined.

5— The Chemical Examiner acknowledged receipt of the Chopper sent in a sealed parcel and that the seals were intact. He reported, as quoted by Mr Gantz, that they had "examined the Chopper" and found mammalian blood on it. The further correspondence between Mr Gantz and the Chemical Examiner shows that the knife was received by the latter coated with mud as it was when taken charge of by the Police.

6— When the knife was received by the Police it was not known that it would, or could be proved to have any connection with the accused. The first step taken was to preserve

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it carefully as it came from the drain until it could be deposited with the Chemical Examiner. After receipt of that Officer's report the enquiry to trace the maker or owner of the instrument was set afoot.

7— With the delivery of the knife to the Chemical Examiner in the same condition as received, and that it was so guarded and delivered can be proved— the responsibility of the Police ceased. The presence or absence of the coating of mud was a matter of no consequence whatever after the Chemical Examiner had completed such tests as he deemed necessary. The knife after passing through the Chemical Laboratory, was freely handled and no precautions beyond those necessary to maintain its identity were called for.

8— The Chopper having been

for some days in the possession of the
Municipal prison who first took
possession of it and having been, as he
alleged, used by him for domestic
purposes no stress was laid by the
prosecution on the presence of blood
and the Judge so directed the jury.

Mr. Gantz unworthily suggested
query "who caused it to appear there -
for clearly somebody must have put
it there?" might apply as much to
his Correspondents in the Chemical
Examiner's Office as to any one else
in the sense in which he evidently
wishes his remark to be understood.

If the Municipal prison had been
using the knife for household purposes
it is easy to understand that traces
of blood might be found.

9 — Now come to the extraordinary
conduct of the (Assistant) Chemical
Examiner who appears to have

24
undertaken the professional examination
of the knife.

10 — The Chemical Examiner's
Official report which was received in
evidence stated as follows: "We have"
"examined the Chopper and two Cloths"
"received under unbroken seals and"
"found mammalian blood to be present"
"on the Chopper."

11 — When Mr. Gantz's letter
was brought to my notice I wrote to
the Chemical Examiner enquiring
if the terms of his alleged correspondence
with Mr. Gantz was correctly stated
in that letter, and requested special
attention to the statement that the
Chopper had been only partially
examined and that the blood said to
have been found as the result was
apparently quite fresh, both of which
very important points had been omitted
from the Official report issued from

his Office.

12 — In reply the Chemical Examiner states that the terms of "the Correspondence (with Mr Gantz)" are correctly set forth (in the published letter) inclusive of the two points to which attention is specially drawn.

13 — In his letter to Mr Gantz dated 20th August 1891 the Chemical Examiner gives details of the examination made by Mr Newman, the Assistant Chemical Examiner, which were not given to the Magistrate, the Crown Prosecutor or the Court before which the prisoner was arraigned. The knife was said to have been "almost entirely coated on both sides with a thick coating of mud." the only exposed portions of the blade were half an inch wide and about two inches long on both sides near the cutting edge and it is assumed these places

had not been previously coated with mud because the blood stains thereon were apparently quite fresh! Then it is stated that blood was found only on the exposed portion of the blade. Yet immediately after it is admitted that, for reasons given, no other portion except the handle was examined. The reasons given for not making a complete examination are the extreme improbability of finding blood after removal of the mud. Speaking as a layman it might be supposed that a thick coating of mud would have tended to preserve any traces of blood, if they existed, on the firm metallic substance underneath, and even if blood became absorbed or mixed with earth it is difficult to believe that Competent Scientific analysis and examination of this earth and

the underlying substance would fail
either to detect its presence or to enable
the Analyst to certify its absence.
I believe it is not uncommon for
the Chemical Examiner to be called
on to analyse scrapings of earth
or other such substances with a
view to determining the presence
or absence of blood and I am not
aware that he has ever before
declined to undertake such a task
on the ground of improbability of
a certain result. I submit it was
the Chemical Examiner's duty to make
a complete examination of the
instrument submitted to him or
to intimate the fact that he had
not done so for certain reasons.
Had a complete examination been
made possibly other traces of
blood might have been found.
The very fact - if it was a fact -

of the blood found on the very small
portion exposed being apparently
quite fresh should with the history
of the Case have suggested further
and complete examination. In any
event such a misleading report
should not have been framed.
Had the opinion now given by the
Assistant Chemical Examiner
been, as it ought to have been,
communicated to the Police and
Magistracy further investigation
could have been made at the proper
time. As the Case stands Mr. Apothecary
Newman's volunteered opinion should
be further tested as to its value
and the grounds on which it is based
before it is accepted.

14 — But what I specially
desire to call the attention of
Government to is not only that
which Mr. Gantzy justly terms

the extremely misleading nature of
the Official report made by the Chemical
Examiner, but also the readiness
with which that Officer or his
Assistant Mr. Newman has
furnished information to a
private individual which was
withheld from the legal advisers
of the Crown and the Court.
Charged with the investigation
of the gravest Crime. One result
of this Case is to make it imperative
to accept with Caution bare reports
of this nature by the Chemical
Examiner and that when possible
this Officer should, like any
other expert, be Subject to personal
examination and Cross-examination.
I have accordingly instructed the
Police that in grave Cases, in
which the Services of the Chemical
Examiner have been required

he shall be cited to appear in person
for such further examination as the
Crown, the Accused, or the Court, may
desire.

15— The propriety of the Course
adopted by Mr. Gaultz in publishing
irresponsible statements elicited
by him with a view to prejudicing
the public judgment on a matter
still pending, is questionable.

I have the honour to be,
Sir,

Your most Obedient Servant

Heedon Colours

Commissioner of Police
M^{rs}

Ally

No.

From

Dated

189 .

FOR ORDERS.

CHIEF SECRETARY
12 SEP 91
GOVERNMENT OF INDIA

From
The Commissioner of Police
Madras.

To
The Chief Secretary to Govt.
with the Government
Storehouse Bill

Dated 11th } September 1891
Received.

No. 65
(Enclosure one).

The Triplicane Murder Case

Submits remarks on
a letter published in the
Madras Mail dated 24th August
1891 re —

Col. Wellesley's remarks on the
conduct of the Chemical Examiner
his assistant & in furnishing
such an incomplete & misleading
report with and in supplementing
it by information ^{supplied} furnished to
private individuals through withheld
from responsible public officers.
The Court are fully justified.
D. Grant is as much in fault. I
think as D. Pope & Mr. Newman.
I would send Col. Wellesley's letter
to the Chemical Examiner for
any explanation he may have
to offer. There is no need to wait
until the case is disposed of, for
the report had hardly any connection
with the case.

1st
14 Sep.
I agree. It is clear, then,
disposing of the case soon
and, sending an opinion of
the Court of a woman &
S. P. as to the case.

Submitted in continuation of C. No.

8
13 Sep.

I agree that this is the best course to
pursue.
This business is altogether curious, &
requires the fullest explanation.

16
16 Sep.

Co.
Order of 16.9.91. No. 1911

The Commissioner's letter will be
forwarded to the Chemical Examiner
for any explanation he may
have to offer; his reply should
be sent at the earliest possible

17/9 Af
16/9 16 Sep 16 Sep 16 Sep

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Confidential No. 155
1891

Judicial DEPARTMENT.	
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No.	1911.
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[Despatch Abstract.]

Truphane Morder Domandy
to the Chemical Examiner
for explanation letter from
the Commr. of Police regarding
the ——— case.

PRINTED IN G.O., dated

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