

ORDINARY, MS.

Public DEPARTMENT.
G.O., DATED 5-9-92
No. 627.

When given for copying.

[Despatch Abstract.]

*Referring to account-
-der the order paper
in the W. L. Newman
case -*

FURTHER PAPER, No. 1-2821-93 OF 18

READ AGAIN ORDER OF GOVERNMENT, DATED
18, No. , MISCELLANEOUS.

ENCLOSURES

CURRENT No.

STATEMENT WITH DITTO

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT

STATEMENT WITH DITTO

PAPERS NOT FILLED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL (not paged)

N.B.—
A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only.

Madras,
1892.

From

William Samuel Newman, F.C.S.,
Ex-Assistant Chemical Examiner
to Government.

To

His Excellency the Governor in Council,
Fort St. George,
MADRAS

Dated

August 1892.

Received
RyS

ENCLOSURES. /

SUBJECT.

(Memorial of the Ex-Assistant Chemical Examiner
Mr. W. S. Newman clearing him of the charges by
reference to enclosures, and seeking redress for his
summary dismissal from the Public Service.

8/10/91 2142068
23/1/92 2142068

6-5-92. No. 312 Public
2-5-92. " 195 Pub [Con 57/1891]
23. 1. 92 — 56. Pub [Con 18/1891]
26-11-91 — 2415. Pub [Con 198/1891]
8. 10. 91 — 2068. [Con 170/1891]
16-11-91 — 1911 — [Con 155/1891]

Order of 5th Sept 1892. No. 627

Mr. Newman will be
informed that H.E. The
Gov. in Council having
considered his Memorial does
not find it necessary to
reconsideration of the orders
already passed in his case.

DESPATCHED 29.9.92 3 Sept

Petitioner
Copy to Chemical Examiner

Submitted that a short order of this
nature will suffice as it does not seem
necessary to enter into details with regard
to each part of his memorial.

ENCLOSURES.

(I.)

PUBLIC DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following papers:—From the Chemical Examiner, dated 3rd March 1892, No. 229. Petition from Mr. W. S. Newman, dated 18th March 1892.

Order, dated 25th March 1892, No. 195.

Mr. Newman will be furnished by the Chemical Examiner with copy of the correspondence read in G. O. dated 23rd January 1892, No. 56 and with copy of paras. 1 to 6 and 9 to 11 of the order itself.

(True Extract.)

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

To Mr. W. S. Newman, The Luz.

(II.)

PUBLIC DEPARTMENT.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following paper:—From Mr. William Samuel Newman, F.C.S., Ex-Assistant Chemical Examiner to Government, dated 22nd April 1892.

Order, 6th May 1892, No. 312.

The Chemical Examiner will furnish Mr. Newman with copies of enclosures A. B. C. D. and E. to Dr. Pope's letter dated 7th December 1891 No. 1032 and with a copy of the extract from Mr. Newman's Service Register asked for by the latter.

2. G. O. dated 8th October 1891 No. 2068 Judicial has no direct bearing on Mr. Newman's case and copy cannot therefore be supplied.

(True Extract.)

(Signed) A. BUTTERWORTH,
Ag. Under Secretary.

To Mr. Newman, The "Luz," Madras.

(III.)

TO HIS EXCELLENCY THE GOVERNOR-IN-COUNCIL, MADRAS.

THE HUMBLE PETITION OF WILLIAM SAMUEL
NEWMAN, FELLOW OF THE CHEMICAL
SOCIETY, LONDON, EX. ASST. CHEMICAL
EXAMINER TO GOVERNMENT.

MOST RESPECTFULLY SHEWETH:—

That your humble Petitioner was the Assistant Chemical Examiner from 11th December 1878 to 30th November 1891, when he was suspended by the Acting Chemical Examiner Dr. Pope immediately on the termination of an investigation held by Colonel Weldon in connection with the Triplicane Murder Case; that your Petitioner has already forwarded through Colonel Weldon to your Excellency in Council a humble protest against such investigation: that your Petitioner has also submitted for the information of your Excellency in Council his letter addressed to Dr. Pope, simply to show the necessity for a Commission of enquiry, and

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Public 195

fully relied upon an opportunity being afforded him to clear himself of whatever charge or charges Dr. Pope might have laid against him; that on the 10th February last Your Petitioner was painfully surprised with a Memorandum from Dr. Pope No. 144 of 9th February (copy A herewith enclosed) intimating "the Government has decided to dismiss him from the Public Service"; that your Petitioner thereupon begged of Dr. Pope by letter dated 11th February (copy B enclosed) for copy of the Government Order as also of all papers relating to his dismissal, together with Petitioner's Service Book, and was disappointed by the receipt on the 16th February of Dr. Pope's reply No. 166 of 15th February (copy C enclosed); that your Petitioner, surprised to learn that Mr. Rungasawmy Iyengar and the Collector of Sea Customs had reported as stated in (C), addressed the former, letters dated 27th February and 2nd March respectively (copies D., E. enclosed), and to the latter gentlemen, letter dated 27th February (copy F enclosed) and received from those gentlemen in reply communications dated 1st and 2nd March respectively (copies G., H. enclosed); whereupon Your Petitioner rather than trouble Government addressed Dr. Pope a second time by letter dated 3rd March (copy J enclosed) begging for copies of documents required to enable Your Petitioner to present his appeal to your Excellency in Council, but to this day has received no reply.

That Your Humble Petitioner respectfully begs to represent that the Rules relating to Dismissal of uncovenanted Servant provide, that "in every case, the "specific grounds upon which it is proposed to dismiss any servant should be "reduced to writing and furnished to him, and the answer or defence or explanation of the party taken in writing," that "where a specific fraudulent act is "charged, of course it should be proved in the presence of the Party accused "and subject to his cross-examination" and that "copies of the whole of such "proceedings should be furnished to the person dismissed"; that notwithstanding Your Petitioner has been dismissed without being afforded any opportunity of knowing for certain and answering fully the charges upon which he has been dismissed, and so far from any fraudulent act being proved in his presence subject to his cross-examination he was not even made aware of particulars of any reports made against him until after his dismissal—(his letter to Dr. Pope dated 2nd December 1891 was submitted in anticipation for the sole purpose of proving the bias of his immediate Superior and to induce a fair and independent enquiry at which he could explain matters fully and clear himself,) and is laboring to this day under the difficulty of obtaining copies of proceedings and papers relating to his case.

That Your Humble Petitioner therefore begs, your Excellency in Council will be pleased to order copies of every paper bearing on his case be furnished him without further delay in order to enable Your Petitioner to submit his appeal in time.

And Your Humble Petitioner, as in duty bound,

SHALL EVER PRAY.

(Signed) W. S. NEWMAN.

A

From The Chemical Examiner, Madras.

No. 144, DATED 9TH FEBRUARY 1892.

To Mr. W. S. NEWMAN, MYLAPORE.

Has the honor to state that orders have been received in this office from Government in connection with the investigation lately held on the subject of the Triplicane Murder Case and also on the charge laid against him of misappropriation of spirits which were being tested in this office, and the Government has decided to dismiss him from the Public Service.

(Signed) T. H. POPE, M.D., B.Sc.,
Ag. Chemical Examiner.

B

MADRAS, 11TH FEBRUARY 1892.

To T. H. POPE, Esq., M.D., B.Sc.,

Ag. Chemical Examiner, Madras.

Sir,

I have the honor to acknowledge receipt of your Memo. of the 9th instant, simply informing me of Government orders received in your office "in connection with the investigation lately held on the subject of the late Triplicane Murder Case, and also on the charge laid against me, of misappropriation of spirits tested in your office, and of my dismissal from the Public Service—without even stating the No. or date of the G. O. referred to.

In reply I beg to state that I am not aware of any investigation held on any charge against me of misappropriation of spirits; I am therefore completely in the dark as to the Proceedings which have led to my dismissal. For one thing, I have yet to know the date, and the subject-matter of the misappropriation I am accused of, for the admission I made orally and in my letter to you dated the 2nd December 1891, could not I think involve any misappropriation on my part, or it would equally involve every single individual in the Chemical Examiner's Office, except Mr. Rungasawmy Iyengar, from the Chemical Examiner himself downwards, it being a well known fact that from the custom of the office, long prior to my entertainment, samples of articles sent to be tested and retained for obvious reasons were used for the private purposes of the establishment.

In the circumstances, I beg you will in common justice, in order to enable me to make a regular appeal to Government furnish me with copy of the G. O. above referred to, copies of the several letters you have written against me to Government, copies of statements against me you may have received, and forwarded to Government together with copies of any statements you have made against me to any Public Officer. I beg you will also favor me with my Service Book. Time being of the utmost consequence to me, in the unfortunate position in which I am placed, I request you will be so good as to comply with my request at your earliest convenience: in the event of your so desiring it, I would go to your office and take the copies myself, or meet the expenses of your ordering copies to be made. Should I however, not hear from you within a week from this date, not having received any acknowledgment from you to my letter of the 11th January 1892, I will infer that you refuse to give me any information I require for any appeal, and act accordingly.

I beg to remain, Sir,
Your most obedient Servant,
(Signed) W. S. NEWMAN.

C

The Chemical Examiner, Madras.

No. 166 DATED 15TH FEBRUARY 1892.

MR. W. S. NEWMAN, MYLAPORE.

REFERENCE—HIS LETTER DATED 11TH FEBRUARY 1892.

Has the honor to state that in connection with the charge laid against him of misappropriation of spirits, he must be well aware that he was reported to have misappropriated them by Mr. Rungasawmy Iyengar, and that therefore the spirits were only those sent since April 1891 from the Customs' House to be tested by the obsecration method, and that these spirits were never retained for "obvious reasons." They were tested and the unexpended portions returned by order, and they were never used for the private purposes of the establishment, except by him, himself. The Collector of Sea Customs had reported that the unexpended portions were tampered with, and this led to the discovery, which formed the basis of the charges in question against him.

With reference to the rest of the letter he is at liberty to address the Government direct and obtain whatever information they may think fit to give him. His service book will be dealt with according to the rules of the service and returned to him in due course if this is the regular procedure.

His letter of the 11th January 1892 was received, but as the charge on which he was suspended was so grievous, it was not thought proper to request the Government to grant him only subsistence allowance.

(Signed) T. H. POPE, M.D., B.Sc.,
Ag. Chemical Examiner.

D

THE LUG.

MADRAS 27th FEBRUARY 1892.

Dear Sir,

In reply to my letter of the 11th instant Dr. Pope has written me amongst other things "that in connection with the charge laid against him of misappropriation of spirits he must be well aware that he was reported to have misappropriated them by Mr. Rungasawmy Iyengar." I certainly was not aware that you reported me. I request you will have the goodness to

reproduce for me the terms of your report and return the enclosed paper of questions with your answers.

Time being of the utmost consequence to me in respect to my intended appeal to Government, I request you will favor me with a reply per bearer if possible. Should I however not hear from you within two days in reply, I shall infer that you refuse to furnish me with any information which in common justice is due to me, and shall therefore act accordingly.

Did you ever see me take and use any of the unexpended portion of spirit sent from the Customs House to be tested by the obscuration method?

Should you say you did, which I don't expect, on what day or dates did you see me do so, and why did you not report me at the time?

Is not ten ounces the least quantity required from each sample of spirit to satisfactorily test the same?

At whose suggestion did you pen any report against me, in connection with spirits if it was not spontaneously of your own free will and on what date?

To

MR. RUNGASAMY IYENGAR, B.A.,
TRIPLICANE.

Yours faithfully,
(Signed) W. S. NEWMAN.

E

THE LUZ.

MADRAS, 2ND MARCH 1892.

Dear Sir,

My appeal is delayed in consequence of the non-receipt of your reply promised in your receipt to my letter of the 27th ultimo; may I request you will favor me with it per bearer and oblige.

To

MR. RUNGASAMY IYENGAR, B.A.,
TRIPLICANE.

Yours faithfully,
(Signed) W. S. NEWMAN.

F

MADRAS, 27TH FEBRUARY 1892.

To W. P. AUSTIN, Esq., COLLECTOR OF SEA CUSTOMS,
MADRAS.

Sir,

Dr. Pope the Acting Chemical Examiner to Government having informed me in connection with the charge laid against me of misappropriation of spirits from the Customs House, that "The Collector of Sea Customs had reported that the unexpended portions were tampered with," I beg you will be so good as to communicate to me the exact terms of such report and favor me with the information as to whether or when for the first time, and how you were certain that the unexpended portions of spirits were tampered with, and whether or not your report was in consequence of any communication from Dr. Pope.

Time being of the utmost consequence to me in the unfortunate position I am placed in, may I beg you will favor me with a reply at your earliest convenience.

I beg to remain, Sir,
Your obedient Servant,
(Signed) W. S. NEWMAN, v.c.s.

G

Sea Custom House,
MADRAS 1ST MARCH 1892.

From

The Collector of Sea Customs.

To Mr. W. S. NEWMAN, F. C. S.,

THE LUZ, MADRAS,
No. 503.

With reference to his letter dated 27th instant, Mr. Newman is referred to the Chemical Examiner to whom he should apply for papers or information regarding his case.

(Signed) W. AUSTIN,
Collector of Sea Customs.

5

H

TRIPLICANE, 2ND MARCH 1892.

Dear Sir,

I am very sorry that I cannot, on my own account, give you the information you desire of me, I can only suggest to you that you may address a letter to Dr. Pope through whom I can reply if he chooses. You know very well, how I shall entangle myself, if I give you any information without being authorised to do so by my superior Dr. Pope: in fact I may be brought to the same predicament in which you are in. Hoping to be excused.

To

MR. W. S. NEWMAN, F. C. S.,
THE LUZ.

I remain,
Yours sincerely,
(Signed) T. RUNGASAMY.

J

THE LUZ,
MADRAS, MARCH 3RD, 1892.

