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MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 46 Press ~~Hire~~

26-27

Dated 12. 1. 1860 .

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, for the month of January 1860.

No. 26. Read the following letter from Mr. W. SLOAN, late Principal Sadr Ameen of Vizagapatam; to T. PYCROFT, Esq., Chief Secretary to Government, Judicial Department, Fort Saint George, dated Madras, 23rd December 1859.

With reference to the late Order on the subject of Memorials to Her Majesty's Indian Council, I beg leave to enclose a Memorial with 14 enclosures in triplicate, addressed to Sir Charles Wood, His Excellency, Her Majesty's Secretary of State for India, and to request you will do me the favor to transmit it.

I beg at the same time to submit three original documents bearing the signatures of Messrs. Hay, Gordon and Hudson, which I request may be returned after comparison with the printed copy.

No. 27. ORDER THEREON, 12th January 1860, No. 46.

Ordered that the Memorial with its enclosures, received with the above letter, be forwarded to the Right Honorable the Secretary of State.

2. The three original papers referred to in paragraph 2, will be returned to Mr. Sloan.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. S. T. Augustin.

TO

THE RIGHT HONORABLE

SIR CHARLES WOOD,

HER MAJESTY'S SECRETARY OF STATE; AND THE HONORABLE

THE MEMBERS OF THE COUNCIL OF INDIA.

The Humble Memorial of WILLIAM SLOAN,

late Principal Sudr Ameen of Vizagapatam

in the Presidency of Madras.

SHEWETH,

That your Memorialist was Principal Sudr Ameen of Vizagapatam, and on a charge preferred against him by Mr. Glass, Civil and Session Judge of Chicacole, was removed from his appointment by Government on the 24th March 1859.

2. That Appendix No. 1 contains the charge, the defence of your Memorialist, and the Minutes of Consultation ordering his removal, *but not the evidence upon which those Minutes appear to have been finally founded.*

Vide Appendix No. 2 page 6 para. 24 and p. p. 16, 17, 18 and 19.

3. *That copies of the said evidence were refused to your Memorialist by his accuser*—Mr. Glass, *and the Witnesses named by him*—Messrs. Cooper & Blackwell.

4. That in a Memorial presented to his Excellency the Governor in Council, your Memorialist adverted to the difficulty of his position in consequence of his inability to obtain the said evidence, and in a letter addressed on the same date to the Chief Secretary,* *requested to be favored with copies of the documents which the Mofussil authorities had refused to grant him.*

Vide Appendix No. 2 para 21.

* Appendix No. 3.

5. That the Memorial referred to, contained the following prayer; "That your Excellency will be pleased to order an investigation at Vizagapatam, in the presence of your Memorialist, before an Officer, independent of Mr. Glass, and unconnected with the charges in question, regarding the imputation of habitual and notorious intemperance."

Vide page 12 of Appendix No. 2.

6. That on the 26th May last, your Memorialist was informed by the Private Secretary, that his Excellency Sir Charles Trevelyan declined to reopen a question which had been decided by Lord Harris' Government; and on the 23rd June, received back his Memorial and its enclosures, with an Endorsement* signed by the Deputy Secretary to Government, intimating that the Government were unable to view the circumstances of the case of your Memorialist in a more favorable light.

Appedix No. 4.

* Appendix No. 3.

7. At the same time the letter addressed to the Chief Secretary *was returned, without any reply to the request of your Memorialist respecting the Copies of the documents which he had solicited.*

8. As your Memorialist sought an *investigation*, and not a simple *reconsideration* of his case, he respectfully submits that the Endorsement of the Deputy Secretary is no reply to his prayer.

9. Your Memorialist *having failed in obtaining an inspection of the evidence on which he was finally condemned*, and which appears to have chiefly influenced the decision of Government, your Excellency will perceive that he is placed in a situation of no ordinary difficulty in preparing this Appeal ; that he is unable to decide what portions of the said evidence, are open to admission, denial, explanation, or exposure ; and that as the said evidence was *received after he had submitted his defence, he has never had an opportunity of commenting thereon.*

10. That your Memorialist was neither surprised nor disappointed when copies of the evidence were *unanimously* and as if by *preconcertion* refused by the Mofussil authorities, but he entertained strong hopes, that the Government would not approve of their proceeding in this respect, especially Mr. Glass', *which, as* pointed out in his Memorial, was in direct Contravention of an express order of the Court of Sudr Udalut*—In this expectation he has, however, he regrets to observe, been disappointed, and notwithstanding the fundamental principle of English law, that no man should he condemned without an opportunity of knowing the evidence adduced against him, the evidence on which he was finally condemned, *has up to the present moment*, been with held from your Memorialist.

