

(1) பக்கங்களின் எண்ணிக்கை 13-13

(2) புதுக்கித் திருப்பிய நாள்

(3) ஆதாரக் குறிப்பவர் சுருக்கொப்பம்

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

பெருநகர துறை

அரசாணை எண். மு. கோப்புத் தாள் எண்.	1/2	அச்சகம் பலவகை
நாள் : 2-1-1893		1893.

மடிக்கவேண்டிய கையாளவேண்டாம்.

Recd
21/1/93

ORDINARY, PRINTED.

Public DEPARTMENT.

G.O., DATED 2-1-93.

No. 1/2

INDEXED.

First copy sent to Press. 2-1-93

Returned for signature.

Despatched in print. 14-1-93



[Despatch Abstract]

Mr W. L. Brown
 Directing that the
 memorial from —
 forwarded by the Asst
 Chemical Examiner
 Madras appealing
 against the orders
 of this Govt removing
 him from the public
 service, be forwarded
 to the Govt of India —

from — forwarded
 the Asst Chemical Ex-
 aminer Madras ap-
 pealing against the
 orders of this Govt re-
 moving him from
 the public service.

For Letter

In forwarding with

Regt. No.

HOME 1893 DEPT.

[]

From the Government of
Fort St. George.

Issued

Recd.

Encl.

Letter, 2nd January 1893, No. 2.

JANUARY.

Mr. W. S. Newman.

Forwarding, with remarks, a memorial from —,
formerly the Assistant Chemical Examiner,
Madras, appealing against the orders of this
Government removing him from the public
service.

READ AND ORDER OF GOVERNMENT, DATED
B. No.

BACK PAPER, No.

OF 18

FURTHER PAPER, No. 482/78.

OF 18

ENCLOSURES

CURRENT No.

3520 = P

STATEMENT WITH DITTO.

ORDER, &c., OF GOVERNMENT—A.

Letter = A

Deposited in letter = C. 2076. P. 627
579/92 = A

PAPERS KEPT OUT OF FILE FOR DISPATCH IN ORIGINAL
(not paged.)

NUMBER OF COPIES
REQUIRED.

Order complete.

Letter only.

Order complete with Letter.

N.B.—

A = Print in full.
B = Not to be printed.
P = Print abstract only.
Q = Print heading only.
R = Print, but not for monthly volume.

APPENDIX.

G.O., dated 5th September 1892, No. 627, Public.

Read—the following paper :—

From Mr. W. S. NEWMAN, F.C.S., ex-Assistant Chemical Examiner to Government, dated Madras, 5th August 1892.

ABSTRACT.—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.

Order—dated 5th September 1892, No. 627, Public.

Mr. Newman will be informed that His Excellency the Governor in Council, having considered his memorial, finds no reason for a reconsideration of the orders already passed in his case.

(True Extract.)

J. F. PRICE,
Chief Secretary.

To the Petitioner.

Copy to Chemical Examiner.

(3) In the same paragraph 3 (b), pages 3 and 4 of the petition, Mr. Newman makes observations to the following effect:—

"In G.O., dated 8th October 1891, No. 2068, Judicial, Government animadverted upon Dr. Pope's neglect of duty. Dr. Pope must have received this letter on the 18th October and it might have been anticipated that he would there and then call upon the petitioner for an explanation of his conduct. But it was not until Colonel Weldon wrote, on the 2nd November, to Dr. Pope and invited his attention to the statements in Dr. Grant's letter to Mr. Gantz, that Dr. Pope took any steps; he then wrote to the petitioner demanding an account of the examination of the chopper and an explanation of the petitioner's reasons for stating that the blood stains appeared to be fresh."

From the above Mr. Newman argues that Dr. Pope would never have disputed the accuracy of Dr. Grant's letter to Mr. Gantz had not Colonel Weldon pressed the matter.

In reply, it may be remarked that G.O., dated 8th October 1891, No. 2068, Judicial, was not despatched to Dr. Pope until the 22nd October and at that time Mr. Newman was in consequence of illness not attending office. The delay which occurred between the receipt by the Chemical Examiner of this Government Order and the call upon Mr. Newman for an explanation was thus trifling, and, such as it was, has been explained in paragraph 4 of Dr. Pope's letter to Government, dated 7th December 1891 (printed at page 9 of G.O., dated 23rd January 1892, No. 56, Public). Moreover, supineness on Dr. Pope's part in no way exonerates the petitioner.

(4) In the same paragraph 3 (b), page 4 of the petition, Mr. Newman asserts that, on receipt of Dr. Pope's note of the 2nd November asking for an account of the examination of the chopper, he wrote (on the 5th) stating that (i) he used the customary tests for blood, (ii) he concluded from the readiness with which results were obtained that the blood was fresh, and (iii) he had called Dr. Pope's attention to the freshness of the blood at the time of the examination.

