

G.O. 2068 Tull ds 8.10.1894.

8TH OCTOBER 1891, No. 2068, JUDICIAL.

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—again the following paper :—

G.O., dated 16th September 1891, Mis. No. 1911, Judicial.

Read—the following paper :—

From Colonel T. WELDON, C.I.E., Commissioner of Police, Madras, to the Chief Secretary to Government, dated Madras, 10th September 1891, No. 65.

In the *Madras Mail* of 24th August 1891 appears a letter (enclosed) under the heading "The Triplicane Murder Case," and signed "W. S. Gantz," on which, as I understand this case to be now under consideration of Government, I have the honor to submit the following remarks.

2. Mr. Gantz 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 presently refer, 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 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. Gantz.

4. A municipal officer informed the police that a chopper was said to have been found near the scene of the murder. This on inquiry was proved 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.

to an original
N

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 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 inquiry 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 peon 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's unworthily suggestive 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 anyone else in the sense in which he evidently wishes his remark to be understood. If the municipal peon had been using the knife for household purposes it is easy to understand that traces of blood might be found.

9. I now come to the extraordinary conduct of the (Assistant) Chemical Examiner who appears to have 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 inquiring if the terms of his alleged correspondence with Mr. Gantz were 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. Gantz 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 Courts 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. Gantz in publishing irresponsible statements elicited by him with a view to prejudicing the public judgment on a matter still pending is questionable.

Order—dated 16th September 1891, Mis. No. 1911, Judicial.

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

(True Extract.)

(Signed) J. F. PRICE,
Chief Secretary.

To the Chemical Examiner.

READ—also the following paper:—

From Surgeon A. E. GRANT, M.B., I.M.S., Acting Chemical Examiner, Madras, to the Chief Secretary to Government, dated Madras, 21st September 1891, No. 808.

With reference to G.O., No. 1911, dated 16th September 1891, I have the honor to reply as follows and shall adapt my reply as far as possible to the sequence of the headings in the accompanying letter from Colonel T. Weldon C.I.E., the Commissioner of Police, Madras.

2. With the remarks contained in para. 2 of Colonel Weldon's letter I entirely agree.

3 and 4. Regarding paras. 3 and 4 of the same letter I have nothing to say.

5. In para. 5 occurs the first indication of the error,—as to the suitable method of examination of the chopper,—into which both Colonel T. Weldon and Mr. Gantz have fallen. This will be referred to later. The last clause in para. 5 states that "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." I consider that the evidence of Inspector Bradbury and the statement of the Assistant Chemical Examiner in the letter published by Mr. Gantz show a considerable discrepancy.

6—contains statements by Colonel Weldon.

7. Colonel Weldon reiterates his statement that the knife was delivered to the Chemical Examiner in exactly the same condition as when picked up out of the drain and remarks that after such delivery the responsibility of the police ceased. He also states that in his opinion the presence or absence of the coating of mud was a matter of no consequence whatever after the return of the knife from the Chemical Examiner's office. These assertions of course will only hold good if Colonel Weldon's ideas as to the nature of the "examination" of a weapon in the *Chemical Examiner's laboratory* prove to be correct. I shall refer to this under paras. 13 and 14. The Assistant Chemical Examiner informs me, and I entirely agree with him, that no ordinary amount of handling could have totally removed the coating of mud from the knife. It would be extremely interesting if the complete history of the knife with its various examinations and handlings from the time of discovery till *now* could be ascertained and whether it could be recognized by every one who was shown it officially, as the *same* knife.

8. With reference to Colonel Weldon's remarks upon Mr. Gantz's "unworthily suggestive query" and its being as applicable to his correspondents in the Chemical Examiner's office as to any one else, this might or might not be so according to the presence or absence of motive.*

9. Colonel Weldon sees fit, under para. 9, to allude to the "extraordinary conduct of the Assistant Chemical Examiner." That his conduct should have appeared extraordinary to Colonel Weldon I can well believe from the subsequent remarks made by him in para. 14 of his letter, and to which I shall refer again.

10. The Chemical Examiner's official report, which was received in evidence, is correctly stated by Colonel Weldon.

11 and 12. The statements under corresponding *paragraphs* are correctly given.

