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MADRAS RECORD OFFICE.

Government of Madras.

Public works DEPARTMENT.

G.O. No. 560 Press
529-530 Mis.
Dated 25-2- 1871.

Not to be folded or roughly handled

Proceedings of the Madras Government, Public Works Department, 25th February 1871

No. 529. Read the following letter from Messrs J MILLER and W SCHARLIEB, Counsel for Ragava Charry, to the Secretary to Government, Public Works Department, dated Madras, 20th February 1871 —

WE have the honour to state that we have been retained as Counsel for V Ragava Charry, one of a firm of Contractors employed to carry out the repair of the Ahtoor Channel and certain other works in the Tinnevelly District, and within the Range of Mr A Colquhoun; and we beg to submit certain circumstances in connection with the course of proceedings instituted by the Magistrate of the District for the immediate consideration of Government

2 In their Proceedings, dated 7th February 1871, Government were pleased to observe that they could not pass any orders on Ragava Charry's representation, begging that Mr. Puckle's hand should be stayed pending the investigation which Mr McGregor had been ordered specially to take up, because the Magistrate had already committed Ragava Charry to take his trial on charges of cheating and forgery. This observation of Government was based on a report from Mr. Puckle, dated 26th January 1871; but on this day Mr. Puckle had not committed Ragava Charry, and he did not commit him until four days after During these four days, after the Government had virtually taken the case out of Mr. Puckle's hand, he continued taking depositions from witnesses, and it was not until the 30th January that he did commit Ragava Charry to take his trial, and then, upon totally different charges from those he had reported to Government the actual charges of committal being abetment of an attempt by a public servant to cheat the Government, and the fabrication of false evidence in books of account intended to be produced in a Judicial proceeding, such books, however, not having been produced by Ragava Charry, but seized and called into Court by the Magistrate himself This of itself will show how strongly biased the Magistrate is in this case, how anxious he is not to acquiesce in the wishes of Government; and how necessary it is that the investigation should be entrusted to another tribunal not hampered by local prejudices.

3. That the District Magistrate is unduly biased in this case, there can be no doubt. He endeavoured to induce Ragava Charry to give evidence against Mr. Colquhoun on promise of full immunity from all prosecution; and it was only on Ragava Charry refusing to bear evidence against Mr Colquhoun that he resolved to commit him for trial. He issued warrants to search Ragava Charry's house, the houses of his partners, Mr Colquhoun's house, and the houses of all their friends and acquaintances, to seize all such letters or papers as might be turned to account in this case. He issued warrants against Ragava Charry's partners; and from the circumstance of these men not unnaturally taking fright at the pressure put by the Magistrate on all sides, and removing themselves from the district, Ragava Charry is deprived of their evidence, so that his mouth and the mouths of those whom he could call to bear witness in his behalf are shut.

4. Ragava Charry has applied to the Sessions Court that Colonel Wilkieson and Captain Prendergast should be summoned to certify to the measurement of work executed on the Ahtoor channel, Streevigoontum tank, and Pudukudi channel; but as these Officers are in the service of Government, and it is highly desirable for the interests of the accused that these officers should be in a position to depose on actual measurement before they enter the witness box, it is Ragava Charry's

earnest request that the Government will be pleased to set these officers free, so to time their departure for Palamcottah as to arrive there three or four days before the trial, in order that they might proceed to the works in question, and there examine and measure up the work executed, as pointed out both by Mr. Colquhoun and Ragava Charry himself.

5 It will be seen that Ragava Charry has no other object than that he should be tried in a fair and constitutional manner; that he should have the fullest opportunity of proving his innocence; and that his witnesses should be in a position to state the full facts of the case, and in this humble endeavour to secure the advantages of a British citizen, he begs he will receive the support of Government.

No. 530. ORDER THEREON, 25th February 1871, No. 560.

ESTABLISHMENT, No. 40.

HIS Excellency the Governor in Council observes, with reference to paragraph 2 of this letter, that whereas in writing on the 26th January Mr. Puckle reported that he was about to commit Ragava Charry on certain charges, the Order of Government on the latter's memorial is dated the 7th February, at which time it was known that the committal had taken place.

2 As Captain Prendergast was Superintending Engineer at the time that the works indicated in paragraph 4 were carried out, that Officer may, perhaps be desirous of personally examining and measuring them prior to being required to give evidence before the Sessions Court in connection with the allegations on which Ragava Charry has been committed. If so, the Government have no objection to his proceeding to Palamcottah at an earlier date than would be necessary for attendance at the Court.

3. As Colonel Wilkieson has had no connection with the works in question, it is not necessary, in the opinion of Government, that he should professionally examine them.

(True Extract)

Colonel, R.E.,
Secretary to Government.

To J. Miller, Esq., } Counsel for Ragava Charry
" W. Scharlieb, Esq., }
" Captain H. L. Prendergast, R. E.
" Colonel C. V. Wilkieson, R. E
To the ~~Acting~~ Superintending Engineer, 5th Division.
" Judicial Department.

Ext. E. C. Slunker.

Madras,
20th February 1871

(3)

To
Colonel C. A. Orr, R. E.
Secretary to Govt, P. W. Department

Sir,

1. We have the honor to state that we have been retained as counsel for S. Ragavachariar, one of a firm of Contractors employed to carry out the repair of the Adyar Channel and certain other works in the Tinnevelly district, and within the Range of Mr. J. Colquhoun; and we beg to submit certain circumstances in connection with the cause of proceedings instituted by the Magistrate of the district for the immediate consideration of Government.