It is certainly the fact that Dr. Pope received a note from Mr. Newman on the 5th November and replied to it on the 9th idem by a letter in which he made no reference to Mr. Newman's statement that he had called attention to the freshness of the blood at the time of the examination.

If then it is true that in his letter of the 5th November Mr. Newman remarked that he had called Dr. Pope's attention to the freshness of the blood previously, the absence of any reference to the remark in Dr. Pope's reply of the 9th would be important, though as affecting the conduct of Dr. Pope rather than that of Mr. Newman. But it is to be observed that Mr. Newman quotes from his letter of the 5th from memory and the letter is said to have been a mere pencil note and has not been produced. It is therefore unsafe to draw any inference from the absence from Dr. Pope's letter of the 9th of any reference to the freshness or otherwise of the blood.

(5) Paragraph 4, pages 4 and 5 of the petition, is devoted to proving the malice and bad character of Ghuláb Rái and Kannayya Náýudu, who, at the time of these occurrences, were, respectively, first and second assistants in the Chemical Examiner's office and who have given evidence against Mr. Newman. His Excellency in Council does not regard Mr. Newman's allegations on this subject as of any particular importance.

(6) Paragraphs 5 and 6 of the petition relate to the second charge against Mr. Newman, namely, that of stealing liquor sent to the Chemical Examiner's office to be tested.

Mr. Newman does not deny that he appropriated liquor; but he asserts that it has been the general practice in the office to do so and his explanation on the subject is, briefly, as follows:—

"All spirits sent to the Chemical Examiner's office are subjected to two tests—the obscuration test and the hydrometer test; the liquor tested by the former method is spoilt in the process and that tested by the latter method loses strength by evaporation during the process. Some time ago the question was raised why samples of liquor tested in the Sea-Customs Office and the Chemical Examiner's office showed different results, and it was found that the difference was due to the loss of strength by evaporation of samples tested by the hydrometer, the consequence being that, on testing in the Chemical Examiner's office a sample which had previously been tested in the Sea-Customs office, it would be found to be of lower strength than that recorded in the

previous test. Accordingly it was made the rule in the Chemical Examiner's office that liquor which had been tested either by obscuration or the hydrometer should not be returned to the sample-bottle. In September 1891, however, the petitioner found that Rangaswámi Aiyangar, to whom it fell to test spirits, was in the habit of returning the liquor which had been tested by the hydrometer to the sample-bottle and directed him to cease doing so in future, but Rangaswámi refused to obey his orders. Accordingly the petitioner ordered Kannayya Náýudu to extract from the sample-bottles before he sealed them and returned them to the Sea-Customs office a quantity equal to that tested by Rangaswámi and returned by him to the bottles."

The Government observes that the loss of strength by evaporation during the process of testing by the hydrometer must be very trifling, but it is true that some such cause was alleged for the differences discovered in the results of the tests applied by the Sea-Customs office and of those applied by the Chemical Examiner, and there was perhaps some ground for not returning liquor which had been tested to the sample bottles though none for Mr. Newman's appropriating the same to his own use.

But Mr. Newman admits that Rangaswámi continued to return the tested liquor to the sample-bottles and that he ordered Kannayya Náýudu to draw out an equal amount from the bottles before sealing them. For this action there is no excuse; once the tested liquor had been restored there could be no possible advantage to be gained by withdrawing again an equal quantity, and it seems to Government to be clear from Mr. Newman's own admission that he was in the habit of using all the liquor which had been tested for his own purposes, that Rangaswámi refused to be a party to any such misuse, and that Mr. Newman, being determined to get the spirits, employed Kannayya Náýudu as an instrument for carrying out his dishonest purposes.

(7) Mr. Newman makes it a matter of complaint that Ghuláb Rái, Kannayya Náýudu and the office-writer were not examined on the subject of the misappropriation of liquor. In view of Mr. Newman's admissions on this point the examination of these witnesses was not of great importance, and it will be observed that in another part of his petition Mr. Newman comments upon the malice and ill-will of the two first-named individuals. It is, however, true that Mr. Newman had no opportunity of cross-examining the witnesses who deposed against him on this charge.

(8) Paragraph 7 of the petition relates to the taking away of certain confidential records. Mr. Newman denies that the records were confidential, but Dr. Pope says the reverse in paragraph 8 of his letter printed on page 8 of G.O., dated 23rd January 1892, No. 56, Public. The matter is not of much moment; the chief charge against Mr. Newman in connection with these papers is that he lied as to their whereabouts when questioned by Dr. Pope. Mr. Newman is unable to deny that he told a deliberate falsehood, although he attempts to justify his conduct.