13. In the first sentence of para. 13, Colonel Weldon remarks that the Chemical Examiner gives information in his letter to Mr. Gantz which was "not given to the Magistrate, the Crown Prosecutor, or the Court before which the prisoner was arraigned." He alludes to these facts several times again, notably in para. 14, where they will be dealt with in due order. The remaining portions of this paragraph deal almost entirely with Colonel Weldon's opinions on the method of examination of the knife and the form in which the subsequent report was framed. It might surely have occurred to an officer of the experience of Colonel Weldon that he was here treading upon dangerous ground and that it behoved him to move warily. The object of the examination of a weapon or any other thing supposed to be blood-stained by the Chemical Examiner *in his laboratory* is to ascertain the presence or absence of mammalian blood. To prevent any misconception on this point I herewith append a copy of the original letter from Colonel Weldon requesting the examination of the chopper and two cloths for the presence or absence of mammalian blood. The appended letter is in the form which is always made use of in similar cases and is quite correct. It will thus be seen that both Colonel Weldon and Mr. Gantz in placing on record their extreme disappointment and regret that the Chemical Examiner's report did not contain a complete and detailed medico-legal expression of opinion regarding the condition of the chopper have fallen into the unjustifiable error already referred to in para. 5. With reference to the scientific opinion which Colonel Weldon speaking "as a layman" ventures to offer it seems to me quite unnecessary to increase the already very considerable length of this letter by a critical analysis of his "volunteered opinion." It may suffice to say that his remarks betray a more than usual ignorance of the subject he attempts to deal with. In contra-distinction to Colonel Weldon I submit that it was *not* the Chemical Examiner's duty to make a complete

examination of the instrument in the sense referred to by him and Mr. Gantz, but that it was his duty to do what he was requested to do by Colonel Weldon, *i.e.*, "to examine them and report as early as convenient as to whether all or any of them bear stains of mammalian blood." Colonel Weldon sees fit to allude to the report as a misleading one and thereby makes evident his entire ignorance of the form in which such reports are invariably framed. "Had the opinion," he says, "now given by the Assistant Chemical Examiner been as it ought to have been communicated to the police and magistracy, further investigation would have been made at the proper time." On what grounds he considers that this opinion ought to have been voluntarily communicated to the police I am at a loss to ascertain, and I do not consider that further investigation *by the police* instituted as a result of this opinion would have been made at the "proper time." I strongly deprecate the tone of the last sentence under para. 13. Mr. Newman, the Assistant Chemical Examiner, at the time of his appointment to his present office was a private medical practitioner and is a Fellow of the Chemical Society. In addition he has had thirteen years' continuous practical experience in all class of medico-legal cases including nearly 1,000 instances where the presence or absence of blood-stains was the point to be ascertained. If Colonel Weldon can produce superior medico-legal experience wherewith to test the opinion and the grounds on which it is based I am perfectly willing that it should be done before the opinion of Mr. Newman is accepted.

14. Under para. 14, Colonel Weldon calls special attention not only to what Mr. Gantz and himself imagine they have "justly" termed "the extremely misleading report" of the Chemical Examiner, but also to 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. The existence of any professed misunderstanding as to who furnished the information complained of seems to me curious in the light of my signature to the letter. From the nature of Mr. Gantz's original letter, a copy of which is herewith appended, I had no doubt whatever that the letter might be considered as official and due to the fact that Mr. Gantz was, as stated under his signature, "counsel deputed by the Crown to defend the said Ramacharun Doss at the High Court sessions." My reply accordingly was made in strict official form being, as I imagined, merely for attachment to a petition to Government, and was never intended for publication save with the full sanction of Government. After its publication by Mr. Gantz I made no protest feeling sure that in due time my attention would be drawn officially to the matter. And now comes what, in contradistinction to Colonel Weldon's remarks under para. 9 of his letter, seems to me the extraordinary conduct of both Mr. Gantz and Colonel Weldon. Colonel Weldon is of opinion that two important deductions can be made from this case—

First, that it is necessary "to accept with caution bare reports of this nature by the Chemical Examiner" and this seems to me a most justifiable conclusion. To put it in other words, in accepting such a bare report it is necessary to accept neither more nor less than what the report states as to the presence or absence of mammalian blood. If from such a report any further deductions were made the Chemical Examiner cannot hold himself responsible.

The second deduction drawn by Colonel Weldon, and which takes the form, apparently, of a remedy for the errors which have occurred in the conduct of this case, consists in the novel suggestion that the Chemical Examiner should, like any other expert, in grave cases, be subject to personal examination and cross-examination. He then proceeds to state that he has taken measures that in these cases the Chemical Examiner shall be cited to appear in person for such further examination as the Crown, the accused or the Court may desire—from all of which it is apparent that the Commissioner of Police is in this case also ignorant of the ordinary method of procedure in such cases. There is no doubt whatever that the Chemical or Assistant Chemical Examiner should have been cited to appear in Court as has been the unvarying custom in Presidency Town murder cases, and this would surely have been the most obvious and natural course for the

prosecution or defence to have adopted as the case might be. Colonel Weldon in para. 2 of his letter imputes to Mr. Gantz either "the neglect of his duty or the purposed avoidance of examination on certain points." With this imputation I have nothing to do save to note that the prosecution was to an equal degree "neglectful of its duty" or "showed a purposed avoidance of examination."