To

T. H. POPE, Esq., M.D., B.Sc.,
Ag. Chemical Examiner,
MADRAS.

Sir,

Referring to your Docket of the 15th ultimo, I beg to reiterate my request that you will have the goodness to let me have my Service Book which I have been awaiting for the last three weeks. The book being my property it should not be withheld from me.

In endeavouring to obtain some information relating to the charge you laid against me of having misappropriated spirits, I have written to the Collector of Sea Customs and to Mr. Rungasamy Iyengar for the terms of their reports which you referred to and both gentlemen are of opinion, that I should get the information from you.

If you have made any damaging statements against me to Government leading to my dismissal from a sense of duty, I respectfully submit that you will in common fairness afford me every opportunity of promptly clearing myself by furnishing me at least with a copy of such statements, as it cannot be supposed for a moment, that any Government would blame you for so doing. Lest my silence on the matter should be misconstrued, I beg to state, that you are wrong in writing "he must be well aware he was reported to have misappropriated them by Mr. Rungasamy Iyengar, and that therefore the spirits were only those sent since April 1891 from the Custom House to be tested by the obscuration method, and these spirits were never retained for 'obvious reasons.' They were tested and the unexpended portions returned by order, and they were never used for the private purposes of the establishment except by him, himself." I can prove the incorrectness of such statement from beginning to end, should I be afforded an opportunity.

In conclusion, I beg you will reconsider and grant the request in my last letter and prevent unnecessary trouble to Government, and further delay my appeal.

I beg to remain,
Sir,
Your obedient Servant,
(Signed) W. S. NEWMAN.

(IV.)

To

HIS EXCELLENCY
THE GOVERNOR-IN-COUNCIL,
Madras.

THE HUMBLE PETITION OF WILLIAM SAMUEL
NEWMAN, FELLOW OF THE CHEMICAL SOCIETY,
LONDON—EX-ASSISTANT CHEMICAL EXAMINER TO
GOVERNMENT.

MOST RESPECTFULLY SHEWETH,

That with reference to Government Order, dated 25th March 1892, No. 195, the acting Chemical Examiner Dr. Pope sent your Petitioner the correspondence therein referred

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to without the enclosures of certain letters, notably copy of the letter of the Collector of Sea Customs and copies of the Report of Mr. Rungaswamy Iyengar, and of statements of two others forming the bases of the 2nd charge against your Petitioner; whereupon your Petitioner addressed Dr. Pope by letter reply to which was received last night (copies here-with submitted) that your Petitioner needs scarcely say that without even knowing what were the exact statements made to support what he considers the gravest charge laid against him he must be utterly unable to frame his appeal and would be groping in the dark in attempting any refutation; that your Petitioner therefore humbly begs that your Excellency-in-Council will issue the necessary order to place your petitioner in a position to send in his appeal to your Excellency-in-Council without further delay.

And your Humble Petitioner as in duty bound,
Shall Ever Pray,
(Signed) WILLIAM SAMUEL NEWMAN, P.C.S.

The "Luz,"
MADRAS,
22nd April 1892.

From
THE CHEMICAL EXAMINER,
Madras.
No. 382.

Dated and Received 20th April, 1892.

ENCLOSURES.

To
Mr. W. S. NEWMAN,
Mylapore.

Your letter No. , dated 19th April 1892.

SUBJECT.

Has the honor to state that he has been supplied with a complete copy of the correspondence which Government has directed him to be supplied with in their G. O. No. 195 dated 25th March 1892. The spirit of the order has been obeyed to the letter, and no correspondence contained in the order (a copy of which has been furnished) has been omitted except paras. 7 and 8 in the order itself.

T. H. POPE, M.D., B.SC.,
Acting Chemical Examiner.

THE "LUZ," MADRAS,
April 19th 1892.

T. H. POPE, Esq., M.D., B.SC.,
Acting Chemical Examiner,
Madras.

SIR,

Acknowledging the receipt of your docket of the 7th instant together with copy of the proceedings of Government Public Department dated 23rd January 1892 No. 56 and the order thereon paras. 1-6 and 9-11, I regret to observe that you have failed to furnish me with copy of the copy of the letter of the Collector of Sea Customs, copy of the original report of Mr. Rungaswamy Iyengar and copies of the statements of two others in the office which you have forwarded to Government with your letter No. 1032 dated 7th December 1891, and without which it is clear that the correspondence cannot be considered complete, and that I should be deprived of the opportunity of refuting in my appeal to Government the gravest of the charges you have laid against me, in reference to which the Government have been pleased to observe "Mr. Newman has not had an opportunity of cross-examining the deponents in this matter."

I have already been unduly prejudiced by your withholding copies of papers absolutely required to enable the framing of my appeal to Government and now that I have obtained a G. O., I trust that at least in obedience to the spirit of the order you will have the goodness to furnish me with the above mentioned copies filling up the blanks left in your letter dated 7th December 1891 No. 1032, as also copy of G. O. dated 8th October 1891 No. 2018 Judi-

cial containing letters of Col. Weldon and of Dr. Grant together with copy of the extract from my service Register you furnished Col. Weldon and forwarded with his letter dated 3rd December 1891 to the Chief Secretary to Government to complete the correspondence mentioned in the G. O. directing you to furnish me with copies of the correspondence read in G. O. dated 23rd January 1892 No. 56, and prevent Government being again unnecessarily troubled in this preliminary matter.

I remain,
Sir,
Yours obediently,
(Signed) W. S. NEWMAN.

MADRAS SEA CUSTOM HOUSE,
Dated 3rd Dec. 1891.

No. 2482 G.

From
W. P. AUSTIN, Esq.,
Collector of Sea Customs.

To
THE CHEMICAL EXAMINER,
Madras.

SIR,

I have been observing that the unexpended samples of spirits which are being returned by you to this office have since the 26th ultimo been received with about only 4 to 6 oz. of spirit spent which appears to be all that is required for carrying out the obscuration test. While previously, ever since the introduction of the test the quart samples have been returned with about 12 in some cases 8 oz. only, while the pints have come almost empty. In fact of the 2 samples received on the 26th, the pint of Brandy was less by $\frac{1}{2}$ while the quart contained half or about 12 oz. of liquor. I have the honor therefore to request you will be good enough to let me know whether the former excessive deficiencies of spirit can be accounted for by you as due to any special causes, as these samples have to be restored to the consignees, in all cases less the actual quantity expended in the test.

I have &c.,
(Signed) W. P. AUSTIN,
Collector of Sea Customs.

(True Copy.)

H. ALLISON, M.D.,
Ag. Chemical Examiner.

CHEMICAL EXAMINER'S OFFICE,
30th November 1891.

SIR,

It is with extreme pain of mind that I have to bring to your notice a matter which I happened to observe lately, and which I suspect should have been going on even before that. I found that the unexpended portions of the spirits (to be returned to the Customs House) were tampered with and that a considerable portion of the spirits had been abstracted away. I am sorry to say that I learnt that Mr. Newman, the Asst. Chemical Examiner was at the bottom of it.

I beg &c.,
(Signed) T. RANGASWAMI AIYANGAR.

(True Copy.)

H. ALLISON, M.D.,
Ag. Chemical Examiner.

Subscribed A.
to C. No. 5409 of
1891 in G.O.
of 23.1.92. 1895

Subscribed P. L.
C. No. 5409 of 1891
info. 56
23.1.92

Statement made by Mr. Rungaswami Iyengar B. A. in continuation of his report dated 30th November 1891 (herewith appended.)

I am in charge of the testing of spirits for obscuration in the Chemical Examiner's office. The spirits are distilled, and the hydrometer reading of them taken downstairs. The samples are then sent upstairs for the purpose of being sealed. The samples would then contain the original full quantity less the actual quantity used for distillation, which averages about 4 ounces. This remaining quantity is what is called by the Customs office "the unexpended portion" of the samples, and in a quart bottle would average 17 to 19 ounces and in a pint 6 to 8 ounces.

I had observed for some time that the unexpended portions of the spirits were tampered with, by this I mean that the portion sent upstairs was not sent back to the Customs intact, a portion having been removed. I further on 2 or 3 occasions saw Mr. Newman take certain quantities out of the bottles for his own use and I also observed on a few occasions some of the menial servants do the same for him. The quantities taken by the menial servants were put into another bottle and placed in Mr. Newman's tiffin box.

Also on one or two occasions I advised Mr. Newman in a friendly way not to act in this manner, as it was neither right nor moral to do so; but as he continued to repeat the same action I presumed he was not inclined to follow my advice. I also on one occasion brought the action of the menial servants to the notice of the 1st Assistant "Mr. Ghulab Roy" and he reproved them.

I was present when Dr. Pope taxed Mr. Newman on the 30th instant with the question whether he had on several occasions appropriated quantities of the unexpended portions of the spirits to his own use and also ordered the menial servants to appropriate spirits for his own use and Mr. Newman answered in the affirmative.

(Signed) T. RUNGASWAMI IYENGAR,
Special Assistant,
Chemical Examiner's Office.

(True Copy.)

H. ALLISON, M. D.,
Ag. Chemical Examiner.

Statement made by K. Dowlet Roy, Lascar employed under Mr. Rungaswami Iyengar in the spirits obscuration tests.

I am present daily downstairs in the distillation room of the Chemical Examiner's Office, and I see a certain portion of spirit taken and placed in the copper bottles and distilled. I see also another portion placed in a glass vessel and the instrument (Hydrometer) placed in it. This portion is afterwards taken and put back in the same bottles. After the distillation is done, which takes about $\frac{1}{2}$ an hour to one hour I myself bring up all the samples in trays and place them in the office room at the back.

I have repeatedly observed the "Chota Sahib" (Mr. Newman) just before the bottles were sealed take portions of the spirit out of the bottles, and on some occasions he would drink some at once and put some into another bottle, and place it in his tiffin box and remove it to his house in his dogcart. Mr. Newman on some occasions ordered me to give the bottle of spirit which he had filled to his horse-keeper or to his jutka driver to take home.

I have seen with my own eyes Mr. Newman take away spirit in the above way about 50 or 60 times, ever since I came to office.

(Signed) K. DOWLET ROY.

This statement was taken from K. Dowlet Roy by speaking to him in Hindustanee. The whole was carefully translated to him and he was made clearly aware of the statement before he signed it.

(Signed) T. H. POPE.

(True Copy.)

H. ALLISON, M. D.,
Ag. Chemical Examiner.

Statement made by C. Moonoswamy, Gas lascar in the Chemical Examiner's Office on the subject of Mr. Newman's appropriating spirits sent from the Sea Customs to his own use.

I remember the trays of unexpended portions of spirits brought up every day by lascar Dowlet Roy. They were placed on the table in the back office room. I often observed Mr. Newman who used to take his tiffin in that room, take a glass of liquor in a conical test glass and drink it off. I often also saw Mr. Newman, before going home in the evening take out of the sample bottles quantity of spirit and put it into his own bottle and remove it in his tiffin box. I often carry his tiffin box which is an ordinary tin box with no lock from and to his dogcart and I often saw an empty bottle brought to office and the same bottle with spirit in it taken back in the dogcart. This fact is known to lascars Govinden and Ragaveloo who also frequently carry his tiffin box up and downstairs.

(Signed) C. MOONOSWAMY,
Gas lascar.

This statement was taken from C. Moonoswamy in Tamil and is a correct translation.

(Signed) T. H. POPE.

The lascars Govinden and Ragaveloo were called and questioned by me in Tamil and they confirm the statement. Ragaveloo also states that he often washed and gave Mr. Newman bottles from the office when he had forgotten to bring a bottle from home and in this bottle he put spirit and took it away.

(True Copy)
H. ALLISON,
Ag. Chemical Examiner.

(Signed) T. H. POPE.

(V.)

COPY OF EXTRACT FROM MR. NEWMAN'S SERVICE REGISTER.

DATE OF APPOINTMENT.

On probation, 11th December 1878, G. O., No. 1662, dated 2nd November 1878.
Permanently confirmed, 11th June 1879, G. O., No. 941, dated 16th June 1879.

Has performed his duties to my satisfaction.

25th July 1879.

(Signed) HENRY KING,
Chemical Examiner.

Is a very good Assistant. I am well pleased with him.

(Signed) A. PORTER, M.D., F.R.C.S.,
Chemical Examiner.

Has performed his duties to my entire satisfaction.

(Signed) H. ALLISON, M.D.,
Ag. Chemical Examiner.

20-9-87.

He thoroughly understands his work, and confidence can be placed in him. He attended to his duties to my entire satisfaction.

(Signed) T. J. HACKETT WILKINS,
SURGEON MAJOR,
Ag. Chemical Examiner.

20-9-88.

Mr. Newman is proficient in laboratory work of all kinds and has performed his duties for many years with efficiency as Assistant Chemical Examiner.

(Signed) Chris. McNally, M.D., F.O.S.,
Chemical Examiner.

27th May 1889.

Mr. Newman has upheld his former excellent character for good and intelligent work during the short time I acted in this office. I may indeed say that he has carried on all the responsible work and left me the general supervision of the Laboratory. I certify to a thorough satisfaction of the way in which he has conducted his duties.

30th Sept. 1890.

(Signed) T. H. POPE, M.D., D.Sc.,
Ag. Chemical Examiner.

Mr. Newman has rendered me most thorough and willing assistance in every way since I have acted in the appointment. Of his capability, knowledge, and thorough trustworthiness it is unnecessary for me to speak.

29.9.91.

(Signed) A. E. GRANT, M.D.,
Ag. Chemical Examiner.

Suspended this day from his work on account of misappropriation of quantities of Spirits which were sent for testing by the obscuration method.

Nov. 30th 1891.

(Signed) T. H. POPE,
SURGEON MAJOR,
Ag. Chemical Examiner.

Dismissed from the service of Government, vide G. O., No. 56, dated 23rd January 1892.

(Signed) T. H. POPE,
Ag. Chemical Exr.

(True Copy.)

(Signed) H. ALLISON, M.D.,
Ag. Chemical Exr.