(9) In paragraph 8 (b), page 10 of the petition, Mr. Newman argues that, because Dr. Pope saw that the chopper was stained with blood when the parcel in which it was contained was opened and because Ghuláb Rái says that he saw "bright red stains" on it, therefore it is clear that the blood-stains were bright and, consequently, fresh.

But the record does not show that Dr. Pope noticed the bloodstains at once, and all that Ghuláb Rái seems to have said is that he saw "a red stain which might be blood."

(10) In the same paragraph 8 (b), Mr. Newman brings forward the opinion of the Chemical Examiner, Calcutta, as to the inferences to be drawn from the facts observed. On this point it is only necessary to remark that there is no proof that the stains were really of a bright red colour, as stated in the letter from Mr. Newman to the Chemical Examiner, Calcutta.

3. In conclusion, I am to state that His Excellency the Governor in Council has no recommendation to make on behalf of the petitioner.

I have the honour to be,

Sir,

Your most obedient servant,

FORT ST. GEORGE,
2nd January 1893.

J. F. PRICE,
Chief Secretary.

Gobt. of {1893} Madras.
PUBLIC.

Issued

Recd.

Encl.

G.O., 2nd January 1893, No. 1.

JANUARY.

Mr. W. S. Newman.

Directing that the memorial from —, formerly the Assistant Chemical Examiner, Madras, appealing against the orders of this Government removing him from the public service, be forwarded to the Government of India.

2ND JANUARY 1893, No. 2, PUBLIC.

PUBLIC DEPARTMENT.

LETTER—from

THE CHIEF SECRETARY TO THE GOVERNMENT OF
FORT ST. GEORGE,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
HOME DEPARTMENT.

SIR,

I am directed to forward, for the consideration of the Government of India, a memorial from Mr. W. S. Newman, formerly the Assistant Chemical Examiner, Madras, appealing against the orders of this Government removing him from the public service. Mr. Newman was dismissed under G.O., dated 23rd January 1892, No. 56, Public; he prayed for a reconsideration of this order in a petition, dated the 5th August 1892, which was rejected in G.O., dated 5th September 1892, No. 627, Public; copies of both these Proceedings of Government accompany this letter.

2. The history of the case is contained in sufficient detail in G.O., dated 23rd January 1892, No. 56, Public, and it is unnecessary to do more than comment upon certain portions of Mr. Newman's petition of the 5th August wherein appear the grounds upon which he now seeks the reversal of the orders passed by this Government.

(1) In paragraph 3 (a), page 2, of the petition, Mr. Newman complains of the method in which the enquiry in his case was conducted by Colonel Weldon, the late Commissioner of Police. * Colonel Weldon has explained fully in paragraphs 2—7 of his letter, dated 3rd December 1891 (printed on pages 5 and 6 of G.O., dated 23rd January 1892, No. 56, Public), the manner in which the enquiry was conducted, and this Government is of opinion that nothing to the material prejudice of the petitioner was done.

(2) In paragraph 3 (b), page 3, it is stated that Mr. Newman laid all the papers connected with the case, together with G.O., * dated 16th September 1891, No. 1911, Judicial, before Dr. Pope when he resumed charge of the Chemical Examiner's office on the 30th September 1891, and that he never blamed Mr. Newman for Dr. Grant's letter to Mr. Gantz or disputed the accuracy of the facts therein stated. Mr. Newman adds that Dr. Pope admitted the above to be true in paragraph 11 of his letter to Government, dated 7th December 1891, No. 1032 (printed on page 11 of G.O., dated 23rd January 1892, No. 56, Public).

The above assertions, even if their correctness be admitted, do not materially help Mr. Newman, but it is observed that paragraph 11 of Dr. Pope's letter of the 7th December does not bear the construction placed upon it by Mr. Newman. Dr. Pope merely did not deny that, prior to the receipt of the Proceedings of Government on the Triplicane murder case, he had had no occasion to find fault with Mr. Newman.

2ND JANUARY 1893, No. 1, PUBLIC.

GOVERNMENT OF MADRAS.
PUBLIC DEPARTMENT.

READ—the following paper:—

From Mr. W. S. NEWMAN, ex-Assistant Chemical Examiner, dated Madras,
7th December 1892.

ABSTRACT.—Requesting that his appeal petition, dated 7th December 1892, to His Excellency the Viceroy in Council, be forwarded together with all connected papers.

ORDER—dated 2nd January 1893, No. 1, Public.