15. With Colonel Weldon's remarks in para. 15 of his letter I entirely agree.

16. In conclusion then I beg once more to draw special attention to the three following points.

17. *The alleged want of complete examination of the chopper.*—I have shown, and it can be proved by reference to hundreds of letters filed in this office, that it is the Chemical Examiner's sole duty *in his laboratory* to examine the suspected articles for the presence or absence of mammalian or other blood-stains. If further information is desired it should either be specially asked for, as, for example, in Mr. Gantz's letter—supposing that to have been official; or, as has hitherto been the unvarying rule in Presidency town murder cases, the Chemical or Assistant Chemical Examiner should be cited to appear for examination at the High Court (not at the Magistrate's Court). Had this been done in the present case, I have no doubt valuable evidence could have been given, and that the relative distribution of the mud and of the apparently fresh stains would have been shown to be extremely important. I submit that it *was* the duty of the police to preserve the knife intact as received from the Chemical Examiner's office and to have then cited that officer to appear for examination;—that is if they desired it.

18. *The report was neither incorrectly framed nor misleading*; it was framed on the ordinary model in such cases and should have misled no one, being, as it was intended to be, a bare statement of fact pointing of itself neither one way nor the other.

19. *With the last point, viz., the furnishing of information to Mr. Gantz.*—I am more directly concerned, being at that time the Acting Chemical Examiner myself. I have already given my explanation and can only add that had I suspected in any way that the information was not both officially and urgently required, I should never have put pen to paper. I submit that blame attaches to Mr. Gantz alone for taking advantage of his official position in connection with the case and so misleading me. As regards the statement that the information furnished (unwittingly) to a private individual was *withheld* from the legal advisers of the Crown, it is untrue on the face of it, for withholding, is a positive word and implies a keeping back, whereas the information which I certainly consider to have been important was never even asked for by the legal advisers of the Crown. It is perfectly impossible and quite outside the duties of the Chemical Examiner to act in such a matter till requested to do so.

20. I hope that I have fully and satisfactorily explained the position of the Chemical Examiner in this important case, and I have done so the more readily as, save in the matter of sending the letter to Mr. Gantz, I was not personally concerned.

ENCLOSURES.

in Colonel T. WELDON, C.I.E., Commissioner of Police, Madras, to the Chemical Examiner, dated Madras, 2nd July 1891, No. A/117.

I have the honour to forward an iron * chopper and two * cloths in sealed packets, marked

* To be returned.

A and B, respectively, and to request you will be good enough to examine them and report as

early as convenient as to whether all or any of them bear stains of mammalian blood.

2. The chopper is supposed to be the weapon with which two persons were murdered on the night of 15th June 1891, at Kistnampett, Madras, and was found in a sewage drain not far from the scene of the murders three days after, but secreted until recovered to-day. The cloths were those worn by the suspected murderer when arrested three days after the murders.

3. A *fac-simile* of the seal is enclosed.

From W. S. GANTZ, Esq., Barrister-at-Law and Counsel deputed by the Crown to defend the said Ramcharun Doss at the High Court Sessions, to the Chemical Examiner, Madras, dated Madras, 19th August 1891.

Re Ramcharun Doss, Triplicane Murder Case.

Within the last few hours I have received information (from what I conceive to be a reliable source) calculated to throw great light on the question of the identity of the knife submitted to you by the police for examination on 2nd ultimo in connection with the above case, and on public grounds, as well as in the interests of the convict, I have the honour to request that you will be so good as to give me the fullest information on the following points at your very earliest convenience:—

- (1) Did you examine the whole knife, or only a portion?
- (2) If only a portion, what portion? and why did you not examine the whole knife?
- (3) Describe as nearly and accurately as possible the exact portion of the knife on which you found traces of blood?
- (4) When the knife reached you—presumably under seal—was it wholly, or partially, covered with silt, mud, or any other matter?
- (5) If only partially covered with silt, mud, &c., what portion was exposed to view, and did such exposed portion appear to you to have been originally also similarly covered with silt, mud, &c., and to have had such silt or mud removed before submission to you?
- (6) Did you return the knife to the police under seal, and in the same state as received by you?

ORDER—dated 8th October 1891, No. 2068, Judicial.