* Vide Appendix No. 2 p. 7 para 26.

11. Government having in the order directing his removal, affixed a grave stigma on the private character of your Memorialist, he respectfully submits, that it was absolutely incumbent, on fair, just, equitable principles, that they should not have left your Memorialist in ignorance of the principal evidence which influenced their judgment, and that the obligation of furnishing the same, became the more incumbent, when your Memorialist *solicited enquiry, and declared the stigma to be without foundation and incapable of proof.*

12. Your Memorialist respectfully submits that Lord Harris' Government was no more justified in publishing a libel on the private character of a public servant, than a private individual ; and that by the refusal to furnish him with the evidence on the faith of which that libel was indited, your Memorialist is deprived of the means of determining, whether he has a legal remedy against the individual or individuals, whose malicious or slanderous reports led to the utterance of an opinion unfounded in fact.

13. Your Memorialist hoped, if the investigation solicited had been granted, to have been able to elicit various facts from his accuser and his accuser's Witnesses, to shew, that their statements are not deserving of the reliance placed upon them, as well as circumstances in his favor, from Witnesses who would have been examined by himself, which might have induced Government to have viewed the case of your Memorialist in a far different light than they have done, *by entirely confiding in statements*, WITH-HELD FROM HIS KNOWLEDGE *and neither verified on oath, nor subjected to the test of a viva voce cross examination in the presence of your Memorialist.*

14. Act XXXVII of 1850, entitled an act for regulating enquiries into the behaviour of public servants, not removable without the sanction of Government, requires *the accusation as well as the testimony of the Witnesses to be verified on oath, and likewise provides that the credibility of Deponents, should be further subjected to the test of cross examination.* Your Memorialist in soliciting enquiry had reference to this Act, and has cause to complain, that he has been deprived of the protection it affords against malicious and untrustworthy statements, in consequence of Government having resolved to use the discretion vested in them by Section XXV, and to dispense with enquiry in the mode provided in the Act.

15 Your Memorialist would observe that the power vested in Government by this Section, deprives a public servant of the protection intended to be *afforded* by the other provisions of the Act, and is calculated to create an *alarming impression* in the breasts of the Uncovenanted branch of the service, when they reflect, that it has been exercised in the same year in the cases of two of their body, *and that the full benefit of the Act was extended to the immediately succeeding cases of two Covenanted Civil Servants, upon which decisions were pronounced, solely upon the evidence taken on oath, in their presence, and subjected to the test of cross examination.*

16 Mr. Glass' proceedings towards your Memorialist in accusing him in 1856* of falsehood, having convinced him that the *ruin of your Memorialist had been resolved upon*, your Memorialist naturally felt alarmed, when he found he did not receive that protection from the Higher Court which he conceived he had a right to look for, and availed himself of an opportunity of bringing prominently to notice, in a report* addressed on the 23rd July 1856, to Mr. Ricketts, Commissioner for the revision of salaries, the insecure position occupied by Uncovenanted servants, in consequence of the power commented upon. The alarm felt 3 years ago has proved not to be unfounded, and your Memorialist has *cause bitterly to complain*, that *he*, who occupied the position of one of Her Majesty's Indian Judges, little inferior in authority to Mr. Glass himself, on statements, WITH-HELD FROM HIS KNOWLEDGE *and not verified on oath, and without even the opportunity of subjecting the testimony of his accuser and his accuser's Witnesses to the test of a cross examination*, has been *summarily* deprived of his Office, and of his right to pension, after 22 years service, and cast upon the world to commence life again, with *an unfounded stigma attached to his private character* by Lord Harris' Government, at whose hands he never expected to receive, towards the termination of a long and faithful service, so grievous an injury, *on grounds which will not bear examination.*

* Vide Appendix No. 2 p. 13.

* Appendix No. 5.