(VI.)

To

COL. T. WELDON, C.I.E.

MADRAS, 1ST DECEMBER 1891.

SIR,

I beg you will have the goodness to read and forward this letter to Government with the records of the investigation you have been holding in connection with the Triplicane Murder case.

1. The only notice I had of such investigation was from the clerk in the office, between 11 and 12 o'clock i.e. a few minutes before it really began.

2. About 4 hours after you had gone into a room in the Chemical Examiner's Office with Dr. Pope, Goolab and Cunnie had been called in, you sent for me and began by saying you had been authorized by Government to hold an investigation in connection with the Triplicane Murder case, and when I afterwards inquired of you as to the nature and object of the investigation you were pleased to say I may assume it as a Dept. Investigation.

As a Government servant obedient to their order I answered every question you put me to the best of my recollection. As I was not told that I had to meet any accusations and the investigator being yourself who had already discovered a strong bias against me (as is evident from the Government proceedings on your reference in the case) I could not for a moment think that the investigation was directed against me, until at a later stage when Dr. Pope, who was present throughout the proceedings had interrupted me questioning and contradicting with impunity, was allowed to put me any question he thought proper by way of cross-examination.

I could not help then of complaining that I had not been allowed a similar advantage to question Dr. Pope, Goolab and Cunnie who had been examined the day before and that even I was kept entirely in the dark as to what statements they had made. Then you were pleased to say you would arrange with Dr. Pope for an opportunity to set the matter right.

I got no notice of the investigation resumed yesterday till I had written to Dr. Pope asking him to kindly excuse me for the day feeling more poorly than you had seen me on Saturday, and stating at the same time that I would come up notwithstanding, should I hear of any arrangement made for resuming the investigation yesterday.

Yesterday you certainly allowed me to put some questions to Dr. Pope, Goolab and Cunnie although I certainly lost the advantage of being confronted with them at the proper time and could not well follow you reading over their statements to me to sufficiently note important points stated that I could never have anticipated. But I was not allowed as you know every question, nor was every question overruled taken down, and question even after being answered were disallowed, so much so that I could not help saying to you at the time there was no use my trying any more questions. Even from the questions I put Dr. Pope he was so annoyed as to find some fault with

me entirely unconnected with the case under investigation immediately you had left, and to formally suspend me, he had of course already done so before the investigation without assigning any reason whatever. Now, I can have no doubt that the investigation has been directed against me and I have not been allowed fair play. I must therefore beg to submit this as my humble protest against the whole proceeding connected with the investigation in order that the Government may be duly informed in time.

I have, etc.,
(Signed) W. S. NEWMAN.

(VII.)

THE LUT,
30th Nov. 1891.

To

T. H. POPE, Esq., M.D., D.Sc.,
Ag. Chemical Examiner.

SIR,

I was not feeling well at all on Saturday as you know, and to-day if at all rather worse. Besides I think in existing circumstances you will not mind my absence. I have not heard that Col. Weldon means to continue the investigation to-day. Will you kindly therefore excuse my inability to come to office for the day and oblige.

But if Col. Weldon has already arranged with you for resuming the investigation to-day kindly let me know the arrangement and I will come up no matter how I feel.

I beg, &c.,
(Signed) W. S. NEWMAN.

(VIII.)

CHEMICAL EXAMINER'S OFFICE,
Madras, 30th Nov. 1891.

DEAR MR. NEWMAN,

Your note has just been received (1.15 P.M.) Col. Weldon is here and everything ready. It was clearly understood that the inquiry would be continued this day as you especially asked to be confronted with other witnesses in the office.

Col. Weldon will wait for you and I have given instructions for a jutka to be sent for you. I think you should have sent notice before 11 A.M. as is the usual custom when you are obliged to be absent from even the ordinary work in office.

Yours faithfully,
(Signed) T. H. POPE.

(IX.)

COMMISSIONER'S OFFICE,
MADRAS CITY POLICE,
1st Dec. 1891.

MR. S. W. NEWMAN,
Asst. Chemical Examr.

SIR,

I would be glad if you could call here at 12 o'clock this day. I will not detain you more than a few minutes.

Yours faithfully,
(Signed) COL. T. WELDON,
Commissioner of Police.

(X.)

CHEMICAL EXAMINER'S OFFICE,
Madras, Nov. 2nd 1891.

DEAR MR. NEWMAN,

As you are not at all able and Mr. Nayundu Row does not think you will be able to attend Office for a few days I want you to send me as soon as you can a statement of the Examination of the knife in the Triplicane Murder Case as made by you, and also your reasons for thinking that the blood on the knife was apparently fresh.

I of course know what your Examination consisted of, but I want the statement so as to draw my conclusions from the same in answering the Confidential G. O.—lately received.

Yours faithfully,
(Signed) T. H. POPE.

I would use this form "statement of Examination of knife in Triplicane Murder Case made by me, &c."

(Signed) W. S. NEWMAN.

(XI.)

NOVEMBER 9TH,
Pantheon Road.

DEAR MR. NEWMAN,

I received your pencilnote of the 5th and have not taken any further notice of it; and I have delayed taking any action with reference to the G. O. (confidential) until you return to office.

However I see that you intend to return to office to-morrow (10th) which I trust you will do without fail as I cannot further delay the answering of the G. O. and it is not my wish to do anything without discussing this matter with you.

I think you might make it a point to attend office to-morrow evening for 2 or 3 hours, after which you can return home and if necessary take another week's rest.

You may hire a carriage for the purpose and the hire shall be paid from office money.

I really feel this matter must not be delayed.

The Commissioner of Police has also written again and altogether this matter is assuming great proportions and of course we have yet to await the opinion of the Viceroy in Council on the same matter.

I trust you will see the expediency of trying to appear to-morrow; and if you really cannot do so I must act without you on the best of my judgment.

I remain,
Yours faithfully,
T. H. POPE.

(XII.)

THE LUT,
5th Nov. 1891.

(Copy from Memory.)

DEAR SIR,

I was very ill the day I got your note and now that I am able to sit up in bed, I take the liberty to send these pencil lines in reply which you will kindly excuse. I do not know exactly what statement you require, you know I applied the usual tests in such case in your presence and drew your attention at the time to the apparent freshness of the blood, and the reason for my opinion was the very appearance and the readiness with which the results were obtained when the tests were applied.

I beg, &c.,
(Signed) W. S. NEWMAN.

P.S.—I hope to be able to attend office on Monday.

(Z.)

MADRAS,
2nd December 1891.

To

T. H. POPE, Esq., M. D.,
Acting Chemical Examiner to Govt.,
Madras.

With reference to the last Government Proceedings on the Triplicane Murder Case and the connected investigation held by Col. Weldon which closed yesterday, I beg to make the following statement for the information and consideration of Government and request that you will be so good as to forward this letter and without delay.

You were pleased to admit during the investigation that you had never asked me as to what I had to say for not removing the mud from the chopper and making further examination, which was the only point upon which Government called for an explanation.

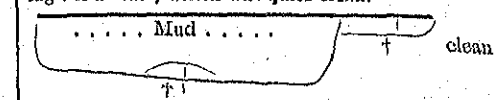
THE TRIPLICANE MURDER CASE.

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 deposed 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" &c. 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.) Whence 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, as *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.

Had you afforded me an opportunity before you sent your letter on to Government the contents of which I know nothing, this is what I would have said:—

1. Neither you nor I saw any necessity for doing so, because the only question submitted to us was as to the presence or absence of mammalian blood, and we both believed and we were both willing to give further information if required and we both expected as had been the invariable practice up to that time in Presidency Town Cases that we should be examined on oath.

2. Had we removed the mud and applied the usual tests in such cases the results would have been by no means conclusive, whilst on the other hand we should have been unnecessarily interfering with what was necessary to identify the chopper later on in court.

3. But what you did call on me for was, for a statement as to the examination of the knife as made by me and also my reasons for thinking that the blood on the knife was apparently fresh. I found it strange that you should have done so by a note dated 2nd November, when you said that you knew I was ill and unable to attend office although the whole correspondence had been before you and discussed. What I found stranger still was, that you suggested to me a form of statement thus—"I would use this form:— 'Statement of examination of knife in Triplicane Murder case made by me, &c.'" Had I committed myself to this statement it would have been misleading in so far as the examination was not made by me, but by you and me. So soon as I was able to sit up in bed about two days after I sent you a reply which together with your note had been put into the records of the investigation. You have admitted that the parcel containing the chopper was opened in your presence, that you noticed the blood stains on it immediately, that you had taken part in the examination, that all the tests were applied in your presence, that you had been perfectly satisfied as to the result obtained, that you had made all the entries in the Register kept by yourself, that you had been satisfied with the fulness of the information at the time for making such entries and agreed with me in the reasons I have above given for not removing the mud and making further examination. The only point in which we differ is as to the stain of the blood having been apparently fresh. This, however, I think, is more a matter of opinion, and becomes immaterial when the question raised by Colonel Weldon in his letter to Government is, as to whether there was any apparent blood at all, and it is a pity that you do not recollect my having drawn your attention at the time of examination of the blood stains being apparently fresh. The above being the facts of the case, I could not possibly commit myself to the statement you wished from me in your note of the 2nd November, and all I could do towards pleasing you was, to send you the reply I did without complaining of the unfairness in your expecting such a statement from me.

4. A few days afterwards you wrote me asking me to manage to come over to the office even for a few hours, to enable you to answer Government; when I did so, ill as I was, I found the burden of all that you had to say to me was that somebody from the office must have given the information to Mr. Gantz, otherwise his questions could have been so pointed and that I was very foolish to have allowed such letters as Dr. Grant's to have left the office, knowing as I ought to have known, that Col. Weldon had great influence. You also said that the matter was assuming great proportions and that we had yet to await the opinion of the Viceroy in Council and that it was wrong of me in making so light of the whole—the talk over the examination, and your not recollecting my having drawn your attention to the apparent freshness of the blood stains of the knife being very casual. Then you happened to leave for lecture in a hurry and I sent in a note applying for 10 days' casual leave for recruiting my health to beg that you could allow the intended letter to Government to stand over till I returned to duty.

5. On the expiry of my leave you told me that you had already written to Government and to Col. Weldon but refused to show me the correspondence. Also in my presence you issued stringent instructions to the office Clerk before the other servants to withhold any kind of information from me denying me access to any correspondence. You told me at the time that I was not to do any Medico-Legal work till further orders and seemed altogether very much annoyed with me, which I could not attribute to any other cause than my not having complied with your compromising request about the "Statement."

6. Immediately I came to know that you entrusted my work, which is of the utmost responsibility, to Goolab Roy, a mere manipulist in the Laboratory without even pretension to chemical science and one employed by the Board of Revenue for their work; I respectfully remonstrated against suspending me from my legitimate work without Government order and entrusting responsible work to an irresponsible individual like Goolab Roy. Your answer was that you did it on your own account and under advice.

7. On the 26th November I was simply shocked on entering the office to find that your almirah containing Medico-Legal cases, including those partly completed, was simply secured by the office clerk (seal in the custody of the office clerk) and on enquiry, Goolab Roy told me that you had left the almirah open on quitting office the previous day. Now as you have rightly said at the investigation we are jointly responsible for the contents of the almirah, and in so far as the duplicate key of the almirah remained with me, although

you had suspended me from Medico-Legal work, I was naturally very much concerned as to the possibility of somebody having tampered with the contents of the almirah left opened. Also this would have afforded Goolab Roy a pretext to set up a reason accounting for any unintentional blunders he might commit in this important work. Of course you have very little time to personally attend to the examination of Medico-Legal cases as you have to go down for lecture at 2 p.m. about one and a half hours after you come to office, and therefore it was that I have more than once represented to you as to how unwise it was to entrust the greater part of the work to any individual whose signature is not recognized by Law, and as to whose work in these cases you could not of course certify in the report. I have ascertained from Goolab himself that he was working at three cases simultaneously, each case containing more than one article for examination—a rather complicating work. This of course becomes pertinent in my case in so far as you took upon yourself to suspend me, able and willing to do the work, without any order from Government.

8. As I was thinking over the matter to represent the same to Government, I suddenly came to know through the office clerk on the 27th November, in the Office, only some minutes before, that Col. Weldon was to hold an investigation. In reference to this investigation I have already addressed Col. Weldon for submission to Government. What I have to state in connection here is that shortly after I had put you certain questions from the interrogatories I had framed (copy of which is hereto affixed) and after Col. Weldon had left, you appeared quite enraged with me although I had simply put the questions to elicit facts which I might require in self defence as I had not been aware to what points the investigation was confined, and you suddenly asked me in a loud tone before several persons whether I had used any portion of the spirits sent for examination from the Customs House for my own purposes. I readily said 'yes' without the slightest hesitation, and proceeded to explain matter, when you were at once irate and stopped me, saying you wanted no explanation and I must consider myself suspended for having taken Government Property.

9. You then left the Office followed by Goolab and Cunny (who also were irritated with the few questions I had put to them at the investigation chiefly to elicit facts showing their former conduct proving them my enemies in the time of the late Dr. Rogers), you stopped me down in the verandah as I was leaving the place, and taxed me with having extracted from your almirah certain papers I had referred to at the investigation with a view to contradict Goolab Roy and Cunny. Only a couple of hours before however you had stated to Col. Weldon to the effect that you had never heard of the matter these papers referred to. However I told you at once that you should have the papers but you would not wait for any explanation from me and insisted upon my giving them up on the spot, which I did. I must here submit a short explanation (which you would not listen to) for the information of Government.

1st.—In respect to my having used any portion of the spirits sent for examination from the Sea Customs, all that I meant to admit was, that when a portion of the spirit from the samples sent for examination to the Office was submitted, as it must be, to examination such portion, I would certainly not think of restoring to the bulk, for very evident reasons; and such portion being kept back in the Office—the bulk of the samples being returned—I put it to any use I thought it fit. After Mr. Rangaswamy Iyer of the Sea Customs had independent charge of spirit testing in the Office, I simply drew his attention with a view to preventing troublesome correspondence, to what was considered the proper quantity required for examination purpose, and I believe the samples returned, were never complained of by the Customs Authorities, as being ever short in excess of such quantity; but of all this, you, as the head of the Office, must surely have been fully aware, prior to your questioning me about the matter.