The Government cannot accept Dr. Grant's explanation as satisfactory and considers that Colonel Weldon's observations on the subject and his description of the Chemical Examiner's report as misleading are fully justified. His Excellency in Council entirely dissents from Dr. Grant's view that the duty of a Chemical Examiner is confined to replying briefly to questions put to him by the police or other officer forwarding substances for examination. It is impossible for such an officer to anticipate what discoveries will be made by the Chemical Examiner and to frame his questions accordingly and the interests of justice demand that the Chemical Examiner should state fully in his report all that he has discovered or can discover and the conclusions he has been led to by the examination considered with reference to the circumstances of the case as communicated to him. It is with a view to enable the Chemical Examiner to form an opinion as to the relevance of every fact discovered and to obtain the benefit of his special chemical and medico-legal knowledge that he is furnished with a statement of the case and the circumstances attending the finding of the substances forwarded for examination.

2. In the present instance the Chemical Examiner must have seen at once that the freshness of the blood-stain was of the utmost importance and he failed in his duty in omitting to give information of the fact as part of the result of his examination. Even the duty of an expert, as limited by Dr. Grant, was imperfectly performed in the case in question: the chopper was forwarded for thorough examination, but this was never effected, for no attempt was made to test or remove or examine the mud which covered the greater portion of the blade. This neglect on the part of the Examiner and Assistant Examiner will be explained.

3. Dr. Grant is in no way responsible for the failure in duty on the part of Dr. Pope and Mr. Newman and the Government is not prepared to say that he did wrong in furnishing the information asked by Mr. Gantz, inasmuch as it was better that the facts should come out late than not at all. Dr. Grant was, however, to blame in neglecting to communicate all the circumstances of the case to the Commissioner of Police immediately on their importance being revealed to him by Mr. Gantz's inquiries and his limited view of the nature of the duties of an expert constitutes a grave error.

number/ 4. The Government takes this opportunity to draw the attention of the Surgeon-General to the imperfect nature of the certificate drawn up by Dr. Reeves after examination of the bodies of the murdered persons. It contains no description of the ~~murder~~ or nature of the wounds or the state of the bodies. The Surgeon-General will issue orders to ensure more careful and detailed certificates in future.

(True Extract.)

(Signed) J. F. PRICE,
Chief Secretary.

To the Surgeon-General with the Government of Madras.
" Commissioner of Police.

" Chemical Examiner.

Gobt. of {1891} Madras.
JUDICIAL.

CONFIDENTIAL.

Proof for the Under Secretary's
approval.

Should not the order go to
the Chemical Examiner
direct too please? *Encl.*
Yes. W. 20/10.

G.O., 8th October 1891, No. 2068.

In Press OCTOBER.

Strike 30 copies please.
4 for Signature

C.S.
20/10

Triplicane Murder Case.

Passing orders on letter from the Chemical
Examiner regarding his action in connection with
the —.

CHEMICAL EXAMINER'S OFFICE,

Madras, *21st September* 1891.

No. 808
From *Surgeon A. C. Grant. M. B. J. M. S.*
ag. CHEMICAL EXAMINER,
Madras.

To
THE *The Chief Secretary to Govt.*
Judicial Department.
with the Governor
Stone House Hill.

SIR,

With reference to G. O. No. 1911 dated
15th September 1891 I have the honor to reply
as follows and shall adapt my reply as
far as possible to the sequence of the headings
in the accompanying letter from Colonel
T. Weldon C. I. C. the Commissioner of Police
Madras.

2— With the remarks contained in para 2
of Colonel Weldon's letter I entirely agree.

3 & 4— Regarding paras 3 & 4 of the same
letter I have nothing to say.

5— In para 5. occurs the first indication
of the error, — as to the suitable method of
examination of the Chopper, into which
both Colonel T. Weldon and
have fallen. This will be made to later.
The last clause in para 5. is
"from the examination of the Chopper"
is omitted

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. I consider that the evidence of Inspector Bradbury and the statement of the Assistant Chemical Examiner in the letter published by Mr. Gantzy show a considerable discrepancy.

6. — Contains statements by Colonel Weldon.

Issue
Recd.
7. — Colonel Weldon reiterates his statement that the knife was delivered to the Chemical Examiner in exactly the same condition as when picked up out of the drain and remarks that after such delivery the responsibility of the Police ceased. He also states that in his opinion the presence or absence of the coating of mud was a matter of no consequence whatever after the return of the knife from the Chemical Examiner's Office. These assertions of course will only hold good if Colonel Weldon's ideas as to the nature of the "examination" of a weapon in the Chemical Examiner's Laboratory prove to be correct. I shall refer to this under paras 13 & 14. The Assistant Chemical Examiner informs me that he also agrees with him, that

have totally removed the coating of mud from the knife. It would be extremely interesting if the complete history of the knife with its various examinations and handlings from the time of discovery till now could be ascertained and whether it could be recognized by every one who was shown it officially, as the same knife.