17. Your Memorialist submits that the decision upon this appeal should in justice be confined to the evidence to which your Memorialist has had access, and *that the evidence denied to him* should be *entirely* excluded from consideration. Your Memorialist would further submit that the evidence to which he has had access, even without the exclusion of any portion on account of its *hearsay character*, does not justify the stigma cast upon the reputation of your Memorialist ; and that if *hearsay*, be excluded, *no evidence in fact exists* against your Memorialist, except the testimony of an individual,* whose *enmity* your Memorialist incurred, *in consequence of your Memorialist having seen cause to reject his evidence given on oath in a matter judicially decided by your Memorialist*, who therefore conceives, he had a *right to expect*, that the *testimony of a person so situated*, as respects your Memorialist, should not have been *implicitly* received against him, without the *opportunity* being afforded to your Memorialist, *of subjecting it to the test of cross examination on oath and rebutting it if necessary.* Your Memorialist, therefore earnestly entreats that your Excellency will be pleased to accord to this appeal and its accompaniments, that consideration *to which it is more especially entitled, in consequence of the denial of the enquiry and the refusal of the documents.*

* Dr. Blackwell, Vide Appendix No. 10.

18. In his Memorial* to His Excellency the Governor in Council, your Memorialist adverted to the animosity exhibited towards him by Mr. Glass since the year 1843, and your Memorialist wou[ld] to the instances specified, that after Mr. Glass protested against t[he] appointment of your Memorialist, he refused to administer to him the oaths of office, which he only consented to administer after remonstrance. His subsequent proceedings towards your Memorialist, formed a continued series of persecution, contumely, and *secret misrepresentation ; and so marked was Mr. Glass' determination to effect the ruin of your Memorialist*, that your Memorialist is proud to observe, and he thinks the circumstance reflects no little credit on his integrity and the propriety of his con.

* Appendix, No. 2.

duct, that Mr. Glass has been *unable* to advance *any graver charge* affecting your Memorialist in his judicial capacity, and that *even* when preferring the charge in question, he has also been *unable to specify a single instance of delinquency.*

19. Having thus premised, your Memorialist shall proceed to comment on the evidence on which Government has been pleased to rely, so far as it has been revealed to your Memorialist.

20. It will be observed from the Minutes of Consultation dated 13th January 1859, that the opinion of the Court of Sudr Udalut relied on in the letter* of the Private Secretary is founded *solely* on Mr. Glass' report, and calls for no other observation than that contained in para 15 of his Memorial to Government, viz. that *the statements of Mr. Glass, who had on more occasions than one, endeavoured to injure your Memorialist, should not have been unreservedly and implicitly adopted by the higher Court in its report to Government.*

* Vide Appendix, No. 4.

21. In the 1st para of his letter to the Sudr Court dated 29th November 1858, Mr. Glass refers to the habits of your Memorialist *as if he were personally acquainted with them.* This might appear strong evidence to a person who is not aware, that Mr. Glass resided constantly at Chicacole, a town 60 miles of unmade road distant from Vizagapatam, the Station of your Memorialist, which circumstance precludes the possibility of personal knowledge, and divests that portion of his letter of the weight which might attach to it, on the supposition that the Judge and Principal Sudr Ameen, had *frequent and constant personal intercourse.*

Appendix, No. 1, p. 2.

22. In addition to the inference of personal knowledge contained in Mr. Glass' letter, he has referred to the following sources of information.

1st. The certificate of Dr. Blackwell, Civil Surgeon.
2nd. The information of Europeans, and,
3rd. The information of Natives. He likewise named 3 witnesses, viz:
1st. Doctor Blackwell the Civil Surgeon.
2nd. Dr. Cooper the Superintending Surgeon, and,
3rd. Mr. Reade the Magistrate.

23. This array of information and names may appear strong *if relied on without examination,* but when subjected to *that test,* will in reality appear *nothing more* than a *simple array,* marshalled with considerable semblance of *ingenuity,* for the purpose of making out a *strong case,* and adding weight to Mr. Glass' *hearsay* assertions.

24. Dr. Blackwell's statement shall be commented on last, as it is in reality *the only statement* against your Memorialist, which, so far as he can judge from the documents to which he has had access, admits of being grappled with

25. Mr. Glass alludes vaguely to the information of Europeans. No names are mentioned. It is therefore impossible to say, whether the parties who gave him the information, are *intimate* acquaintances of, *bare* acquaintances of, or *utter strangers* to your Memorialist. How they acquired their information is not stated. Who they are, whether friends or enemies, your Memorialist knows not. He therefore solemnly protests against such information, percolated in all probability through a thousand different hearsay channels, being received to his prejudice.