2nd. Now with regard to the papers I have been accused of extracting from your almirah; they had been lying in my office drawer for a long time, certainly before you assumed charge of the office. I remember taking them out of the records and putting them in my drawer for safer custody, as I had reason to believe that Cunny, whose theft in Dr. Rogers' time they record, intended to make away with them. I took them out of my drawer for the purpose of taking copy. I had not done so when I carried them in my hand to the investigation, and I certainly did not wish, you would take them back from me, till I could make a copy; the necessity of which I then felt more than ever. Therefore it was, I told you at once that I would bring them to you from my house, and said that I hadn't them there, with a mental reservation that I hadn't them there to be given up there; but immediately, you insisted upon having them at once, I gave them up, endeavouring to explain, as I have just done; but you would not listen, preferring, to charge me with lies, and lost your temper over it.

10. Fortunately for me, you had added your own testimonial to the number I hold from your several predecessors in office (copy of which is being submitted with the record of the investigation) and have admitted to Col. Weldon that you never had cause to find any fault with me till the receipt of the Government Proceedings in the Triplicane Murder Case.

In the circumstances explained, I trust Government will be able to see, the real cause of your present displeasure or complaint; and restore me to the duties of my office, which I have for the past 15 years faithfully discharged.

In the event of Government desiring an impartial investigation into the whole matter, I feel the utmost confidence that they would appoint a Commission of independent and unconnected officers.

I beg to remain,

Sir,

Your most obedient Servant,

(Signed) WILLIAM S. NEWMAN, F.C.S.,
Assistant Chemical Examiner.

Copy of Interrogatories framed in anticipation, not having had the advantage of being confronted when Dr. Pope's statement was taken down.

1st.—Did you at any time, since you kindly gave me this testimonial find fault with me in any way?—I mean before receipt of this G.O.?

2nd.—Did you ever question me as to what tests I had used in examining the chopper before you sent this note?

3rd.—Will you kindly produce my reply to this note?

4th.—Was the parcel containing the chopper brought by Inspector Bradbury opened in your presence?

5th.—Did you say anything at the time which might have suggested that you doubted the story connected with the chopper?

6th.—Were any others in the room at the time than ourselves and Inspector Bradbury?

7th.—Didn't you notice at the time blood stain on the chopper?

8th.—In regard to this case were not the facts stated in my reply note to you correct?

9th.—You of course admit that the tests were applied in your presence? for you state in your note that you "of course know what my examination consisted of"?

10th.—For one thing you were quite certain that the stain on the chopper was mammalian blood?

11th.—Did I not draw your attention at the time of examination, to the stain being apparently fresh?

12th.—Did I not ask you to mention this in the Report?

13th.—Did I not say that at least we might state on what part of the chopper the blood was found?

14th.—Were you not at the time perfectly satisfied with all we had done regarding examination of the chopper?

15th.—Did you not say that if necessary further information would be given when required?

16th.—Did you not expect according to the usual custom up to that time, that we should be examined as witnesses in the case?

17th.—Did you not think it at all necessary to remove the mud from the chopper and make further examination? Why?

18th.—Do you remember what part of the chopper was examined?

19th.—Had we removed the mud from the chopper would any appearance have been left by which we could have identified the chopper later on in court?

20th.—You keep the register of cases and make all the entries yourself. You have therefore made all the entries of this case yourself?

21st.—You were of course satisfied at the time with the completeness of such entries?

22nd.—There are no specific orders to preserve notes?

23rd.—If such entries are full would any memorandum kept for the purpose of the entries be at all required?

24th.—If you were not satisfied with the fulness of information given by me in a case jointly done by us, you would of course call for further particulars, before completing the entries and signing the report?

25th.—Then what was your object in asking me in your note for a statement, and suggesting a form of statement which would have been really misleading?

26th.—Did you ever object to the customary way in which I take short notes of the results of tests for your entry in Register?

27th.—What would your answer have been to these tests, had you been examined on oath in the Court?

28th.—Did you call upon me for any explanation upon the point to which the G. O. directs our attention? (Para. 2.)

29th.—Did I not beg of you in writing (asking 10 days' casual leave when ill) to let your intended letter to Government stand over till my return to duty?

30th.—Did you at least send a copy of my reply to your note with your letter to Government despatched during my short absence from Madras?

31st.—Did you ever sign the report of any case in the examination of which you had taken no part?

32nd.—Did you order the clerk Sabbrayal not to give me any information connected with the office and to withhold all correspondence of any kind from me just before suspending me from all Judicial work?

33rd.—Why did you decline to let me see a draft of your letter to Government since it was supposed to embody my explanation?

34th.—Regarding your statement to Col. Weldon as to the distribution of work in the office on Saturday, besides those you mentioned, what is Goolab in the office and what are the duties that he is paid by the Board of Revenue to discharge?

35th.—Why did you suspend me from Judicial work and from what date?

36th.—When I pointed out to you my responsibility to Government and the inadvisability of entrusting such responsible work to an irresponsible person like Goolab, and that I should not be suspended from my legitimate work without orders of Government, you said you were acting on your own responsibility and under advice. Will you kindly tell Col. Weldon under whose advice?

37th.—Am I not jointly responsible for the contents of the almirah containing all Judicial cases, in as far as you keep the keys and I have the duplicates to this moment?

38th.—Who has the custody of the office Seal?

39th.—During my suspension from Judicial work, do you remember leaving your almirah unlocked, and finding it next day simply with the office seal on?

40th.—Now, have we any guarantee that none of the Judicial cases in that almirah have not been tampered with?

41st.—Was it not in that almirah that the chopper and cloths were placed during examination till return to Police?

42nd.—How many cases has Goolab worked at during my suspension from Judicial work?

43rd.—Are you in a position to certify that a man of Goolab's capacity has made no blunder in any of the cases in so far as he does the work during your absence?

44th.—Do you intend to get Goolab to sign with you the Reports in those cases, most of which are taken in hand together?

45th.—Will you kindly tell me your reason for having so often pressed me with questions to force me if possible to say, that I did furnish Mr. Gantz with information, when Government say in G. O., "It was better that the facts should come out later than not at all?"

46th.—Assuming that Mr. Gantz's attention had been drawn to the fact that the chopper had been returned by us to the Police covered with mud just as received from them, and that his suspicions had been roused by the fact of the chopper appearing comparatively clean when produced in H. Court, do you think it at all impossible that an experienced counsel appointed by Government could have framed the questions Mr. Gantz did in his letter to use without any information from this office?

47th.—Had you any conversation about me with Col. Weldon prior to this investigation? Kindly repeat it.

48th.—You remember telling me I was very foolish to have allowed such letters as Dr. Grant's to go out of office reflecting as they did on the Police knowing the great influence Col. Weldon has?

49th.—Are you aware that Goolab and Cunny Naidu proved to be my enemies in the time of Dr. Rogers? When Cunny Naidu was caught stealing something out of my office drawer after opening it with the keys he had extracted from a pocket of my coat in the office?

MADRAS,
5th December 1891.

Mr. W. S. NEWMAN, F.C.S.,
Assistant Chemical Examiner
to Government, Madras.

THE CHIEF SECRETARY TO GOVERNMENT,
Judicial Department.

SIR,

I humbly beg to submit herewith the duplicate of a statement by letter * which

* Re. to G. Proc. confdt. in T. M. Case.

Col. Weldon's connected investigation.

Suspension from duties of Assistant
Chemical Examiner.

I have addressed to the Acting Chemical Examiner for the purpose of his forwarding the same to Government and pray that Government in the peculiar circumstances of the case will be pleased to restore me to my duties of Assistant Chemical Examiner as early as practicable.

I beg etc.,

(Signed) W. S. NEWMAN, F.C.S.,
Assistant Chemical Examiner.

(XIV.)

THE "LUZ,"
MADRAS, 24th June 1892.

TO THE CHEMICAL EXAMINER, CALCUTTA.

SIR,

I shall feel so obliged if you will kindly let me know at your earliest convenience your opinion as to whether a blood stain might be safely pronounced comparatively fresh under the following circumstances.

1st.—Stain presents bright red appearance to naked eye.

2nd.—Wetted piece of white blotting paper applied to stain becomes reddish.

3rd.—On applying the Guaiacum Test to such pieces of blotting paper, reaction of blood readily obtained.

4th.—Portion of stain submitted to Microscopic Examination presents mammalian corpuscles. Whether in the circumstances you would consider any further confirmatory test absolutely necessary, and if so, which?

I beg, etc.,

Yours obediently,

(Signed) W. S. NEWMAN.

(XV.)

MEDICAL COLLEGE, CALCUTTA,
28th June 1892.

SIR,

In reply to your note of the 24th June.

That the stain was comparatively fresh the fact that it was of a bright red colour goes to shew. I infer that it was readily soluble from the statement that the colour was speedily taken up by blotting paper,—that fact tends to confirm the opinion that the stain was fairly fresh. The only other test which I can suggest is the spectroscopic one for oxyhaemoglobin. In any case it would be unsafe to express a positive opinion as to the age of the stain. You might with advantage consult Tidy's "Legal Medicine," Part I, page 233.

Yours faithfully,

(Signed) JOHN J. W. LESLIE, M.B.

(XVI.)

TO THE CHEMICAL EXAMINER, BOMBAY.

SIR,

In the exercise of my profession as an analyst I have occasion to make certain of the observation at foot, and shall feel extremely obliged if you will kindly favour me as early as practicable with your opinion on the matter.

I am Sir,

Yours faithfully,

(Signed) W. S. NEWMAN.

An iron implement lying 8 days in a sewer impregnated with Sulp. Hydrogen, &c., cannot be expected to bear trace of any mammalian blood assuming that there was any on it when thrown in, inasmuch as the gas, &c., by chemical action would decompose the blood and certainly in such cases Spectroscopic Examination must fail.

(XVII.)

CHEMICAL ANALYSER'S OFFICE,
BOMBAY, 25th June 1892.

SIR,

I am in receipt of your letter of the 22nd instant but regret that I am unable to offer any exparte opinion on the case owing to my official position as Government analyser unless the case is referred to me by Government.

I am faithfully yours,

(Signed) COLLIS BARRY.

To Mr. W. S. Newman.

7th July 1892.

To

The Chemical Examiner
Calcutta

Sir

I am in receipt of your kind reply to my note for which I feel very much obliged; I fear to trespass further on your time, but there is another little matter which escaped me when writing to you, and if you can spare a moment, I should be so thankful for another line from you as to whether I am right in the assertion -

That no Mammalian blood can be expected to be detected on an iron implement, supposing it was stained with blood, if subjected to the action of Sewage matter by being thrown in and allowed to remain three or four days, the action of the filthy water and gases from decomposing filth tending to decompose the blood rendering its presence beyond detection by any test

I am sorry a copy of Tidy's Legal Medicine you so kindly referred me to is not procurable here and hence my reference.

Do you think the spectroscope would be of any use in the above circumstances.

Begging to be excused the trouble.

I remain

Yours truly

Signd W. J. Newman

XIX

Medical College
Calcutta

July 22nd 1892

in reply to your note of the 7th instant I write to in-
form you that I should not expect to detect Hamma-
lian blood under the circumstances you mention.

I am

Sir.

Yours faithfully
Signed John T. W. Leslie.

H. B.

W. S. Newman Esq^r

To

HIS EXCELLENCY

THE GOVERNOR-IN-COUNCIL,

FORT ST. GEORGE,

MADRAS.

THE MEMORIAL OF WILLIAM SAMUEL NEWMAN, F. C. S., LOND.,
EX-ASSISTANT CHEMICAL EXAMINER TO GOVERNMENT.

MOST RESPECTFULLY SHEWETH:—

That your Memorialist has at last been placed somewhat in a position to frame this memorial, but not before nearly six months after his suspension, and about two months after his dismissal, and not till after he obtained two Govern-
ment Orders on his two petitions (copies of Government Orders I, II and copy of Petitions III, IV enclosed for easy reference) and is still laboring under the disadvantage of not being furnished with copy of other documents relating to his case.

2. That the combined efforts of two interested and incensed officers Col. T. Weldon and Dr. T. H. Pope, aided by the selfish ends of two old enemies Goolab Roy and Cunniah Naidoo and the fears of Rungaswamy Iyengar have misled your Excellency's Government into the summary dismissal of a public servant who served the Government for nearly 15 years with ability and credit, as evinced by copy of extracts from your Memorialist's Service Register (V enclosed).

3. That incidents connected with the "Triplicane Murder Case" have been the cause of all your Memorialist's trouble, and that for the following reasons, your Memorialist's accusers Col. Weldon and Dr. Pope may be fairly held to have been deeply interested against your Memorialist.

(a) Col. Weldon's first letters to Government printed with G. O. dated 8th October 1891 No. 2068 and his letter dated 19th November 1891 No. 78 read with G. O. dated 23rd January 1892 No. 56 Public, show how the Commissioner of Police was incensed by Mr. Gantz's letter appearing in the Madras Mail which reflected on the Police, how sensitive the Colonel was to the personal remarks in Dr. Grant's letter to Government supporting your Memorialist's professional qualifications questioned by the Colonel, and how he had come to a foregone conclusion that the reflections on the police officials with whom he apparently identified himself, and Dr. Grant's remarks under which he was smarting were wholly due to your Memorialist—unfortunately your Memorialist has not been furnished with copy of the former G. O. to make more particular reference.