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d. Juro.
express

9. — Colonel Weldon sees fit, under para 9, to allude to the "extraordinary conduct of the Assistant Chemical Examiner." That his conduct should have appeared extraordinary to Colonel Weldon I can well believe from the subsequent remarks made by him in para 14 of his letter, and to which I shall refer again.

10. — The Chemical Examiner's Official's Report which was received in evidence is correctly stated by Colonel Weldon.

11 & 12. — The statements under corresponding paras are correct until

3. — In the first sentence of para 13. Colonel Weldon remarks that the Chemical Examiner gives information in his letter to Mr. Gantz which was of "not given to the Magistrate, the Crown Prosecutor or the Court before which the prisoner was arraigned." He alludes to these facts several times again, notably in para 14. where they will be dealt with in due order. The remaining portions of para deal almost entirely with Colonel Weldon's opinions on the method of examination of the knife and the form in which the subsequent report was framed. It might surely have occurred to an Officer of the experience of Colonel Weldon that he was here treading upon dangerous ground and that it behoved him to move warily. The object of the examination of a weapon or any other thing supposed to be blood-stained by the Chemical Examiner in his Laboratory is to ascertain the presence or absence of mammalian blood. To prevent any misconception on this point I herewith send a copy of the original letter from Colonel Weldon requesting the examination of the Chopper and two cloths for the presence of mammalian blood. I think a note with this effect should be sent to the

is always made use of in similar cases and is quite correct. It will thus be seen that both Colonel Weldon and Mr. Gantz in placing on record their extreme disappointment and regret that the Chemical Examiner's report did not contain a complete and detailed medico-legal expression of opinion regarding the condition of the Chopper, have fallen into the unpardonable error already referred to in para 5. With reference to the scientific opinion which Colonel Weldon speaking "as a layman" ventures to offer it seems to me quite unnecessary to increase the already very considerable length of this letter by a critical analysis of his "volunteered opinion". It may suffice to say that his remarks betray a more than usual ignorance of the subject he attempts to deal with. In contradistinction to Colonel Weldon I submit that it was not the Chemical Examiner's duty to make a complete examination of the instrument in the sense referred to by him and Mr. Gantz but that it was his duty to do what he was requested to do by Colonel Weldon, i.e. to examine the and report as and as convenient as he could.

6
13. Colonel Meldon sees fit to allude to the report as a misleading one and thereby makes evident his entire ignorance of the form in which such reports are invariably framed. "Had the opinion," of the said, now given by the Assistant with Chemical Examiner been as it ought to have been communicated to the Police and Magistrate further investigation could have been made at the proper time.

On what ground he considers that this opinion ought to have been voluntarily communicated to the Police I am at a loss to ascertain, and I do not consider that further investigation by the Police instituted as a result of this opinion would have been made at the "proper time". I strongly reiterate the tone of the last sentence under para 13. Mr Newman the Assistant with Chemical Examiner at the time of his appointment to his present office was a private Medical Practitioner and a Fellow of the Chemical Society. In addition he has had thirteen years of continuous practical experience in all cases of Mexico. Legal cases including the early 1000 instances where the presence of the Assistant with Chemical Examiner was the point of dispute. I am sure that the

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until

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 no form being, as I imagined, merely for
 the attachment to a petition to Government,
 and was never intended for publication
 of course with the full sanction of Government.
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 To put it in other words, in accepting
 such a bare report it is necessary
 to accept neither more nor less than
 what the report states as to the
 presence or absence of mammalian blood.
 From such a report any further
 inferences were made the Chemical
 Assistant cannot hold himself
 liable as well with

by Colonel Weldon, and which takes
 the form apparently of a remedy for
 the errors which have occurred in the
 conduct of this case, consists in the
 novel suggestion that the Chemical
 Examiner should like any other expert,
 in grave cases, be subject to personal
 examination and cross examination.
 He then proceeds to state that he has
 taken measures that in these cases
 the Chemical Examiner shall be cited
 to appear in person for such further
 examination as the Crown, the Accused
 or the Court may desire. From all of
 which it is apparent that the
 Commissioner of Police is in this case
 also ignorant of the ordinary method
 of procedure in such cases. There is
 no doubt whatever that the Chemical
 or Assistant Chemical Examiner should
 have been cited to appear in Court
 as has been the unvarying custom in
 Presidency Town & Murder Cases. and this
 would surely have been the most
 obvious and natural course for the
 prosecution or defence to have adopted
 as the case might be. Colonel Weldon
 in para 2 of his letter imputes
 to Mr Gantz either "the neglect of his
 duties" or "the want of skill" in not
 until

on certain points". With this imputation
 I have nothing to do save to note that
 the prosecution was to an equal degree
 "neglectful of its duty" or "showed a purpose
 of avoidance of examination".