2. In these proceedings dated 4th February 1871, Government were pleased to observe that they could not pass any orders on Captain Hassard's representation, begging that Mr. Puckle's case should be stayed pending the investigation directed of Mr. McGregor had been ordered, as well as to take up, because the Magistrate had already committed Ragavacharry to take his trial on charges of cheating and forgery. This observation of Govt was based on a report from Mr. Puckle dated 26th January 1871; but on this day Mr. Puckle had not committed Ragava Charry; and he did not commit him until four days after. During these four days, after the Government had virtually taken the case out of Mr. Puckle's hand, he continued taking depositions from witnesses; and it was not until the 30th January that he

did commit Rajavalcarry to take his trial,
and thereupon totally different charges from
those he had reported to Government; the actual
charges of committal being a betrayment of an attempt
by a public servant to cheat the Government,
and the fabrication of false evidence in books
of account intended to be produced in a judicial
proceeding, such books however not having
been produced by Rajavacharry, but seized
and called into Court by the Magistrate himself.
This of itself will show how strongly biased
the Magistrate is in this case, how anxious
he is not to acquiesce in the wishes of
Govt.; and how necessary it is that the
investigation should be entrusted to another
tribunal not hampered by local prejudices.

3. That the district Magistrate is unduly
biased in this case, there can be no doubt.
He endeavoured to induce Rajavalcharry
to give evidence against Mr. Colquhoun on
promise of full immunity from all prose-
cution; and it was only on Rajavalcharry
refusing to bear evidence against Mr.
Colquhoun that he resolved to commit
him for trial. He issued warrants to search
Rajavacharry's house, the houses of his
partners, Mr. Colquhoun's house, and the
houses of all their friends and acquaintances
to seize all such letters or papers as might
be turned to account in this case. He issued
warrants against Rajavalcharry's partners,
and from the circumstance of these men
not unnaturally taking fright at the pressure

put by the Magistrate on all sides and
removing themselves from the district, Ra-
javalcharry is deprived of their evidence
so that his mouth, and the mouths of
those whom he could call to bear witness
in his behalf, are shut.

4. Rajavalcharry has applied to the Session
Court that Colonel Wilkinson and Captain
Prendergast should be summoned to certify
to the measurement of work executed on the
Ashtoor Channel, Streangoontum tank, and
Puduckudi Channel; but as these officers
are in the service of Govt., and it is highly
desirable for the interests of the accused
that these officers should be in a position
to depose on actual measurement before
they enter the witness box, it is Rajava-
charry's earnest request that the Govt.
will be pleased to set these officers
free so to time their departure for Palam-
cottah, as to arrive there 3 or 4 days before
the trial, in order that they might proceed
to the works in question, and there examine
and measure up the work executed, as
pointed out both by Mr. Colquhoun and
Rajavacharry himself.

5. It will be seen that Rajavacharry
has no other object than that he should
be tried in a fair and constitutional
manner, that he should have the
fullest opportunity of proving his inno-
cence, and that his witnesses should
be in a position to state the full fact

of

of the case; and in this humble endeavour to secure the advantages of a British Citizen, he begs he will assume the support of Government.

We have the honour to be

Sir,

Your most Obedient Servants,

Colin Mullen

Will Scharlieb

Counsel for Rajavallurry

No. 1 to Madras Govt.

No. 560

[illegible]

3

[illegible]

latter's memorial is dated the 7 February at which time it was known that the

of the case; and in this humble endeavour to secure the advantages of a British Ca[illegible] will become the support[illegible]

Y

Rx 1871 Sept
No 839
Reps Miller &
Schonfeld
Q 20
Rd 28 Feb/71
No 560 - 25 Feby/71
Bringing to notice certain circumstances connected with the case of Rayana Charry & requesting that Lieut Will Rieve and Captain Prendergast may be set free so as to enable them to attend the trial at Palamcottah -

No 560 Rd
Nov 17 The Madras Govt
Read the following

From Reps Miller & Schonfeld } Rx 28 Feb/71

His Excellency the Governor in Council observes with reference to para 2 of this letter, that whereas the evening on the 26 January Mr Fuchild reported that the Mr Adjutant to Commissariat Razaracharry was certain charges the order of Government on the latter's memorial is dated the 7 February, at which time it was known that the

the Committal had taken
place.

As Capt. Vendergast
was Asst Engineer at the time
that the works indicated
in Para 2 were carried out,
that Officer may perhaps
be desirous of personally
examining and measuring
them prior to being required
to give evidence before
the Sessions Court in con-
nection with the allegations
on which Rajavachariy
has been committed.
If the Govt have no
objection to his proceeding
to Palamcottah at an
earlier date than would be
necessary for attendance at
the Court.

As Lt Wilkie now has
had no connection with the
works in question it is
not necessary in the opinion
of Government that he
should professionally
examine them.

W.E.

56

1/ To J. Miller Esq. } Counsel for
1" W Scharlieb Esq } Rajavachariy. ✓
2/ Capt. H L Vendergast RE. ✓
2" Col. C.V Wilkie RE ✓
6" Sessions & D.J. ✓
1" Judl Dept ✓

Desp. 25/2/71.

Pro Februario, fol. N° 171. 178

1839

Govt of Madras.

PUBLIC WORKS.

To

Dated

Read

~~0.25~~ Fancy 11 1.560.

No. 5394530.

Contractor Rayanchassy —

Taking orders in the letter from Majr. Miller and Scharlieb bringing notice certain circumstances in ~~the case~~ connected with the case of Rayanchassy, Contractor, & requesting that Lt. Wilkinson & Capt. Pendergast may be permitted to attend the trial at Palamcottah —