26. The same observation applies to the information alleged to have been derived from Natives, and against the reception of *that also* your Memorialist must protest on the *same grounds.* One would imagine from this part of Mr. Glass' letter, that his intercourse with natives was intimate and extensive, whereas it is a well known fact, that Mr. Glass has little or no acquaintance with the language of the district, and is *incapable* of holding a conversation with natives in general. With the exception of his domestic servants, his intercourse with natives extends not beyond two or three favorite officials, whose influence over him has been *publicly denounced. One of these—Chinta Juggunathem—your Memorialist has reason to believe comprised the whole extent of Mr. Glass' native authority, but as Mr. Glass has been for years *endeavouring to obtain for that individual the office held by your Memorialist, he must emphatically protest against the reception of any hearsay information from such a quarter.

* Vide Appendix, No. 6 & 7.

* Vide Mr. Glass' recommendations in the Government or Private Secretary's office.

27. Your Excellency will not fail to observe that Mr. Glass is purely a *hearsay accuser,* and that the evidence of Europeans and natives on which he relied, so far as your Memorialist is aware, is likewise *hearsay,* derived from a source, the *purity* of which, neither the Government nor your Memorialist has had an opportunity of testing. Such evidence it is clear, *would not have been admitted* before a Commission appointed under Act XXXVII of 1850, nevertheless *it has been allowed to have had its weight* in influencing the decision of Government, when determining on the reputation and prospects of an old and faithful servant, whose position and services, entitled him to expect protection from the slanderous and malicious defamation of *unknown and unnamed individuals* whether European or Native.

28. Admitting even that evidence of such a character is entitled to the *least* degree of weight, your Excellency will perceive that it has been *contradicted* by the address presented to your Memorialist, by the inhabitants of Vizagapatam, and the letter of Mr. Reade, submitted with his Memorial to Government. Your Memorialist submits, that the *testimony in his favor* of European, East Indian, and Native inhabitants, who *have boldly avowed their names,* resided at the same station as your Memorialist, were subjected to his jurisdiction, and affected by his acts, is *far more valuable,* than that of the *unknown* and *unnamed* Europeans, and Natives, upon whose information Mr. Glass appears to have relied. Mr. Glass, 60 miles distant, mentions in his report a notoriety, which Mr. Reade, the Magistrate residing in the same place as your Memorialist, was not aware of. Your Memorialist would therefore respectfully ask, *ought not this single fact* have been held *sufficient* to have attracted the attention of Government, and induced them to pause, 'ere *rejecting the prayer of your Memorialist for enquiry*—Mr. Reade's statement is supported by the address allutded to, whereas Mr. Glass makes a bare assertion, and *names* not his informants—nevertheless, inferences afforded by the address and Mr. Reade's letter, *strong as they are in favor of your* Memorialist, *have been cast aside without notice,* and testimony, which no Court administering justice, would admit to pollute its precincts, has, he regrets to observe, *been received and credited to his prejudice.*

29. In the 48th para. of his defence, your Memorialist distinctly stated that Dr. Cooper, the Superintending Surgeon was *but slightly acquainted with him, and that he was personally ignorant of his habits.* Dr. Cooper's report is one of the documents which has been denied to your Memorialist. He therefore has no means of knowing whether Dr. Cooper pretended to write from *personal knowledge* or avowed that he wrote from *hearsay.* If the *former*—he has acted an *unjustifiable* part; if the *latter,* he is *not entitled* to credit, until the *truth* of the information on which he relied has been *revealed,* and *established*; unless it be maintained, that *any assertion made by one occupying his position,* is entitled to credit, and *exempt* from the application of *any* test, *solely because an assertion prejudicial to an Uncovenanted Officer was* made by an Officer of his standing. Such a rule your Excellency is aware is repugnant to the principles of the British Mind and Constitution.

30. The nature of Dr. Cooper's report is thus stated in the * Minutes of Consultation, dated 24th March 1859.

"The Superintending Surgeon now reports, that in "the Summer of 1857, previously to which he never "heard any account of Mr. Sloan's intemperance, the Principal Sudr Ameen

* Vide Appendix No. I, page 17.