15— With Colonel Malden's remarks
 in para 15 of his letter I entirely agree
 In conclusion then I beg once
 more to draw special attention to the

three following points.

16— The alleged want of complete
 examination of the Choppers. I have
 shown and it can be proved by reference
 to hundreds of letters filed in this office
 that it is the Chemical Examiner's
 sole duty in his Laboratory to examine
 the suspected articles for the presence or
 absence of hemmadian or other blood
 stains. If further information is desired
 it should either be specially asked for,
 as for example in Mr Gantz's letter
 supposing that to have been official;
 or, as has hitherto been the unwavering
 rule in Presidency Town Murder Cases,
 the Chemical or Assistant Chemical
 Examiner should be cited to appear for
 examination at the High Court (not
 the Magistrate's Court). Had this
 been done in the present case I

have been given, and that the relative
 distribution of the mud and of the
 apparently fresh stains would have
 been shown to be extremely important.
 I submit that it was the duty of the
 Police to preserve the knife intact
 as received from the Chemical Examiner
 Office and to have then cited that Officer
 to appear for examination; that is if
 they desired it.

18— The report was neither incorrect
 framed nor misleading. It was framed
 on the ordinary model in such cases and
 should have misled no one, being, as it
 was intended to be, a bare statement
 of fact pointing of itself neither one
 way nor the other.

19— With the last point, viz the
 furnishing of information to Mr Gantz
 I am more directly concerned, being at
 that time the Acting Chemical Examiner
 myself. I have already given my
 explanation and can only add that had
 I suspected in any way that the infor-
 mation was not both official and
 urgently required I should never have
 put pen to paper. I submit that
 blame attaches to Mr Gantz alone
 for taking advantage of his official position
 in connection with the case.

until

misleading me. As regards the statement
 that the information furnished (unwith-
 the singly) to a private individual was
 withheld from the legal advisers of the
 of Crown, it is untrue on the face of it,
 for withholding is a positive word
 and implies a keeping back, whereas
 the information which I certainly
 consider to have been important was
 never even asked for by the legal advisers
 of the Crown. It is perfectly impossible
 and quite outside the duties of the Chemi-
 cal Examiner to act in such a matter
 as will be requested to do so.

20.—I hope that I have fully
 and satisfactorily explained the position
 of the Chemical Examiner in this important
 case and I have done so, more readily as,
 save in the matter of sending the letter
 to Mr Gant, I was not personally
 concerned

I have the honor to be
 Sir
 Your most Obedt Servt
 A. E. Gant M.B. J.M.S.
 Acting Chemical Examiner.

City Police Office
 Madras 2nd July 1891.

From Colonel T. Weldon C.I.C.
 The Commissioner of Police
 Madras.
 To The Chemical Examiner
 Madras.

Sir
 I have the honor to forward an
 iron* Chopper and 2 cloths in sealed
 packets marked A and B respectively
 and to request you will be good
 enough to examine them and report as
 early as convenient as to whether all
 or any of them bear stains of
 mammalian blood.

2 The Chopper is supposed to be
 the weapon with which two persons
 were murdered on the night of 15th
 June 1891 at Kistnampett Madras
 and was found in a sewage drain
 some 100 yds. far from the scene of the
 murders 3 days after, but secreted
 until

until recovered today. The cloths were
those worn by the suspected murderer
when arrested 3 days after the
murders.

3 A fac-simile of the seal is
enclosed

I have the honor to be
Sir

Your most Obedient Servant

Signed T. Weldon. Col.
Commissioner of Police.

True Copy

Arund M.B.

Acting Chemical Examiner

Madras 19th August 1891.

To The Chemical Examiner
Madras.

Sir

Re Ramacharun Doss Triplicane
Murder Case.

Within the last few hours I have
received information (from what I
conceive to be a reliable source) calculated
to throw great light on the question of
the identity of the knife submitted
to you by the Police for examination
on 2nd ult. in connection with the above
case, and on public ground, as well
as in the interests of the Convict, I
have the honor to request that you
will be so good as to give me the
fullest information on the following
points at your very earliest con-
-venience.

I Did you examine the whole
knife, or only a portion.