The memorial will be forwarded to the Government of India, with the following letter:—

[Here enter No. 2, dated 2nd January 1893.]

(True Extract.)

J. F. PRICE,
Chief Secretary.

To Mr. W. S. Newman.

Ed. A. Raitt.

APPENDIX.

G. O., dated 5th September 1892, No. 627, Public.

READ—the following paper :—

From Mr. W. S. NEWMAN, F.C.S., ex-Assistant Chemical Examiner to Government, dated Madras, 5th August 1892.

ABSTRACT.—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.

ORDER—dated 5th September 1892, No. 627, Public.

Mr. Newman will be informed that His Excellency the Governor in Council, having considered his memorial, finds no reason for a reconsideration of the orders already passed in his case.

(True Extract.)

J. F. PRICE,
Chief Secretary.

To the Petitioner.

Copy to Chemical Examiner.

that, on testing in the Chemical Examiner's office a sample which had previously been tested in the Sea-Customs office, it would be found to be of lower strength than that recorded in the previous test. Accordingly it was made the rule in the Chemical Examiner's office that liquor which had been tested either by obscuration or the hydrometer should not be returned to the sample-bottle. In September 1891, however, the petitioner found that Rangaswami Aiyangar, to whom it fell to test spirits, was in the habit of returning the liquor which had been tested by the hydrometer to the sample-bottle and directed him to cease doing so in future, but Rangaswami refused to obey his orders. Accordingly the petitioner ordered Kannayya Náyudu to extract from the sample-bottles before he sealed them and returned them to the Sea-Customs office a quantity equal to that tested by Rangaswami and returned by him to the bottles."

The Government observes that the loss of strength by evaporation during the process of testing by the hydrometer must be very trifling; but it is true that some such cause was alleged for the differences discovered in the results of the tests applied by the Sea-Customs office and of those applied by the Chemical Examiner, and there was perhaps some ground for not returning liquor which had been tested to the sample bottles though none for Mr. Newman's appropriating the same to his own use.

But Mr. Newman admits that Rangaswami continued to return the tested liquor to the sample-bottles and that he ordered Kannaya Náyudu to draw out an equal amount from the bottles before sealing them. For this action there is no excuse; once the tested liquor had been restored there could be no possible advantage to be gained by withdrawing again an equal quantity, and it seems to Government to be clear from Mr. Newman's own admission that he was in the habit of using all the liquor which had been tested for his own purposes, that Rangaswami refused to be a party to any such misuse, and that Mr. Newman, being determined to get the spirits, employed Kannayya Náyudu as an instrument for carrying out his dishonest purposes.

(7) Mr. Newman makes it a matter of complaint that Ghuláb Rái, Kannayya Náyudu and the office-writer were not examined on the subject of the misappropriation of liquor. In view of Mr. Newman's admissions on this point the examination of these witnesses was not of great importance, and it will be observed that in another part of his petition Mr. Newman comments upon the malice and ill-will of the two first-named individuals. It is, however, true that Mr. Newman had no opportunity of cross-examining the witnesses who deposed against him on this charge.

(8) Paragraph 7 of the petition relates to the taking away of certain confidential records. Mr. Newman denies that the records were confidential, but Dr. Pope says the reverse in paragraph 8 of his letter printed on page 8 of G.O., dated 23rd January 1892, No. 56, Public. The matter is not of much moment; the chief charge against Mr. Newman in connection with these papers is that he lied as to their whereabouts when questioned by Dr. Pope. Mr. Newman is unable to deny that he told a deliberate falsehood, although he attempts to justify his conduct.

(9) In paragraph 8 (b), page 10 of the petition, Mr. Newman argues that, because Dr. Pope saw that the chopper was stained with blood when the parcel in which it was contained was opened and because Ghuláb Rái says that he saw "bright red stains" on it, therefore it is clear that the blood-stains were bright and, consequently, fresh.

But the record does not show that Dr. Pope noticed the bloodstains at once, and all that Ghuláb Rái seems to have said is that he saw "a red stain which might be blood."

(10) In the same paragraph 8 (b), Mr. Newman brings forward the opinion of the Chemical Examiner, Calcutta, as to the inferences to be drawn from the facts observed. On this point it is only necessary to remark that there is no proof that the stains were really of a bright red colour, as stated in the letter from Mr. Newman to the Chemical Examiner, Calcutta.

3. In conclusion, I am to state that His Excellency the Governor in Council has no recommendation to make on behalf of the petitioner.

I have the honour to be,

— Sir,

Your most obedient servant,

J. F. PRICE,
Chief Secretary.

FORT ST. GEORGE,
January 1893.