" was brought by intemperance into the same state as is described in Dr. " Blackwell's certificate of August 1858." This circumstance likewise appears to be alluded to by Mr. Glass in the first* para. of his letter to the Sudr Court dated 29th November 1858. The illness of your Memorialist in September 1857, the time referred to, was briefly glanced at in the 24th para. of his defence. No special charge having been founded thereon, and your Memorialist not having been called upon to reply thereto, the quotation from Dr. Cooper's report took your Memorialist by surprise, and he has cause to complain *that he has been condemned without knowing what that report was, and without an opportunity of replying to it.*

* Vide Appendix No. 1, page 9. Dep. 8.

31. Dr. Cooper* refused to furnish your Memorialist with a copy of that report. The animus which prompted the refusal is so much in unison with that which induced Messrs. Glass and Blackwell to refuse him copies of their correspondence, that your Memorialist cannot avoid soliciting attention to the *harmony of sentiments and action*, which prevailed among these three officers in matters affecting your Memorialist.

* Vide Appendix No. 2, page 18.

32. In the 23d para. of his Memorial to Government, your Memorialist noticed the expectation he had a right to entertain, that had fresh matter been adduced against your Memorialist, a further reply to that matter would have been required, previous to a decision thereon. Had this course been pursued, your Memorialist would not have had cause to complain, that in this respect, Government acted towards him inconsistently with that spirit of fairness which a public servant is justly entitled to expect.

33. Your Memorialist however rejoices at having the means of proving the incorrectness of the information *volunteered* by Dr. Cooper, the *friend* of Mr. Glass, *out of whose mouth* your Memorialist hopes to be able to refute his testimony.

* Vide Appendix No. 1, page 8.

34. In his defence your Memorialist stated that he was *ill of fever* in September 1857, that he became delirious and that it was only after the commencement of the correspondence in 1858, which preceded Mr. Glass' complaint, he learnt that the delirium had been styled "delirium tremens."

35. Your Memorialist was taken *ill of fever* on the 17th or 18th September 1857. To the best of his recollection on the 19th,* Mr. Hudson an Executive Agent in the Engineer's Department, called on him on business—on the 22d Dr. Blackwell was required to attend, and between the 21st and 24th the Reverend Messrs. Hay and Gordon paid him separate visits—afterwards your Memorialist was seized with delirium. The testimony of these three gentlemen on oath your Memorialist hoped to have been able to adduce, had a commission, been appointed to enquire into his conduct ; but as such a privilege has been denied, he called upon them to state the condition in which they found him, and begs to submit* herewith their replies, from which your Excellency will perceive, that they saw no reason to attribute the illness of your Memorialist to the cause assigned by Dr. Cooper.

* Verified by reference to the Marriage Notice Book at Vizagapatam, the Notice having been given two or three days after the personal interview.

Appendix No. 3.

36. These gentlemen *are in every way as respectable as* Dr. Cooper, and from the circumstance of their having *seen* your Memorialist, *are entitled to greater credit* than one, *who, without having seen him, has ventured to make an assertion, the truth of which he had personally no means of judging.*

37. Your Memorialist has promised to refute Dr. Cooper *out of the mouth of his friend* Mr. Glass, and it is no small gratification to your Memorialist to have it in his power to note so strong a point in his favor, and he would have done so long before, had Government *afforded him the opportunity, previous to condemning him on Dr. Cooper's exparte statement.* On the 22nd October 1857, Mr. Glass wrote letter No. 387 to the Court of Sudr Udalut, making *a most frivolous* complaint against your Memorialist, and in the margin of this letter, distinctly stated, that " *he had heard from the best authority* " *Mr. Sloan was delirious "from fever and dangerously ill.*" A copy of this letter taken from the records of the Principal Sudr Ameen's Court is submitted, from which your Excellency will preceive, that Mr. Glass appears to have been in *direct communication with the Civil Surgeon* previous to its despatch ; and when making a report on so insignificant a matter, your Memorialist would ask, is it likely, considering the long standing animosity displayed towards your Memorialist by Mr. Glass, that he would have omitted to notice the circumstance had intemperance occasioned the delirium ? The proceedings of your Memorialist towards his sheristadar was the subject of complaint—is it likely that the sheristadar who complained against his proceedings, would have failed to have brought the circumstance to Mr. Glass' notice, had the illness of your Memorialist been owing to his own misconduct ? Your Memorialist has no hesitation in saying, that no one who reads the papers connected with his case, can attribute the *possibility of such forbearance to Mr. Glass or others implicated in the complaint against him.* What then is the inference ? No other, than that Mr. Glass *has thought proper to gainsay in* 1858, *what he wrote in* 1857. If what Mr. Glass wrote in 1857 is entitled to credit, your Memorialist is at perfect liberty to set up Mr. Glass' " BEST AUTHORITY," *whoever he may be,* in refutation of Dr. Cooper's HEARSAY STATEMENT, *from whatever source derived.*