II If only a portion, what portion

And

And why did you not examine the whole knife?

III Describe as nearly and accurately as possible, the exact portion of the knife on which you found traces of blood.

IV When the knife reached you - presumably under seal. was it wholly, or partially covered, with silt, mud, or any other matter.

V If only partially covered with silt, mud &c what portion was exposed to view, and did such exposed portion appear to you to have been originally also similarly covered with silt, mud &c and to have had such silt or mud removed before submission to you.

VI Did you return the knife to the Police under seal, and in the same state as received by you?

I have the honor to be

Sir

Your most Obedt Servt.
signed William S. Gantz

Barrister at Law & Counsel
deputed by the Crown to defend
the said ~~Chambers~~ ~~Doss~~
at the High Court Session

True copy.

W. Gantz

Examiner at the High Court Session

CURRENT NO. 4303
189/

From
THE CHEMICAL EXAMINER,
MADRAS,

To
THE Chief Secretary
to Government of
Madras.

Judicial Department.

SECRET
22 SEP 91

No. 808

Dated 21st
Received } September 1891.

ENCLOSURES 2
Two
From Comd. of
Police
Subject. Price returned

The Tropicane Murder Case.

Submits remarks on a letter
from the Commissioner of
Police to the Government of
Madras No. 65 of 10th Sept. 1891.
in accordance with G.O.
No. 1911 Dated 16th September 1891.

Sub. DEPARTMENT.

No. 7805.

From

Chemical Exam.

Dated 21 Sept.

189/

FOR ORDERS.

23 Sept.

23 Sept.

the of the Chemical Examiner
as an extraordinary power
Beyond dogmatic assertions of
is ignored as to the duties of a
Examiner in such cases & the way
to be carried out. It appears to
nothing in the shape of argument
but it is his duty of that officer
furnish no information except
yes or no, to questions put to him
by the officer sending substances
for examination. In this I certainly do
not see with him. The purpose of the
submission of substances to him for ex-
amination is surely that all the light
Chemical & medico-legal knowledge
Expert can throw upon the case
be furnished. It is impossible for
him to know what ~~substances~~ ^{substances} ~~they~~ ^{they} ~~may~~ ^{may}
is covered by the Expert ~~as to~~ ^{as to} ~~have~~ ^{have}
circumstances of the case, & to frame
them accordingly. It is to enable
him to form judgments as to such
as that he is furnished with a
of the case & the circumstances
of the substances sent.
I think, certainly the duty of
him to state fully in the interest
the justice all that he has dis-
covered and all the conclusions he has
led to by the examination considered
in relation to the circumstances of
the case ^{as communicated} to him. Here the
of the blood must have

Dr. Prout ^{alleges} that the tole drug
of the Chemical Exam. in his Labrat.
is to examine the deposited articles
for the purpose of ascertaining
them - But this is exactly what
has not been done - Instead of the whole
chapters being carefully examined
only an in and a few of the deposits
has been examined & the result on it was
not even mentioned. There was no
highlight of Dr. Prout - At the

or can discern

been of the utmost consequence; and he failed in his duty in not giving the information as part of the result of his examination. Col. Welton's observations on this subject & his description of the report as a misleading one seem fully justified. I think that an order should issue directing in similar future cases the conception which the As. Chemical Examiner appears to entertain as to his duty in these cases. Dr. Grant is not responsible for the conduct of Dr. Grant & of Mr. Newman. His explanation of his having so readily furnished information to Mr. Gaulty is that he thought it was not intended for publication but for use in a petition to Gov. Dr. Grant must be a person of extreme simplicity. However I don't think this explanation if it was going to give the information asked for. It was better that the facts should come out into the open. The fault was that it was not furnished in the first report. And when the importance of it was revealed to Dr. Grant by Mr. Gaulty's enquiries, he ought to have simultaneously communicated it to Col. Welton. Now Mr. Gaulty got wind of it does not appear. I think there must have been indiscreet meddling either by Dr. Grant or by Mr. Newman.

W
23 Sep.

not writing.

W

I am sure that Mr. Newman
Dr. Grant again he also
to give a Chemical Exam.
certificate.

W 24/9/91

W 24/9/91

W

W
27 Sep.

[5]

Papers to be read in Proceedings:—

Sub. DEPARTMENT.

Again G.O., dated

16 Sept

1891, No.

1911

Again G.O., dated

18, No.

from

Current No.

of 18

dated

Current No.

7303

of 1891

dated

21 Sept

from the

Chemical Exam.
had.