(3) In the same paragraph 3 (b), pages 3 and 4 of the petition, Mr. Newman makes observations to the following effect:—

“In G.O., dated 8th October 1891, No. 2068, Judicial, Government animadverted upon Dr. Pope's neglect of duty. Dr. Pope must have received this letter on the 18th October and it might have been anticipated that he would there and then call upon the petitioner for an explanation of his conduct. But it was not until Colonel Weldon wrote, on the 2nd November, to Dr. Pope and invited his attention to the statements in Dr. Grant's letter to Mr. Gantz, that Dr. Pope took any steps; he then wrote to the petitioner demanding an account of the examination of the chopper and an explanation of the petitioner's reasons for stating that the blood stains appeared to be fresh.”

From the above Mr. Newman argues that Dr. Pope would never have disputed the accuracy of Dr. Grant's letter to Mr. Gantz had not Colonel Weldon pressed the matter.

In reply, it may be remarked that G.O., dated 8th October 1891, No. 2068, Judicial, was not despatched to Dr. Pope until the 22nd October and at that time Mr. Newman was in consequence of illness not attending office. The delay which occurred between the receipt by the Chemical Examiner of this Government Order and the call upon Mr. Newman for an explanation was thus trifling, and, such as it was, has been explained in paragraph 4 of Dr. Pope's letter to Government, dated 7th December 1891 (printed at page 9 of G.O., dated 23rd January 1892, No. 56, Public). Moreover, supineness on Dr. Pope's part in no way exonerates the petitioner.

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It is certainly the fact that Dr. Pope received a note from Mr. Newman on the 5th November and replied to it on the 9th idem by a letter in which he made no reference to Mr. Newman's statement that he had called attention to the freshness of the blood at the time of the examination.

If then it is true that in his letter of the 5th November Mr. Newman remarked that he had called Dr. Pope's attention to the freshness of the blood previously, the absence of any reference to the remark in Dr. Pope's reply of the 9th would be important, though as affecting the conduct of Dr. Pope rather than that of Mr. Newman. But it is to be observed that Mr. Newman quotes from his letter of the 5th from memory and the letter is said to have been a mere pencil note and has not been produced. It is therefore unsafe to draw any inference from the absence from Dr. Pope's letter of the 9th of any reference to the freshness or otherwise of the blood.

(5) Paragraph 4, pages 4 and 5 of the petition, is devoted to proving the malice and bad character of Ghuláb Rái and Kannayya Náyudu, who, at the time of these occurrences, were, respectively, first and second assistants in the Chemical Examiner's office and who have given evidence against Mr. Newman. His Excellency in Council does not regard Mr. Newman's allegations on this subject as of any particular importance.

(6) Paragraphs 5 and 6 of the petition relate to the second charge against Mr. Newman, namely, that of stealing liquor sent to the Chemical Examiner's office to be tested.

Mr. Newman does not deny that he appropriated liquor; but he asserts that it has been the general practice in the office to do so and his explanation on the subject is, briefly, as follows:—

“All spirits sent to the Chemical Examiner's office are subjected to two tests—the obscuration test and the hydrometer test; the liquor tested by the former method is spoilt in the process and that tested by the latter method loses strength by evaporation during the process. Some time ago the question was raised why samples of liquor tested in the Sea-Customs Office and the Chemical Examiner's office showed different results, and it was found that the difference was due to the loss of strength by evaporation of samples tested by the hydrometer, the consequence being

2 JANUARY 1898, No. 2, PUBLIC.

PUBLIC DEPARTMENT.

LETTER—from

THE CHIEF SECRETARY TO THE GOVERNMENT OF
FORT ST. GEORGE,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
HOME DEPARTMENT.

SIR,

I am directed to forward, for the consideration of the Government of India, a memorial from Mr. W. S. Newman, formerly the Assistant Chemical Examiner, Madras, appealing against the orders of this Government removing him from the public service. Mr. Newman was dismissed under G.O., dated 23rd January 1892, No. 56, Public; he prayed for a reconsideration of this order in a petition, dated the 5th August 1892, which was rejected in G.O., dated 5th September 1892, No. 627, Public; copies of both these Proceedings of Government accompany this letter.

2. The history of the case is contained in sufficient detail in G.O., dated 23rd January 1892, No. 56, Public, and it is unnecessary to do more than comment upon certain portions of Mr. Newman's petition of the 5th August wherein appear the grounds upon which he now seeks the reversal of the orders passed by this Government.