Colonel Weldon's letter last referred to discovers his animus in reopening a matter which had been closed as far as he was concerned and in his favor (as if the G. O. had not done enough for his purpose), and inducing Dr. Pope to write (as will be shown lower down) on points he had up to that time never thought of questioning, instead of leaving him uninfluenced to write whatever he might think proper in giving the explanation called for by the confidential G. O. It also proves that the Colonel's mind and heart were both made up against your Memorialist long prior to the enquiry he was deputed to hold. He writes "This I submit effectually disposes of the scandalous imputations originating with Mr. Newman, published with and without privilege or

CHIEF SECRETARY
26 AUG 92
GOVERNMENT OF MADRAS

W. S. Newman
F. C. S., LOND.
26.1.92

justification by Mr. W. S. Gantz and so credulously fostered by Surgeon A. E. Grant," again "I have above referred to Mr. Newman as having originated these scandalous and false imputations of disgraceful conduct on the part of responsible officers, and a perusal of Mr. Gantz's letter to the acting Chemical Examiner dated 19th August 1891 will support my conclusions;" then after writing about "the true character of an attempt to scandalise public servants and pervert the course of justice," the Colonel goes out of his way in casting a most unwarranted and unfounded aspersion on your Memorialist, "I find I was mistaken in describing Mr. Newman as an Apothecary, I am informed that he holds no medical qualification, and my apology is due to that branch of the service the members of which so far as my experience goes fully justify the great confidence placed in their integrity and abilities."

Afterwards, when such a bitter accuser who had already prejudged your Memorialist was constituted his judge or investigator, one would have expected that he would just have discharged the duty (if he should not indeed have declined it) imposed upon him and do nothing more. But Col. Weldon actually exceeded his authority which was to enquire "fully into the matter with a view to ascertaining the identity of Mr. Gantz's informant," and "found it was necessary also to investigate the accuracy of the information given to Mr. Gantz as a question of importance might arise as to whether the informant was acting in good faith or mischievously" as he states, and took upon himself to examine people not mentioned in the G. O. Your Memorialist's letter of protest to Col. Weldon (copy VI enclosed) for submission to Government dated 1st December 1891, and personally presented to the Colonel, after reading which Col. Weldon raised but one objection and accordingly suggested the amendment made on the Colonel's table by your Memorialist in red ink, speaks for itself. The Colonel in his letter last referred to has not indeed denied any part of your Memorialist's protest, but to nullify the effect, has entered into statements which are wholly misleading; and in proof of this your Memorialist would not trouble your Excellency in Council with more than a single instance viz., that all that the Colonel has written on the subject would not admit the positive fact that your Memorialist had not been afforded an opportunity of being confronted with the principal witnesses until after the Colonel had declared the investigation closed and your Memorialist raised the objection! Col. Weldon refers in the same letter to his having in a manner dogged your Memorialist's every movement (as if he were hunting a criminal) and throws out unworthy insinuations from the fact of your Memorialist not attending the Chemical Examiner's Office on the Monday until he had received Dr. Pope's reply to his note, and not driving direct home after leaving the office; but what the Colonel has not informed the Government is that he had extended his zeal to prying into your Memorialist's private affairs all over Madras using Inspector of Police Fitz-Patrick and others as instruments! As to the insinuations just referred to, Col. Weldon had on the previous Saturday evening when, but for your Memorialist urging the unfairness of not having been confronted with the principal witnesses the investigation would have closed, promised to arrange with Dr. Pope as to when the enquiry would be resumed, and your Memorialist being ill on the Monday without any information from Dr. Pope, wished to spare himself the trouble of driving 3 or 4 miles to the Chemical Examiner's office where he had no work to do under Dr. Pope's previous arrangement and wrote to the latter before office hour on the Monday (copy VII enclosed) asking him to kindly excuse his attendance for the day, and adding that in the event however of Col. Weldon continuing the inquiry he would at all hazards attend. The bearer of your Memorialist's note not finding Dr. Pope at home had no opportunity of delivering the note immediately; however on the receipt of Dr. Pope's reply (VIII enclosed) your Memorialist immediately got ready and went over; otherwise it would have been sheer folly on the part of your Memorialist to have risked being absent from an enquiry continued at his own request as is evident from (VIII). Your Memorialist on leaving the Chemical Examiner's Office at the close of the enquiry, having heard that his eldest son, who was then living with his teacher Mr. Beck in Vepery had been attacked with Choleraic

symptoms, drove over before returning home and had to pass through the several localities so carefully noted by Col. Weldon!

Col. Weldon wrote your Memorialist a note the following day (IX enclosed) although the investigation had finally closed and your Memorialist had decided (as the Colonel states) that he would not require further attendance of witnesses, considering that his previous attempts to elicit facts had been frustrated, and your Memorialist drove over as desired, which ought to have dispelled any suspicion the Colonel might have entertained from the incidents of the previous day.

(b) Dr. Pope in his letter to Government dated 17th November 1891 No. 977 read with the G. O. states in Para. 3 "The knife in question was examined by Mr. Newman and myself between the 2nd and 9th July 1891 and the usual certificate forwarded to the Commissioner of Police, nothing further was heard of it by me in my official capacity until the receipt of the confidential order of Government now under reply"; then in Para. 4 "No little blame attaches itself to my assistant Mr. Newman inasmuch as he must have known that the answer which he drafted and placed before the officer acting for me Mr. A. E. Grant to approve of and sign contained information that would not for one moment have received my sanction or approval on account of its inaccuracy," and again in Para. 9 on the question of "extreme improbability of finding blood on the removal of the mud," I confess to being thoroughly ashamed that such a statement was made and placed before the Government and published far and wide by the press as originating in the Chemical Examiner's office. I endeavoured to obtain from the acting Chemical Examiner as well as from Mr. Newman an explanation on this point but failed to do so." As to the accuracy and candour of the above statements—your Memorialist had immediately forwarded to Dr. Pope a copy of the Madras Times containing a copy of Dr. Grant's letter to Mr. Gantz and a full report of the whole occurrence, and on Dr. Pope, resuming charge of the office on the 30th September 1891 your Memorialist laid before him the G. O's arising from Mr. Gantz's letter with all the connected papers, and Dr. Pope absolutely said nothing to blame your Memorialist or to question the accuracy of the facts stated in Dr. Grant's reply to Mr. Gantz's letter—a fact borne out by Dr. Pope's admission, vide Para. 11 his letter to Government dated 7th December 1891 No. 1032. The G. O. dated 8th October 1891, No. 2068 must have been received on the 10th October, and from the tone of the above statements one would have expected that he would at least then have taxed your Memorialist or called for an explanation. But so far from that Dr. Pope at once adopting your Memorialist's suggestion addressed the Government Chemical Examiners at Calcutta and Bombay with a view to exonerating himself and your Memorialist from the charge of "failure in duty" by proving to Government if possible, by the rule and practice of the Government Chemical Examiners in the other two Presidencies that the Chemical Examiner quite discharges his duty by simply answering the questions referred to him leaving other facts to be elicited by questions in Court; and this was the cause of the great delay in Dr. Pope's answering the G. O. But unfortunately for your Memorialist Col. Weldon's letter dated 2nd November 1891 seems to have disturbed Dr. Pope's equilibrium, and on the same day he sent your Memorialist the note (original put in at Col. Weldon's investigation copy X enclosed.) The two Government Chemical Examiners above referred to replied to Dr. Pope's reference most satisfactorily, but their replies unfortunately arrived when Dr. Pope had apparently changed his mind. It is significant how Dr. Pope is perfectly taciturn as to this correspondence with the Government Chemical Examiners of Calcutta and Bombay in his lengthy communications to Government! It is evident from (X) that Dr. Pope never thought of questioning your Memorialist as to the examination of the knife in the Triplicane Murder Case until the day he got Colonel Weldon's letter; it is equally clear from his letter to Col. Weldon dated 13th November 1891 No. 973, which begins thus "With reference to your letter No. A/117-2 dated 2nd instant and marked urgent I have the honor to state I regret very much the delay in answering it but this has been due to the illness of the Assistant Chemical Examiner and his inability to attend Office"—

Memorialist's illness had not occasioned his absence from office till after the middle of October i.e. more than a fortnight after Dr. Pope had resumed duty and four or five days after he had received the G. O. and written to the Chemical Examiners of Calcutta and Bombay; and yet during the whole of that time he never said a word questioning the accuracy of fact or opinion in a matter which seems to have roused such a sense of shame after he had got into communication with Colonel Weldon! In his letter to Government dated 7th December 1891 Para. 4, Dr. Pope has indeed attempted to explain away the anomalous terms of ~~X~~ but he has not been able to answer why he should have called for a statement of your Memorialist's examination of the chopper admitting at the same time that he of course knew what his examination consisted of, and why he should have prescribed a form which if forwarded to Government would have shown contrary to fact, that the examination had been made by your Memorialist alone and that therefore your Memorialist alone was responsible for it. Most probably had your Memorialist complied with the request in (X), Dr. Pope's action towards him would have been very different, but he could not; hence all this trouble. Your Memorialist has fortunately found a second note to him from Dr. Pope dated 9th November 1891 (copy XI enclosed) being reply to your Memorialist's answer to X (already put in at Colonel Weldon's investigation, copy XII enclosed) in which your Memorialist distinctly referred to having drawn Dr. Pope's attention to the fresh appearance of the bloodstain on the knife, and yet there is nothing in it to contradict this fact; but it proves how much Dr. Pope was alarmed since getting into communication with Colonel Weldon, "I really feel this matter must not be delayed the Commissioner of Police has also written again and altogether this matter is assuming great proportions and of course we have yet to await the opinion of the Viceroy and Council on the same matter." This confirms also the fact which Dr. Pope denies in the 5th Para. of his letter last referred to, although almost the very words in XI repeated later on in a conversation were put to him viz. that Dr. Pope had said your Memorialist "was very foolish to have allowed such letters as Dr. Grant's to have left the office knowing as he ought to have known that Colonel Weldon had great influence, also that the matter was assuming great proportions, and that we had yet to await the opinion of the Viceroy and Council, and that it was wrong of your Memorialist in making so light of the whole." The peculiar manner in which Dr. Pope goes out of his way in his letter to Government dated 17th November 1891 No. 977 in attacking an officer of the position of Dr. Grant, not to mention your Memorialist, utterly regardless of *esprit de corps* together with the general style and tone of his correspondence, which accord so remarkably with Colonel Weldon's, viewed in the light of the facts above stated would, your Memorialist submits, raise the question whether there is no internal indication in Dr. Pope's correspondence which shows that, balancing consequences under alarm by conviction of the influence of Colonel Weldon, who had already got the better of Dr. Grant, he has not completely surrendered to the Colonel. Finally, Dr. Pope states in the last Para. of his letter last referred to that he answered all the questions in the copy of interrogatories sent by your Memorialist with the exception of Nos. 27, 32, 34, 35, 42, 43, 45, 46, 47 and 48 which were not asked him. This is clearly an incorrect statement for excepting 42 and 43 which your Memorialist happened to omit thinking they would be disallowed all the others were distinctly put and all answered excepting 48 which was disallowed—a fact which ought to appear on the face of Colonel Weldon's proceedings. (Copy of which has not been furnished to your Memorialist). The interrogatories were principally directed with reference to X to show that the Examination of the knife was made by Dr. Pope as well, and on a mere forecast of possibilities without knowledge of any charge or of what Dr. Pope had written to Government, the correspondence having been studiously withheld from your Memorialist.

4. That Goolab Roy and Cunniah Naidoo were more than interested witnesses and inveterate enemies of your Memorialist may be gathered from the following facts:—

Goolab Roy whilst first Assistant in the Chemical Examiner's office had for a long time been aspiring to your Memorialist's post for which he is

ill-qualified, having entered the Chemical Examiner's office as copyist and learned the mere ordinary routine of Analytical Work as a manipulist under your Memorialist without having the faintest idea of the *rationale* of the processes. Dr. Pope suspending your Memorialist, appointed Goolab Roy in his place on his own responsibility, and has written all he could to Government to justify his appointment, by which he has fallen into error. Goolab Roy had indeed nominally acted for your Memorialist when on short privilege leave, but the Chemical Examiners had never trusted him before with your Memorialist's Medico Legal work (this the registers in the Chemical Examiner's office would show) the arrangement being purely departmental. Dr. Pope says he is an intelligent chemist; if so, he must be one without knowledge of even the *Elementary Principles of Chemistry*. Dr. Pope also states he is in every respect as able and practical as Mr. Newman, unmindful that his bare supervision of the Laboratory (as he admits in the testimonial he recorded in Memorialist's Service Register in September 1890 V) for less than two years altogether, as acting Chemical Examiner, could not render him competent to pronounce that the qualifications of one who has carried on all the responsible work for nearly 15 years, as he there admits, are no more than those of a bare manipulist with absolutely no literary or scientific knowledge.

Cunniah Naidoo an illiterate man who had entered the Chemical Examiner's Office as a mere laboratory attendant or lascar, has by Memorialist's dismissal been promoted from 2nd to 1st Assistant.

It is a well known fact in the Chemical Examiner's Office that both Goolab Roy and Cunniah Naidoo first conspired against your Memorialist as far back as 1884, and made certain defamatory statements relating to your Memorialist, to the late Dr. Rogers. Your Memorialist on coming to know of the same, was preparing to prosecute them criminally, when both assured your Memorialist that the statements had been made under pressure and according to Dr. Rogers' draft or dictation! It was during this time that Cunniah Naidoo committed theft in the office in opening your Memorialist's office drawer stealthily taking the keys from your Memorialist's coat pocket; this can be proved by a statement of Goolab Roy which ought to be still in the Chemical Examiner's Office; and his subsequent suspension by late Dr. McNally for stealthily opening his portmanteau appears in his Service Register.