8 Oct 1891 No. 2068

The Govt cannot accept Dr. Grant's explanation as satisfactory & considers that ~~Dr. Grant's~~ ^{Dr. Grant's} observations on this subject & his description of the Chemical Examiner's report as misleading are fully justified. Dr. Grant's view that the duty of a Chemical Examiner is confined to replying briefly to questions put to him by the Police or other officer forwarding substances for examination. It is impossible for such an officer to anticipate what discoveries will be made by the Chemical Exam. & to frame his questions accordingly & the interests of justice demand that the Chemical Exam. should state fully in his report all that he has discovered or can discover & the conclusions he has been led to by the examination. Considered with reference to the circumstances of the case as communicated to him. It is a view to enable the Chemical Exam. to form an opinion as to the relevance of every fact discovered & to obtain the

Dec

901

24/9/91

Benefit of his special chemical & medico-legal knowledge, that he is furnished with a statement of the case & the circumstances attending the finding of the substances forwarded for examination. In the present instance the Chemical Examt. must have seen at once that the freshness of the bloodstain was of the utmost importance, & he failed in his duty in omitting to give information of the fact as part of the result of his examⁿ. Even ~~the~~ ^{an} the duty of the expert as limited by D^r Grant ~~was~~ ^{was} ~~imperfectly performed~~ ^{imperfectly performed} the ~~chopper~~ ^{chopper} was forwarded for examⁿ ~~which~~ ^{but this} ~~was never effected~~ ^{was never effected} for ~~an attempt~~ ^{an attempt} ~~was made to~~ ^{was made to} ~~remove the mud which covered the~~ ^{remove the mud which covered the} greater portion of the blade. This neglect on the part of the Examt. D^r Grant is in no way responsible for the failure in duty on the part of D^r Pope & D^r Newman & the Govt. is not prepared to say that he did wrong in furnishing the information asked by D^r Gaulty. It was better that the facts should come out late than not at all. D^r Gaulty ~~should have~~ ^{has done & is doing} ~~communicated~~ ^{communicated} all the circumstances of the case to the Com^{rs} of Police immediately. Their importance was being revealed to him by D^r Gaulty. Enquiries & ~~discovery~~ ^{discovery} in his limited view of the nature of the duties of an Expert constitutes a grave error. The Govt. takes this opportunity to draw the attention of the Surg. Genl. to the imperfect nature of the certificate drawn up by D^r Reeves after examⁿ of the bodies of the murdered persons. It contains no description of the number or nature of the wounds or the state of the bodies. The Surg. Genl. will issue orders to ensure more complete & detailed certificates in future.

Benefit of his special chemical & medico-legal knowledge, that he is furnished with a statement of the case & the circumstances attending the finding of the substances forwarded for examination. In the present instance the Chemical Examt. must have seen at once that the freshness of the bloodstain was of the utmost importance, & he failed in his duty in omitting to give information of the fact as part of the result of his examⁿ. Even ~~the~~ ^{an} the duty of the expert as limited by D^r Grant ~~was~~ ^{was} ~~imperfectly performed~~ ^{imperfectly performed} the ~~chopper~~ ^{chopper} was forwarded for examⁿ ~~which~~ ^{but this} ~~was never effected~~ ^{was never effected} for ~~an attempt~~ ^{an attempt} ~~was made to~~ ^{was made to} ~~remove the mud which covered the~~ ^{remove the mud which covered the} greater portion of the blade. This neglect on the part of the Examt. D^r Grant is in no way responsible for the failure in duty on the part of D^r Pope & D^r Newman & the Govt. is not prepared to say that he did wrong in furnishing the information asked by D^r Gaulty. It was better that the facts should come out late than not at all. D^r Gaulty ~~should have~~ ^{has done & is doing} ~~communicated~~ ^{communicated} all the circumstances of the case to the Com^{rs} of Police immediately. Their importance was being revealed to him by D^r Gaulty. Enquiries & ~~discovery~~ ^{discovery} in his limited view of the nature of the duties of an Expert constitutes a grave error. The Govt. takes this opportunity to draw the attention of the Surg. Genl. to the imperfect nature of the certificate drawn up by D^r Reeves after examⁿ of the bodies of the murdered persons. It contains no description of the number or nature of the wounds or the state of the bodies. The Surg. Genl. will issue orders to ensure more complete & detailed certificates in future.

Kama chand as D^r Case

Ku + Km. Dr. Gaulty

(From 1891)

Handwritten notes and signatures, including "Gaulty" and "29/9".

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22 OCT 1911

[Despatch Abstract.]

Implication Murder Case

Passing order on letter
from the Chemical Examiner
regarding his action in
connection with the —

Shaw Prof. H. H. H.
8/10