(1) In paragraph 3 (a), page 2, of the petition, Mr. Newman complains of the method in which the enquiry in his case was conducted by Colonel Weldon, the late Commissioner of Police. Colonel Weldon has explained fully in paragraphs 2—7 of his letter, dated 3rd December 1891 (printed on pages 5 and 6 of G.O., dated 23rd January 1892, No. 56, Public), the manner in which the enquiry was conducted, and this Government is of opinion that nothing to the material prejudice of the petitioner was done.

(2) In paragraph 3 (b), page 3, it is stated that Mr. Newman laid all the papers connected with the case, together with G.O., * dated 16th September 1891, No. 1911, Judicial, before Dr. Pope when he resumed charge of the Chemical Examiner's office on the 30th September 1891, and that he never blamed Mr. Newman for Dr. Grant's letter to Mr. Gantz or disputed the accuracy of the facts therein stated. Mr. Newman adds that Dr. Pope admitted the above to be true in paragraph 11 of his letter to Government, dated 7th December 1891, No. 1032 (printed on page 11 of G.O., dated 23rd January 1892, No. 56, Public.)

The above assertions, even if their correctness be admitted, do not materially help Mr. Newman, but it is observed that paragraph 11 of Dr. Pope's letter of the 7th December does not bear the construction placed upon it by Mr. Newman. Dr. Pope merely did not deny that, prior to the receipt of the Proceedings of Government on the Triplicane murder case, he had had no occasion to find fault with Mr. Newman.

Proof for approval - Please see to arrangement
30/12/92
31/1/93
2
1
JANUARY 1893, No. 1, PUBLIC.

GOVERNMENT OF MADRAS.
PUBLIC DEPARTMENT.

READ—the following paper :—

From Mr. W. S. NEWMAN, ex-Assistant Chemical Examiner, dated Madras,
7th December 1892.

ABSTRACT.—Requesting that his appeal petition, dated 7th December 1892, to His Excellency the Viceroy in Council, be forwarded together with all connected papers.

ORDER—dated 2nd January 1893, No. 1, Public.

The memorial will be forwarded to the Government of India, with the following letter :—

[Here enter No. , dated January 1893.]

(True Extract.)

Chief Secretary.

To Mr. W. S. Newman.

Mr. Newman's
Memorial to the
S. of I.

Am. Soc.

copy
2/12/12

6. The question cannot be answered, nor is it material to the case seeing that Mr. Newman confesses to having appropriated liquor.

(7) Mr. Newman makes it a matter of complaint that Shulab Rai, Kamungra Nayak & the office-writer were not examined on the subject of the misappropriation of liquor. In view of Mr. Newman's admissions on this point the examination of these witnesses was not of great importance & it will be observed that in another part of his petition Mr. Newman comments upon the malice & ill-will of the two first named individuals.

It is however true that Mr. Newman had no opportunity of cross-examining the witnesses who deposed against him on this charge.

(8) Para. 7 of the petition relates to the taking away of certain Confidential records. Mr. Newman denies that the records were confidential but Dr. Pope says the reverse in para. 8 of his letter printed on p. 8 of G.O. 2000 of 1921, No. 56, P.B. & the matter is not of much importance; the chief charge against Mr. Newman in connection with these papers is that he hid as to their whereabouts when questioned by Dr. Pope. Mr. Newman pertinaciously that he told

petition, Mr. Newman argues that, because Dr. Pope saw that the chopper was stained with blood when the parcel in which it was contained was opened & because Shulab Rai says that he saw "bright red stains" on it, therefore it is clear that the blood-stains were bright & consequently fresh.

But the record does not show that Dr. Pope noticed the bloodstains at once & all that Shulab Rai seems to have said is that he saw "a red stain which might be blood."

(10) In the same para 8(b) Mr. Newman brings forward the opinion of the Chemical Exam., Calcutta, as to the inferences to be drawn from the facts observed. On this point it is ^{remark} necessary to ~~observe~~

that there is no proof that the stains were really of a bright red colour as stated in the letter ^{from Mr. Newman} to the Chem. Exam., Calcutta;

that the Chem. Exam., Calcutta, observed that in any case it would be unsafe to express ~~opinion~~

3. In conclusion I am to state that 12 Dec. H.E. the G.O. in C.

has no recommendation to make on behalf of Mr. Newman.