5. That the fears of Mr. Rungaswamy Iyengar, Assistant in Probationary charge of the testing of spirits, (for whom Dr. Pope as Chemical Examiner, must first certify as to his competency at the end of his probationary period of one year before he can be confirmed,) is evident from his note to your Memorialist dated 2nd March 1892 (copy H enclosed); and although Dr. Pope in his letter to Government dated 2nd December 1891 Para. 4 states "it was reported to me by Mr. Rungaswamy Iyengar, etc." and again in Para. 5 "however when he saw that this system of misappropriation was carried to a serious extent he felt it his duty to bring it to my notice yesterday morning," your Memorialist is in a position to prove by Mr. Rungaswamy Iyengar and others that he never made any report to Dr. Pope but that it was Dr. Pope who had called upon him to make a statement which the Iyengar did under pressure.

6. That in reference to the grounds taken by your Excellency's Government from the correspondence of Dr. Pope and Colonel Weldon for your Memorialist's dismissal, the following is your Memorialist's explanation on the charge of misappropriation of spirits:—

It was the custom of the Chemical Examiner's Office from a time long prior to your Memorialist's entertainment as Assistant Chemical Examiner that samples of articles including Government Salt, and Beer, Wine and Spirits sent by the Commissariat and Abkari Departments, for the purpose of being tested, were never returned, and that the unexpended portions were used by the Chemical Examiner, by the Assistant Chemical Examiner and by others of the Establishment. This could be proved beyond any doubt, and Dr. Pope must be well aware of it, for none of the samples of Kolar Water sent by Messrs. Oakes & Co.

in about September 1891 were returned and a good portion of it was used by Dr. Pope himself at Tiffin. But the unexpended portion of the spirits sent from the Custom Office from the time of the introduction of the Obscuration Test in April 1891, would be returned in accordance with the request of the Collector of Sea Customs. The unexpected portion was understood to be what remained after the quantity for Distillation and Hydrometer Tests had been taken out of the bottle. Your Memorialist would never restore the quantity required for the Hydrometer Reading to the bulk, for being exposed to the action of atmospheric air to say nothing of the handling, its strength is so reduced as to cause an appreciable variation in the sample if tested again. This is the opinion of Dr. Van Geyzel the permanent Chemical Examiner. Mr. Graves of the Sea Customs Office deputed in the first instance as probationary Assistant carried out the practice: Mr. Rungaswamy Iyengar who took his place in June last also adhered to the practice till about September, when your Memorialist noticed a larger quantity than usual left in the sample bottles after testing. He then questioned him about it and told him what was recorded by the Chemical Examiner as the minimum quantity required for the tests, and that he should not return to the sample bottle the quantity taken for the Hydrometer Reading, and almost simultaneously left instruction with Cunniah Naidu, the present 1st Assistant, who had supervision of the sealing of the bottles to be returned to the Custom Office, to be careful in seeing that the quantity in each bottle did not exceed what had hitherto been returned and accepted without complaint by the Custom Office as the unexpended portion. The fact of the matter was there had been shortly after Mr. Rungaswamy Iyengar joined the Chemical Examiner's Office troublesome correspondence between the Sea Custom's Office and Chemical Examiner's upon the questions, (1) Why the Hydrometer Readings in both Offices of the same kind of spirit did not agree? (2) Why the results of the test in the Chemical Examiner's Office on different occasions of the same quality of spirits were capricious and varied? The answer from the Chemical Examiner's Office was, that when a portion of spirit is poured out of a bottle for the Hydrometer Reading in the Sea Custom's House and then returned to the bottle, such portion having been exposed to atmospheric air reduces the strength of the whole sample, which would not be found to be of the same strength when tested in the Chemical Examiner's Office. And for a similar reason, should the Sea Custom's Office choose to send the same sample more than once, the result of any of the subsequent test or tests would not be the same as the first. The correspondence on this subject extended as far as the Board of Revenue, who dealt with the matter in their Resolution dated 11th August 1891. Your Memorialist was also desirous of guarding against troublesome correspondence arising from any alteration by Mr. Rungaswamy Iyengar in the original practice, and hence his instruction to Rungaswamy Iyengar and Cunniah Naidu. Whenever therefore Mr. Rungaswamy Iyengar sent up the bottles with the portions used for the Hydrometer restored to them, Cunniah Naidu would remove from each bottle a portion equal to such quantity and then have the bottles sealed. It was from this quantity kept by Cunniah Naidu, that your Memorialist, in common with Mr. Goolab Roy the present Ag. Assistant Chemical Examiner, Cunniah Naidu and the Writer used any spirit. And during the sharp attack of Cholera in the neighbourhood of your Memorialist in the Luz in October last, your Memorialist took of such spirits for the use of the poor whom he treated; on some occasions he would taste from a bottle (the several brands being directly imported) often in the presence of the Chemical Examiner, to be in a position to satisfy questions put by the Board of Revenue, the Commissariat and Medical Departments and private parties, as to the taste and quality of tendered Samples, which was always your Memorialist's duty to do.

According to the last extract from Dr. Pope's letter it would appear that Mr. Rungaswamy Iyengar brought the matter to Dr. Pope's notice on the 1st of December as Dr. Pope writing on the 2nd, says it was *yesterday morning*; but it is evident from Rungaswamy Iyengar's first statement, which is dated 30th November 1891, that it was not on the 1st December but on the 30th November i.e. the

very day Dr. Pope was cross-examined by your Memorialist; and it is for your Excellency to consider if it is not a strange coincidence that Mr. Rungaswamy Iyengar should have brought the matter to Dr. Pope's notice on that very day and not before, and that Dr. Pope should have suspended your Memorialist immediately after his cross-examination was over on a matter, which, if according to Dr. Pope Mr. Rungaswamy Iyengar had been backward to report, he might have availed of your Memorialist's previous absence by illness to bring forward; but as a matter of fact it was not, as already shown, Rungaswamy Iyengar who reported, but Dr. Pope who got the report from him. Again, Dr. Pope writes to your Memorialist docket No. 166 dated 13th February 1892 (copy C enclosed), "The Collector of Sea Customs had reported that the unexpended portions were tampered with and this led to the discovery which formed the basis of the charge in question against him." Now the letter of the Collector referred to says nothing of the sort, and bears date 3rd December 1891 or 3 days after the date of Mr. Rungaswamy Iyengar's statement and a day after Dr. Pope's letter to Government reporting your Memorialist's suspension on the charge of misappropriation of spirits. Your Memorialist points out such inconsistencies in order to show how unsafe it would be for your Excellency's Government to finally dismiss a Public Servant of 15 years standing on the prejudiced statements of Dr. Pope. Then Dr. Pope's action in taking a second statement from Rungaswamy Iyengar and from 3 or 4 menial servants and sending the same to Government without forwarding any statements from the present Ag. Assistant Chemical Examiner and the 1st Assistant and the Writer, who are perfectly cognisant of the custom of the Office and had each a share of the samples that were not returned including the spirit from the Custom Office, is most unaccountable. Now turning to the letter of the Collector of Sea Customs (which coming immediately after your Memorialist's suspension, would appear to have been inspired) your Excellency will see that the Collector states that there was a short-fall in the quantity of spirits returned in the sample bottles prior to the 26th November 1891 compared with what had been returned after that date; but your Memorialist had been admittedly unable to attend Office from illness from about the middle of October and was then away in Bangalore on sick leave the whole time down to the 23rd November, before which he could not attend Office, how then would Dr. Pope account for the short-fall in the samples during your Memorialist's absence, and what became of the liquor? This fact only confirms your Memorialist's explanation just given that it was the 1st Assistant Cunniah Naidoo who regulated the quantity returned to the Sea Custom's Office, and the liquor supposed to have been used for the Hydrometer Reading was retained and used by the Establishment.

Rungaswamy Iyengar if put on his oath must contradict Dr. Pope in many particulars, notably in that he invariably restored, as Dr. Pope states, the quantity used for the Hydrometer Reading to the bulk of the sample; and it can be proved beyond all possible doubt that the custom of the Office has been such that the term misappropriation cannot possibly be applied to the action of your Memorialist without extending it on principle, to the several Chemical Examiners. Your Memorialist flatly contradicts Dr. Pope's statement that your Memorialist had admitted making the menial servants abstract and appropriate for his own use large quantities of spirits, and Rungaswamy Iyengar's first statement (dated 30th November 1891) which was all the information upon which Dr. Pope put your Memorialist the question about spirits, says nothing about menial servants, nor does any of the statements of the menial servants contain a word to show that your Memorialist caused any abstraction of the kind. Mr. Rungaswamy Iyengar is indeed made to say something about this in his second statement but your Excellency will notice what he had stated in his first statement was, "I am sorry to say I learnt that Mr. Newman the Assistant Chemical Examiner was at the bottom of it." Mr. Rungaswamy Iyengar is also made to add in his second statement "also on one or two occasions I advised Mr. Newman not to act in this manner as it is neither right nor moral to do so, but as he continued to repeat the same action I presumed he was not inclined to follow my advice"! Were Mr. Rungaswamy cross-

examined he would be compelled to admit that all he had told your Memorialist immediately after he had incurred Dr. Pope's displeasure in refusing to send him a compromising statement as explained—never before—was that Dr. Pope had been looking at the sample bottles and he would advise him not to have anything to do with the liquor in the office; and it is true that your Memorialist paid little attention to this, inasmuch as his action was *bonâ fide*, else it is impossible to understand how an official of Mr. Rungaswamy Iyengar's education would have abetted your Memorialist had he believed for a moment that your Memorialist was guilty of misappropriation; and your Memorialist's action in this matter having been so open will, he trusts convince your Excellency that it was perfectly *bonâ fide*.

Dr. Pope writes "Now Mr. Newman has nothing to do with any portion of the spirits, they are entirely under the care of Rungaswamy Iyengar the special assistant for the purpose." As a matter of fact Mr. Rungaswamy Iyengar was not an independent officer and it was the Chemical Examiner, or rather your Memorialist that admittedly had all the responsible work to do who had the supervision of the obscuration test and discretion of regulating matters to prevent unnecessary correspondence.

7. That the following facts are your Memorialist's answer to the charge of having surreptitiously abstracted certain confidential papers from Dr. Pope's cupboard and then uttering a falsehood.

The papers referred to relate to the last of your Memorialist's interrogatories to Dr. Pope at Colonel Weldon's investigation, viz., "Are you aware that Goolab and Cunniah Naidoo proved to be my enemies in the time of Dr. Rogers when Cunniah Naidoo was caught stealing something out of my Office drawer after opening it with the key he had abstracted from a pocket of my coat in the Office?" The papers in question had been in the Chemical Examiner's cupboard in a pigeon-hole labelled "Establishment" and not "Confidential." The Papers comprise a statement by the present Acting Assistant Chemical Examiner proving the theft of the 1st assistant and two statements by both already referred to. It has already been explained how these two individuals had conspired against your Memorialist and made the statements which in the face of a criminal prosecution pending, they affirmed to have been made under pressure from Dr. Rogers' draft or dictation. Your Memorialist is compelled now to state for whatever it may be worth, that Dr. Rogers during his last illness sending for your Memorialist assured him that he was very sorry to have been misled into attempting to harm your Memorialist and that he would do all he could on his recovery to set matters right. Unfortunately Dr. Rogers did not live to do so, and his successor Dr. McNally thought it his duty to bring to the notice of Government the remarks found in Dr. Rogers' correspondence with certain consignees adverse to your Memorialist, with the observation that he himself had no reason whatever to find fault with your Memorialist except that he was rather lenient to the menial servants of the Establishment, and Government disposed of the reference by simply warning your Memorialist against such leniency. Dr. McNally's own confidence in your Memorialist was such, that later on he recommended your Memorialist's acting for him as Chemical Examiner, and the appointment would have been made had the rules of the service permitted. It is evident from Dr. Pope's own admission recorded in your Memorialist's service Register 30th September 1890, *vide* (V) "I may indeed say that he has carried on all the responsible work and left me the general supervision of the Laboratory." That your Memorialist in order to facilitate work must have access to all records. Now the cupboard referred to contains chiefly all the current records, and your Memorialist would take away any paper he wanted from it. The cupboard would be opened every day on the Chemical Examiner coming to office, and left open throughout the day during his absence whilst engaged in lecturing downstairs to admit of your Memorialist's access to papers he might require for reference. Your Memorialist had taken out the papers in question from the pigeonhole of the cupboard marked "Establishment" on hearing that Cunniah Naidoo intended to make away with them, which he certainly had ample opportunity of doing, whilst the Chemical

Examiner would be away and your Memorialist at work in another room. This your Memorialist did long before Dr. Pope assumed charge on the present occasion, and it is impossible that he could have seen them unless he did so during his incumbency on the previous occasion. It is difficult to conceive how Dr. Pope could have known what the unlabelled papers related to without reading them. Dr. Pope in his letter last referred to, para. 10 says, "I had stated to Colonel Weldon that I never heard of the matter contained in the papers referred to by Mr. Newman, nor indeed, had I, for I never read them; but I knew full well Mr. Newman had extracted them, because I missed them from my office cupboard some days previously when I was looking over the confidential papers in connection with the Establishment." It is for your Excellency to inquire, why, if Dr. Pope had missed the papers some days previously he should not have questioned your Memorialist until immediately after suspending him on the close of his cross-examination by your Memorialist. As a matter of fact your Memorialist had simply removed the papers from a place where they were exposed every day to your Memorialist's office drawer where they had been lying for a long time, and your Memorialist took them to the investigation in his hand with a view to using them if necessary in cross-examining the witnesses, which your Memorialist would never have done had he taken the papers surreptitiously, nor would he have so readily admitted to Dr. Pope that he had the papers when questioned after his suspension. What your Memorialist has been angry with himself for is, that in his anxiety to secure a copy of the papers, now that he had been suspended, and thinking how impossible it would be to get a copy from Dr. Pope, as the event has proved, he should have equivocated in saying, that the papers were not with him and he would send them next day; but all the admissions he so readily made throughout, which he need not have done, would prove to your Excellency that your Memorialist is not in the habit of uttering falsehoods. Your Memorialist contradicts Dr. Pope's statement of details where they do not agree with your petitioner's version of the same in his letter to Dr. Pope for submission to Government dated 2nd Dec. 1891 (copy Z enclosed). Dr. Pope states in his letter to Government reporting your Memorialist's suspension, end of para. 8, "I then was leaving the office when my 2nd assistant following me said that Dr. Rogers' papers were not in Mr. Newman's house but in Mr. Newman's hands at that moment and that he was taking them home." Your Excellency will see that this only confirms your Memorialist's explanation given long before he had known this fact. He the 2nd, now 1st assistant, Cunniah Naidu was deeply interested in these papers and that your Memorialist made no secret of having the papers.