Chemical Examiner's office showed different results. It was found that the difference was due to the loss of strength by evaporation of samples tested ^{by the} hydrometrically, the consequence being that, ~~on~~ ^{on} testing in the Chem. Examr's office a sample which had previously been tested in the Sea Customs Office, it would be found to be of lower strength than that recorded in the previous test. Accordingly it was made the rule in the Chem. Examr's office that liquor which had been tested either by observation or the hydrometer should not be returned to the sample-bottle. In Sept. '91, however, ^{the post?} ~~the post?~~ ^{the post?} found that Rangaswami ^{Rangaswami} ~~Rangaswami~~ where it fell to test spirits was in the habit of returning the liquor which had been tested ^{by the} hydrometrically to the sample-bottle. ~~He~~ ^{He} directed him to cease doing so in future but Rangaswami refused to obey his orders. Accordingly the post? ordered Kamayya Rangadu to extract from the sample-bottles before he sealed ^{them} and returned them to the Sea Customs Office a quantity equal to that tested by Rangaswami & returned by him to the bottles.

alleged for the differences discovered
in the results of the tests applied
by the Sea Customs Office & of
those applied by the Chemical
Examr: & there was perhaps
some ground for not returning liquor
which had been tested to the
sample bottles though none for
H.P. Newman's appropriating the
same to his own use.

But H.P. Newman admits that
Kangaswami continued to return
the tested liquor to the sample-bottles
& that he ordered Kanayya Nayadu
to draw out an equal amount from
the bottles before sealing them. For
this action there is no excuse; once
the tested liquor had been restored
there could be no possible advantage
to be gained by withdrawing again
an equal quantity & it seems to
follow that the ~~fact~~ ^{claim} from H.P. Newman's
own admission that he was in
the ~~possession~~ ^{habit} of using all the liquor
which had been tested for his
own purposes; that Kangaswami
refused to be a party to any such
fraud & that H.P. Newman, being
determined to get the spirits,
~~employed~~ ^{employed} Kanayya Nayadu, to
~~withdraw it afterwards & send~~
~~it to him as an instrument for~~
carrying out his dishonest purpose.

(7) H.P. Newman, on page 7 of his
petition, observes that he was
not in regular attendance at
the office during owing to ill
health between the 1st of
of 1844 & the 1st of 1845.

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for an explanation was thus trifling
& such as it was, has been
explained in para. 4 of Dr. Pope's
letter to Jnt. dated 7 Dec. '91 (printed
at p. 9 of G.O. 23 Jan '92, N. 56,
Pub.). Moreover supineness on
Dr. Pope's part in no way exonerates
the petitioners.

(4) In the same para. 3 (b), page 4
of the petition, Dr. Newman asserts
(i) that, on receipt of Dr. Pope's
note of the 2nd Nov. asking for
an account of the examⁿ of the
chopper, he wrote (on the 5th) ~~stating~~
~~stating~~ that (i) he used the
customary tests for blood (ii) he
concluded from the readiness with
which results were obtained that
the blood was fresh & calling Dr.
Pope's attention to ⁽ⁱⁱⁱ⁾ ~~the~~ ^{fact} ~~that~~
Dr. Pope's attention to the freshness
of the blood at the time of the
examⁿ.

It is certainly the fact that Dr.
Pope received a note from Dr. Newman
on the 5th Nov. & replied to it on
the 9th ~~idem~~ by a letter in which
he made no reference to Dr. Newman's
statement that he had drawn
Dr. Pope's called attention to the
freshness of the blood at the
time of the examⁿ.

Of them it is true that in his letter
of the 5th Nov. Dr. Newman remarks
that he had called Dr. Pope's attention
to the freshness of the blood previously,
the absence of any reference to the
remark in Dr. Pope's repl. of the

4 P 5
Newman note from his letter of
the 5th from memory & the letter
is said to have been a mere pencil
note & had not been produced.
It is therefore unsafe to draw
any inferences from the absence
from Dr. Pope's letter of the 9th of
any reference to the freshness or
otherwise of the blood.

(5) Para. 4, pages 4 & 5 of the petition,
is devoted to proving the malice
& bad character of Ghulam Razi
& Kammappa Nayadu who, at
the time of these occurrences, were
respectively First & Second Assist^{ts}
in the Chemical Examⁿ's office & who
have given evidence against Dr.
Newman. W. S. in C. does not regard
these allegations as of any particular importance.

(6) Paras. 5 & 6 of the petition relate
to the second charge against Dr.
Newman, namely, that ~~he~~ of
stealing liquor sent to the Chem.
Examⁿ's office to be tested.

Dr. Newman does not deny that he
appropriated liquor but he asserts
that it has been the general practice
in the office to do so. His explanation
on the subject is, briefly, as follows:-

"All spirits sent to the Chem.
Examⁿ's office are subjected to
two tests - the observation test
& the hydrometer test; the liquor
tested by the former method is
spoilt in the process & that
the tested by the latter method loses
its strength by evaporation
of 2 1/2% of the

to grounds upon which he now
seeks the reversal of the orders
passed by this Genl.

(1) In para. 3 (a), page 2 of the petition,
Mr. Newman complains of the
manner in which the inquiry in his
case was conducted by Colonel
Weldon, the late Com^d of Police.