8. That the following in short is your Memorialist's answer to the main ground taken by your Excellency's Government for his dismissal, viz. "Mr. Newman therefore stands convicted of the dissemination of a false statement and of the grossest indiscretion and breach of confidence towards his superior."

In the first place your Memorialist begs to state that your Memorialist's conviction was without a fair hearing, the officer holding the enquiry being a bitter and biassed accuser who had clearly prejudged the case and who never told your Memorialist that there was any suspicion even against him.

(a) *Dissemination of a false statement.*—If by this is understood that the facts stated in Dr. Grant's reply to Mr. Gantz's as to the condition of the chopper, for which your Memorialist is alone responsible, is false, it must rest entirely on Dr. Pope's letter to Government dated 17th November 1891 No. 977, which was studiously withheld from your Memorialist and upon which he had no opportunity of cross-examining Dr. Pope. But Dr. Pope nowhere positively states in the letter that the statement in Dr. Grant's reply to Mr. Gantz is false, and it was after the receipt of that letter as well as Col. Weldon's dated 19th November 1891 No. 78 that the Government deputed Colonel Weldon to an inquiry limited to ascertaining the identity of Mr. Gantz's informant, and the result of Colonel Weldon's inquiry has in no way proved the statement to be false. Dr. Pope in his letter referred to (Para. 5) is at issue with your Memorialist on two points: (a) The

blade was covered almost entirely with a thick coating of mud: (b) The blood detected was apparently quite fresh. In regard to the first, Dr. Pope had never said a word to your Memorialist or your Memorialist in his letter (Z), would not have written, "the only point on which we differ is, as to the stain of the blood having been apparently fresh." In fact from Dr. Pope's letter forwarding the aforesaid letter to Government, as well as from his note to your Memorialist (X), it is evident that he never questioned your Memorialist about the mud although your Memorialist, equally with the Chemical Examiner was called upon by Government to assign reason for not removing the mud from the chopper and making further examination. But Col. Weldon in his first letters to Government, whatever he may have written afterwards, distinctly admitted the chopper being covered with mud, (your Memorialist not being furnished with copy of the Confidential G. O. is unable to quote the very words), and Inspector Bradbury who brought the chopper to the Chemical Examiner's office, according to the report of the Murder case in the Madras Mail of August 24th 1891 (extract XIII enclosed), distinctly deposes on oath, "the drain was searched, I examined the knife, 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, 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."

(b) The blood being apparently quite fresh. Your Excellency will see on referring to Mr. Gantz's letter, the allusion to blood stains being apparently quite fresh, occurs in the general description given of the knife on the parcel containing it being opened, and not as the result of any examination. The first time Dr. Pope made any enquiry about this was by his note to your Memorialist (X), the same day he got into communication with Col. Weldon as already shown, and there he simply asks your Memorialist's reasons for thinking that the blood on the knife was apparently fresh, and in his reply (XI), to your Memorialist's note (XII) where reference was made to his attention being drawn to the apparent fresh stains at the time, there is no contradiction of the fact, and all he ever told your Memorialist afterwards was, that he had no recollection of it; nor is there any positive contradiction of this fact in his correspondence to Government. On the contrary in his letter dated 17th November 1891, No. 977, para. 7, he writes "it might have been an opinion of a layman speaking at hazard," and in his letter dated 7th December 1891, para. 4 he says, "I called on him to give me statement of tests as applied by him from which I could judge clearly whether there were any scientific grounds for the apparent freshness," and it is in reference to these grounds that he disagrees with your Memorialist; but in the connection where the term occurs in Dr. Grant's letter there would be no question of scientific grounds; therefore despite the efforts of Col. Weldon, it cannot be made out that your Memorialist's statement in Dr. Grant's letter is false, and it is noteworthy that Col. Weldon with all his ingenuity has failed even to suggest a reasonable motive for your Memorialist's making false statements in the case of a friendless Biragi or Mendicant!

In this connection what Col. Weldon had really to account for was, how Dr. Pope on the parcel being opened, came to see at once the chopper stained with blood, and Goolab Roy—"bright red stains on the chopper," as admitted at the investigation, when in sending the chopper to the Chemical Examiner Col. Weldon had never expected (vide Confidential G. O.) that there would be any blood detected; for according to the police (vide XIII) the chopper had been first lying nearly 3 days in a sewer impregnated with oxidising agents generated from decomposing filthy matter, then taken out, repeatedly washed, used for chopping bamboos for 12 days, then thrown into the same sewer and finally taken up two days afterwards besmeared with mud. Col. Weldon states in his letter to Government (dated 26-11-91) "Mr. Newman himself admits that the blood stain might have been on the knife on the date of the murder or even earlier, that being admitted, one of his two reasons for saying it was quite fresh, viz. its lustre, Dr. Pope shows to be impossible." What your Memorialist meant was, that it was possible that the blood stain on the chopper, (assuming of course, it was not

the one found in the sewer and was carefully preserved) might have been 20 days old as it might have been of only some hours standing under different conditions; for there is no positively stating the age of a blood stain, and your Memorialist is not aware of Dr. Pope having shown anywhere that no blood stain 20 days old could possibly retain any brightness or lustre.

Had Dr. Pope forwarded to Government the replies received from the Chemical Examiners of Bombay and Calcutta, your Excellency's Government would have been convinced, that in answering the only question submitted by the Commissioner of Police, whether or not there was mammalian blood on the chopper reserving all other information for examination on oath in Court, the Chemical Examiner and your Memorialist have been strictly within the practice of the Chemical Examiners of the sister Presidencies. There was no question put as to the freshness of the blood, since no blood at all was seen by Col. Weldon. Dr. Pope admits in his letter to Government (dated 17-11-91, para. 6) I handed it to Mr. Newman to apply the usual tests for the detection of blood stains, and yet in para. 8 writes "if the blood detected at the time struck Mr. Newman as being apparently quite fresh, it should have been to him a still stronger reason to support his opinion by more confirmatory tests." However in para. 7 he states, I have interrogated Mr. Newman on the point and on expressing to me his reasons for so considering it, I informed him that from a scientific point of view his opinion had no foundation whatever. The same reasons given to Dr. Pope has been submitted in an abstract form by your Memorialist for the opinion of the Government Chemical Examiner of Calcutta by letter dated 24th June (copy XIV enclosed), and from that specialist's reply (copy XV enclosed) your Excellency will find that your Memorialist's opinion was well founded, and is not the "opinion of a layman speaking at haphazard unworthy of the carefulness and accuracy of a scientific Expert," as Dr. Pope has undertaken to state; and the Chemical Examiner of Calcutta so far from thinking with Dr. Pope says, "That fact tends to confirm the opinion that the stain was fairly fresh," and to your Memorialist's pointed question as to whether any further confirmatory test would be required, answers that all he could suggest was only one other.

As to Dr. Pope's further sweeping statements, 'on the extreme improbability of finding blood after removal of the mud'—"I cannot conceive how such a weak, thoughtless and distinctly erroneous statement could have been made by any Chemical Analyser," it might well pass unnoticed for the purposes of this Memorial, but merely in support of your Memorialist's professional reputation, your Memorialist may be allowed to state that it is the inveighing of a physician admittedly of less than 2 years (not practical working) but mere supervision of a laboratory against an expert of 15 years' experience in actual Medico-legal research.

The Surgeon-General reported to Government on the death of Dr. Rogers (late Chemical Examiner), to the effect that there was no covenanted officer in the department at the time considered competent to fill the Chemical Examiner's post, and that officers desirous of the post should qualify by attaching themselves to the office for a period of at least six months; on the other hand Surgeon-General Bidie's communication to Government on Dr. Van-Geyzel's recommending (shortly after being appointed Chemical Examiner) your Memorialist to the post of Analyst to the Cossipore shot and shell foundry, on a reference from the Bengal Government would show the estimate placed on your Memorialist's qualification. Both these facts speak for themselves in this connection. But your Memorialist has made the explanation given to Dr. Pope on the matter, the subject of reference in an abstract form to the Chemical Examiner Bombay by letter (copy XVI enclosed) and from his reply (copy XVII enclosed) your Excellency may judge what his answer might have been, had the reference been made by Government. In the recent Salt Coteur Murder Case the report forwarded by the Chemical Examiner was to the effect, that no blood had been detected in the quantity of earth sent for examination and that no blood could be expected to be found therein under

* But your Memorialist has since written on this subject to the Chemical Examiner Calcutta (Copy XVIII enclosed) and has received his reply dated 22/7/92 (Copy XIX enclosed) pending which this memorial has not been forwarded, and your Excellency will see that it settles the matter.

the circumstances. The whole question turns of course upon what kind of earth or mud, and in this case the chopper as admitted was besmeared with mud from a sewer impregnated with decomposing and oxidizing agencies. But all this has nothing to do with the statement being false.

(c) *The grossest indiscretion and breach of confidence towards his superior.* The evidence in the Triplicane Murder Case was purely circumstantial and formed the subject of Public Discussion. Dr. Pope admitted at the investigation to have told Inspector Bradbury who brought the parcel containing the chopper, to the effect that such chopper could not produce clean cuts, which was a part of the case for the prosecution, (Vide XIII). The very fact that any blood at all, in the circumstances of the case, was found on the chopper, it was considered would militate against the story of the prosecution and throw doubt on the whole evidence. It was thought strange that contrary to the invariable practice in Presidency Town Cases the Chemical Examiner and your Memorialist were not called to give evidence. Your Memorialist's presence being required as a witness in a case in the Small Cause Court on the last day of the trial he chanced to go to the Session's Court as the Murder case had just closed. Mr. Justice Shephard was reported to have told the jury in summing up, that not much reliance could be placed on the Chemical Examiner's report as to the finding of blood on the knife. Your Memorialist was thus naturally led into conversation in justification of the Chemical Examiner's report, whether immediately or later, to speak of the appearance of the chopper whilst in the Chemical Examiner's Office—a fact known to every one in the establishment, and the next day mentioned the same to Dr. Pope, who only expressed surprise at the result of the trial. It is immaterial to your Memorialist's mind, whether from what your Memorialist said, Mr. Gantz or any one else derived any information, and long before Col. Weldon's investigation was thought of your Memorialist mentioned to Dr. Pope the fact of having spoken on the subject to Mr. Ambrose, and Col. Weldon's enquiry has not established anything beyond your Memorialist's own admission; for the assertions of the 1st and 2nd assistants Goolab Roy and Cunniah Naidu being most improbable statements not on oath and made behind Memorialist's back of two interested men as shown, must be entirely worthless; moreover Goolab Roy, who fortunately for Memorialist having unwittingly named Mr. Nanjunda Row as present at a conversation, was flatly contradicted by that gentleman who is a M. B. C. M. of the Madras University and present assistant to the Professor of Hygiene in the Medical College.

As to the speculations from the nature of the questions of Mr. Gantz, who as the prisoner's counsel must have studied the case, your Excellency will find on turning to them in the Confidential G. O. that he had only to hear of the whole chopper not having been examined and the remainder of the questions would naturally follow. Had Col. Weldon not been biased against your Memorialist, he would have asked himself the question, whether it is at all likely that if Mr. Gantz had had the information from your Memorialist, he would have turned round and used it against him.

In the circumstances explained, your Memorialist is confident that your Excellency will not find that he is guilty of any indiscretion and breach of confidence whatever in only endeavouring to justify the report of the Chemical Examiner. The more so, as if your Memorialist had been silent when taxed about the slur cast on the Chemical Examiner's report, it would naturally have shaken public confidence injuring the prestige of the Chemical Examiner and assistant Chemical Examiner whose reports by law are accepted as unimpeachable evidence. Moreover it could never have occurred to your Memorialist for a moment that his birth-right as a British subject of free discussion on public questions could be restrained, by his being the assistant Chemical Examiner, whose office is to help society in arriving at a correct conclusion on Medico-legal questions, the duties of which office so far from being secret are liable to be laid bare in a Court of justice at the suit of any subject.

Regarding information admittedly conveyed by your Memorialist to Mr. Gantz through Dr. Grant's reply, Dr. Pope might indeed say after entering into communication with Col. Weldon that the matter ought to have been referred to him; but what prevented him writing to Government or even enquiring into the matter immediately he saw a report of it in the papers or at least when the whole correspondence was laid before him, and how came it that he allowed a whole month to slide after the receipt of the G. O. calling for explanation taking no action whatever in the matter until written to by Col. Weldon? Mr. Gantz's letter was marked urgent and the information called for was as counsel for the prisoner deputed by the Crown, to be used not in the Public prints as he did, which neither your Memorialist nor Dr. Grant could possibly anticipate, but in a Memorial to Government on which a question of life or death of a human being turned. The information given was not as the result of any test applied, but simply as to the appearance of the chopper on the parcel being opened, and as to what portion of the chopper was examined for blood, and it was distinctly stated that the same was gathered from your Memorialist.

Your Memorialist therefore begs that your Excellency will carefully go through his case reading all the connected papers and grant him such redress as your Excellency may think proper.

Madras, the Lux }
5th August 1892 }

Your Memorialist will, as in duty bound, ever pray.

William Sheerman

8/10/91 *2068*
23/1/92 *2068*

Madras,
1892.

6-5-92. No. 312 Public
25-3-92 " 195 Pub [Con 57/1892]
23. 1. 92 - 56. Pub [Con 15/1892]
26-11-91 - 2415. Pub [Con 148/1891]
8. 10. 91 - 2068. [Con 170/1891]
16 - 12. 91 - 1911 - [Con 155/1891]

From
William Samuel Newman, F.C.S.,
Ex-Assistant Chemical Examiner
to Government.

To
His Excellency the Governor in Council,
Fort St. George,
MADRAS

Dated August 1892.
Received - { 5th 6th 7th }
Refd

ENCLOSURES /
SUBJECT.

(Memorial of the Ex-Assistant Chemical Examiner
Mr. W. S. Newman clearing him of the charges by
reference to enclosures, and seeking redress for his
summary dismissal from the Public Service.

Ch. Secy
SP
Order of 5th Sept 1892. No. 627.

Mr. Newman will be
informed that H.E. the
Govt. in Council having
considered his Memorial does
not find ~~that~~ ^{no} reason
has been shown for a
reconsideration of the orders
already passed in his case.

Petitioner
Copy to Chemical Examiner

DESPATCHED 2.9.92 3 Sept

Ch. Secy
1/9. Submitted that a short order of this
nature will suffice as it does not seem
necessary to enter into details with regard
to each part of his memorial.

W.S.
5/1

Sub. op. 627 859-92

CONFIDENTIAL.

blood & which might, no doubt
be rust only.

(14) In the same clause Mr. N.
points out that the Chemical
Examr, Calcutta, to whom he
submitted the case is of opinion
that the facts observed, though
not conclusive, ~~point~~ lead to
the inference that the stains
were fresh.

Govt. has accepted Dr. Pope's dictum
on this point but, ~~as a matter of fact~~

~~as a matter of fact~~ if the test showed the results which
Mr. N. says it did & if those results
point to freshness as the C. E. Calcutta
says they do, then Mr. N. cannot
be charged with disseminating false
statements.

(15) Mr. N. admits that he talked
about the appearance of the choppers
to persons in the Sessions Court
but drives home to see Mr.
Gaulty about it.

The Govt. has already considered this
point & arrived at the conclusion
that Mr. N. must have spoken
to Mr. Gaulty on the subject.

by
22 Aug. 18 Aug.

The petition to Govt. & the communications to the
C. Exr. of Calcutta & Bombay do not appear
to be the handwork of Mr. N. a specimen
of whose composition will be found at p 10
(VI) of the memorial. They savour of Mr. Gaulty
It is submitted that Mr. Newman has not shown
any valid reason for reconsideration of the orders
passed in his case.

22 Aug.

that he therefore removed
to his own drawer & kept them
there.

This story is not improbable;
W. N.'s fault in removing the
records seems to have been
fatal.

(10) Mr. N. admits that he lied
to D. P. about the whereabouts
of the papers & explains why
he did so.

In para. 2 of the Memorial Mr. Newman
summarises his defence & adds fresh
arguments; the following require notice—

(11) In clause (a) Mr. N. urges
that there is nothing to show
that the statements contained in
D. P.'s letter to Mr. Gantzy were
false except the bare assertion of
D. Pope.

This statement is substantially correct.

(12) In clause (b) Mr. N. tries to prove
that the statements as to the condition
of the chopper contained in D.
P.'s letter to Mr. Gantzy referred solely
to its appearance on casual inspection.
This argument is absurd.

(13) In the same clause Mr. N. argues
that, because D. Pope saw that
the chopper was stained with blood
when the parcel in which it was
contained was opened & because
Ghulab Rai says he saw
"bright red stains" on it, therefore
it is to be assumed that the
bloodstains were bright & therefore
fresh.

But the record does not ^{apparently} show
that D. Pope noticed bloodstains
at once & Ghulab Rai seems
to have said merely that he
saw "a red stain which bright"

Mr. N. also points out that he
was not in regular attendance at
the office owing to ill-health between
the middle of October & the 23rd
Nov^r. He asks who was responsible
for misappropriating the spirits
during that period. This question
we cannot answer, perhaps the
Lignor was sent to Mr. N. at his
house while he was absent from
office. In any case the point
is immaterial. He is himself admitted to

(8) In connection with the same
charge Mr. N. complains that
Ghulab Rai, Karmayya Nayadu
& the office-writer were not examined
on the subject of the misappropriation
of Lignor. It would no doubt have
been better had this been done,
but perhaps, in view of what
Mr. N. has admitted, it was hardly
necessary to question these persons.
It has however been noted in para.
9 of G.O. of 23 Jan. 1890 No. 58 Pub.
that Mr. N. had no opportunities
of cross-examining the witnesses
who gave evidence against him
on this charge.

Para. 7 of the Memorial relates to the
taking away of the Confidential
Records & lying as to their whereabouts
it calls for the following remarks—

(9) Mr. N. states that the
records were not Confidential; that
they were kept in the C. E.'s cup-
board to which he had, of right,
free access; that the papers ~~above~~
contained proof of the enmity shown
towards him in 1884 by Ghulab
Rai & Karmayya Nayadu; that he
was afraid of Karmayya
stealing the

ignor had been returned to the bottle, the strength of the whole contents must have been lowered & this would not be remedied by afterwards withdrawing a quantity equal to that which had been tested.

It is pretty plain then that Mr. N. having in mind the facts that Mr. Graves used to keep back the portion tested by the hydrometer & that no one had ever complained tried to induce Rangaswami to do the same; that Rangaswami refused & that Mr. N. being determined to get the spirit told Kammayya Nayadu to withdraw it afterwards & send it up to him.

(7) In connection with this same charge Mr. Pope forwarded to Genl. (vide para. 10 (a) of his letter of 7 Dec. 1891 on p. 11 of P.O. of 23 Jan 92 No. 58 Pub.) a letter from the Collector of Sea Customs in which that officer complained that prior to the 26th Nov. 1891 & ever since the introduction of the observation test sample bottles had been returned minus a large portion of their contents while after the 26th Nov. they had been returned minus a small quantity only.

Mr. Newman comments on the fact that the Collector's letter was written on the 3rd Dec., or 3 days after Rangaswami informed Mr. Pope of the misappropriation of spirits, & he suggests that the letter was, what he calls, 'inspired'. This conclusion is perhaps not altogether unwarranted but even if true it does not help Mr. N.'s case.

that had been tested by the hydrometer in the sample bottle. Shortly before "Rangaswami joined the office a question had arisen regarding differences between test-results of the Cement Exam. & those of the Sea Customs Office & these differences were explained as being due to the loss of strength by evaporation during hydrometer-testing. Accordingly when, in Sept. 1891, Mr. Newman found that Rangaswami was replacing in the sample bottle liquor which had been tested by the hydrometer he directed him to cease doing so in future."

The correspondence regarding the differences in the results obtained by the Chem. Exam. & the Sea Customs Office will be found in G.O. of 3 Nov. 1891 No. 1043 Rev. & it does appear that the differences were explained in some such way as that stated. Thus what Mr. Newman says on this subject may be accepted as constituting a ^{plausible} ~~reasonable~~ ground for not putting back into the sample bottle any liquor that had been tested with the hydrometer.

But unfortunately Mr. Newman does not stop here. From what follows it appears that Rangaswami continued to replace the tested liquor in the bottles & that ~~Mr. N.~~ Kammayya Nayadu, under Mr. N.'s orders, used to extract from the bottles before he sealed & returned them to the Sea Customs Office a quantity equal to that which had been tested by the hydrometer. Now for this course there

an explanation this delay has
been reasonably enough accounted for
in para. 4 of Dr. Pope's letter to Genl.
87 Dec 1891 (vide p. 9 of G.O. of 23 Jan.
1892 N^o 58 Pub.)

(4) Mr. N. says that on receipt of
Dr. Pope's Note of the 2nd Nov. calling
for an account of the Examⁿ he
wrote ~~on the 5th~~ ^{on the 5th} explaining that he used
the customary tests ^(that he) ~~concluded from~~
the readiness with which results were
obtained that the blood was fresh &
~~called~~ ^(that he called) Dr. Pope's attention to the fact
at the time.

Dr. Pope certainly got a ~~from~~ note from
Mr. Newman on the 5th Nov. & replied
to it on the 9th idem & in his letter
Dr. P. made no reference to Mr. Newman's
statement that he had drawn the
attention of Dr. P. to the ^{apparent} freshness
of the blood.

~~Mr. Newman has argued that it is~~
~~obvious that he did call Dr. P.'s~~
~~attention to the freshness of~~

Mr. Newman dwells on the natural con-
clusion & the drawn from Dr. P.'s
silence.

Unfortunately Mr. N. ~~unwisely~~ quotes
his Note of the 5th Nov. from
memory merely & as it was only
written in pencil it is very likely
not forthcoming so that no safe
conclusions can be drawn from
the absence of all reference to the
freshness of the blood in Dr. P.'s
Note of the 9th Nov.

In any case the inference Mr. N.
wishes for & draw would be a
hasty one.

(5) Para. 4 (pp. 4 & 5) are devoted
to proving the malice & bad character
of G. H. K. & Co.

also at the time were
1st & 2nd Assistants in the
Chemical Examiner's Office & who have
borne witness against Mr. Newman.
In the course of his remarks on
this subject Mr. N. refers to a
conspiracy got up against him
by these two men in 1884, papers
about this alleged conspiracy
are not here, they are however
believed to be in Madras & can be
got if wanted by Mr. N.

Para. 5 & 6 of the Memorial relate to
the charge of stealing liquor & call
for the following remarks—

(6) Mr. Newman does not deny that
he appropriated liquor but asserts
that it has been the general practice
in the office to do so. He explains
the practice as follows—

"The 'oscuration test' of liquor
"was introduced in April 1891
"when Mr. Graves ^{acted} ~~was acting~~ in
"the Chemical Examiner's office as
"Assistant in Probationary charge
"of spirits. Since the new test
"was introduced all spirits have
"been subjected to 2 tests viz.
"the oscuration test & the hydro-
"meter test; the liquor used for
"the former test is spoilt entirely
"& that used for the latter test
"loses its strength by evaporation
"during the process of the test.
"Therefore Mr. Graves considered
"that ~~within~~ liquor subjected to
"either of the tests should not
"be restored to the sample bottle
" & he acted accordingly. In June
"1891 however Rangaswami
"Aiyangar replaced Mr. Graves
" & he used to return liquor

(3) (a) Mr. N. surreptitiously removed from their proper place certain Confidential records.

(b) On being questioned about these records Mr. N. said they were at his house whereas they were, as a fact, in his hands at the very time.

2. In this Review petition the following points call for notice; they are the only points which seem to be really of importance.

(1) In para. 3(a) p. 2 Mr. N. complains of the method in which the Enquiry against him was conducted by Col. Weldon. When disposing of the case in the first instance the Jnt. had all the facts about the Enquiry before it & did not regard them as of any importance. Col. Weldon has explained fully in para. 2-7 of his letter of 3 Dec. 91 (vide pp. 5 & 6 of G.O. of 23 Jan 92 N° 56 P.H.) the manner in which the Enquiry was conducted & as far as one can judge, it would seem that the pet. was not materially prejudiced thereby.

(2) In para. 3(b) p. 3 Mr. Newman says that he laid all the papers connected with the case together with G.O. of 16 Sept. 1891, N° 1911, Ind. L., before Dr. Pope when he resumed charge of the Chemical Examiner's Office on the 30th Sept. & that he never blamed him (Mr. Newman) for Dr. Grant's letter to Mr. Gaulty or disputed the accuracy of the facts therein stated. Mr. Newman says that Dr. Pope has admitted the truth of the above in para. 11 of his letter of Jan. 7 of Dec. 91 N° 11 of P.

of Dr. Newman is certainly as to this extent that in the para. quoted Dr. Pope makes no such admission. Anyhow the point is not of much importance.

(3) In the same para. 3(b) pp. 3 & 4 Mr. Newman tells the following story -

"In G.O. of 5 Oct. 1891, N° 2065, Ind. L., Govt. animadverted upon the neglect of duty by Dr. Pope. Dr. Pope must have got this G.O. by the 10th Oct. He should thereupon have called upon pet. to explain his conduct but he did not do so. Instead he addressed the Chemical Examiners Calcutta & Bombay on the subject of the form of Certificate used by them. However on 22nd Nov. Col. Weldon wrote to Dr. Pope calling his attention to the statements in Dr. Grant's letter to Mr. Gaulty. This letter startled Dr. Pope who at once wrote to pet. demanding an account of the Examination & an explanation of his reasons for stating that the blood-stains 'appeared to be fresh'."

~~From the~~ pet. argues that Dr. Pope would never have disputed the accuracy of Dr. Grant's letter to Mr. Gaulty & would have contented himself with proving that the form of Certificate was that usually adopted but for Col. Weldon's letter of the 2nd Nov. As a fact however G.O. of 5 Oct. 1891, N° 2065, Ind. L., was not despatched to the Chemical Examiners till the 22nd October & at that time Mr. Newman was not attending office owing to illness. There was therefore a delay of ^{about} a week ~~before~~ ^{before} Dr. Pope called on Mr. Newman.

C. No. 2076

From

W. W. L. Newman

Dated 5. Aug.

1892.

FOR ORDERS.

Mr. Newman was dismissed on the following grounds to wit:

(1) (a) Mr. G. committed a breach of official confidence in making statements ~~concerning~~ regarding the Exam^{on} of the Chopper, & (b) the statements he made regarding this Exam^{on} in the letter ^{drafted by him &} signed by Dr. Grant which was addressed to ^{presumably in his communication with Grant} Mr. Grant, were false because

(i) the chopper was not covered with a thick coat of mud;

(ii) the bloodstains on the chopper may have been fresh or not. But W. H. had no grounds for saying that they were the former because the only test from which this fact could have been ascertained was not applied;

(iii) it ~~was~~ not true that the whole of the chopper was not examined on the ground that the blood could not be traced in the mud with which it was said to be covered.

(2) H. H. has been in the habit of abstracting liquor for his own consumption from samples sent to the Chemical Examiner's office to be tested.

his family or to others who improved the 1. G.