This Genl. Col. Weldon has explained
fully in para. 2-7 of his letter
of 3 Dec. '91 (printed on pages 5 & 6
of G.O. of 23 Jan. '92, N^o 56, Pub.) the
manner in which the inquiry was
conducted & this Genl. is of opinion
that nothing to the material
prejudice of the petitioner was done.

(2) In para. 3 (b), page 3, it is
stated that Mr. Newman laid all
the papers connected with the case,
together with G.O. of 16 Sept. '91, N^o
'91, L.H., before D. Pope when
he resumed charge of the Criminal
Branch's office on the 30th Sept. '91
& that he never blamed Mr. Newman
for D. Grant's letter to Mr. Ganty
or disputed the accuracy of the
facts therein stated. Mr. Newman
adds that D. Pope admitted the
above to be true in para. 11 of
his letter to Genl. of 7 Dec. 1891, N^o
'92 (printed on page 4 of G.O. of
23 Jan. '92, N^o 56, Pub.).

above assertions, even if their
correctness be admitted, do not
materially help Mr. Newman but

Will be found printed on p. 3 of
G.O. of 8 Oct. '91, N^o 2060, L.H., of
which a copy accompanies this
letter.

30
Genl. on the Tamplicane Murder
case, he had had no occasion to
find fault with Mr. Newman.

(3) In the same para. 3 (b), pages
3 & 4 of the petition, Mr. Newman
makes observations to the following
effect:—

"In G.O. of 8 Oct. '91, N^o 2060, L.H.,
Genl. inadvertently upon D.
Pope's neglect of duty. D. Pope
must have ^{known} this letter on
the 10th Oct. & it might have
been anticipated that he would
there & then call upon the
pet^r for an explanation of
his conduct. But it was not
until Col. Weldon wrote, on
the 2nd Nov., to D. Pope &
invited his attention to the
statements in D. Grant's letter
to Mr. Ganty that D. Pope took
any steps; he then wrote to
the pet^r demanding an account
of the Examⁿ of the Chopper &
an explanation of the petitioner's
reasons for stating that the
blood-stains appeared to be
fresh."

From the above Mr. Newman argues
that D. Pope would never have dis-
puted the accuracy of D. Grant's
letter to Mr. Ganty had not Col.
Weldon pressed the matter.

Scarcely it may be remarked that
G.O. of 8 Oct. '91, N^o 2060, L.H., was
not despatched to D. Pope until the
22nd October & at that time Mr.
Newman was not attending office
of R. & L. J. the 1st.

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DESCARTES.

To Mr. W. L. Newman.
 14 JAN 93
 Letter
 2 Jan 93
 To the Secy of the
 Dir.
 DECEASED.
 both deceased
 & 2000
 Central
 93
 DECEASED
 14 JAN 93

W
15 Dec

145
13 Jan

136
4/12/92

2. The history of the case is consistent with sufficient

Madras 1892
Public Department
CURRENT NO.

From

William Samuel Newman
F.C.S.
Asst Chemical Examiner
to Government

To

The Chief Secretary
to Government

Dated - 7th Dec 1892

Recd
7th Dec 92

Enclosures III

Subject.

Requesting that his Appeal
Petition dated 7/12/92 to
His Excellency The Viceroy-
in-Council be forwarded

Committed

7/17 Dec 92
Surgeon. Major T. H. Pope

is requested to report, at
a very early date, whether
there is any truth in the
statement made by Mr.

Newman in para 3/6) of
his petition to this
Government and at the
foot of page 1 of his Memorandum
to the Govt. of India that
Mr. Pope, on the receipt of
the confidential L.O. of
8th Octr, wrote to the
Chemical Examiners at
Bombay Calcutta with
a view to support by
their letters that there
was no failure of duty

(By Order)

A. Hunterworth
Asst. Under Secretary

C.S.
17.12.

CORRESPONDENCE

The "Suz" Madras

7th December 1892

1 abt. Dec.

To The Chief Secretary
to Government
Public Dept.
Fort St George.

Sir

I beg to submit herewith a Petition addressed to His Excellency the Viceroy-in-Council which together with my Memorial to the Madras Government dated 5th August 1892 forms my appeal from the order of Government dated (5th Sept 1892 H.O. 627 Pub). I beg therefore you will be so good as to forward the accompanying petition together with the aforesaid Memorial and all papers bearing directly or indirectly with the case to His Excellency the Viceroy-in-Council. Thinking it may be desirable to furnish you with a copy for your office I have with do so.

I beg to remain
Sir

Your Most Obedt Servant
W. S. Newman