38. A few months before he fell ill in 1857 your Memorialist saw occasion to bring to the notice of the Archdeacon, the unchristian spirit evinced by the Reverend Mr. Griffiths, the Chaplain of the station, *another friend* of Mr. Glass, in having written a letter to Lieutenant Dobrie of the 43rd Regiment N. I., containing the following passages, relative to your Memorialist, with reference to certain House rent, which this *Reverend* gentleman thought proper to dispute.

" I am sorry you have such annoyance but you see the animus " displayed, but *which I think will not flourish long at this* " *place at least.*"

" *Such a procedure will soon bring matters to a crisis* " *and I hope very soon*"

Note. Your Memorialist had Mr. Griffiths before his Court on more occasions than one, and passed decisions against him, and he also issued a Warrant for his apprehension for a Judgment debt.

The Original letter was forwarded to the Archedacon.

39. What reason Mr. Griffiths had for supposing that the downfall or the ruin of your Memorialist *had been resolved upon* previous to the 17th July 1857, the date of this letter, your Memorialist cannot imagine ; but in consequence of his intimacy with Mr. Glass, your Memorialist is justified in supposing, that *such a hope, so disparaging to his own character as a Christian,* would not have been expressed, *had* Mr. Griffiths *no ground for giving it expression.* At all events *it is clear* that *some proceeding* was *meditated at or about that period to effect either the removal or the ruin of your* Memorialist. He would therefore again ask, whether it is likely, with such animosity existing against him, in the breasts of more parties than one, *the friends of Mr. Glass,* the circumstance, and his delinquency, would have been concealed, by a FALSE STATEMENT, made by MR. GLASS HIMSELF and his BEST AUTHORITY, were the cause of his illness in September 1857, owing to intemperance ? Had the Commission been granted, your Memorialist might have been able to elicit from Mr. Griffiths the reasons that induced him to give expression to his hope, and the information in his power to afford, might have tended to elucidate much which at present *is a mystery* to your Memorialist. But since the commission has been denied, your Memorialist would respectfully observe, that he has cause to complain of the act of the Madras Government, in condemning him *on Evidence of such a character,* and on the *strength* there of *contemptuously* stigmatizing him as a "CONFIRMED VICTIM TO THE DEGRADING VICE OF INTEMPERANCE."

40. Mr. Reade the Collector and Magistrate was named as Mr. Glass' last Witness, and although in para. 2 of the Minutes of Consultation under date the 2nd October 1852, the Collector of a District is acknowledged to possess peculiar advantages in ascertaining the estimation in which Judicial as well as Revenue and Police Officers are held, Government *did not*

think proper to call upon that gentleman for his testimony. That testimony your Memorialist *himself was obliged to obtain* and submit with his Memorial to Government. *No weight however has been attached to it, although it was in favor of* your Memorialist ; *while evidence,* which *will not bear the test of examination* and which would not have been *admitted* in any Court, *has been received to his prejudice, and every inference in his favor* has been *totally rejected* without assignment of cause. Your Memorialist most respectfully trusts he may be pardoned for observing, that the foregoing observations shew that the proceedings adopted towards him, are not characterized by that consideration which every servant of Government has a right to demand, more especially an uncovenanted Judge, whose impartiality, and fearless discharge of duty, may be the cause of exciting, particularly in a small Mofussil station, vindictive feelings in the minds of parties *capable of forming a powerful combination to effect his removal or ruin.*

Vide Appendix No 5 wherein the position of a fearless Uncovenanted Judge is depicted—how faithfully, the case of your Memorialist proves.

41. Before dismissing the general accusation against your Memorialist, he would ask, whether it is probable, that Mr. Glass whose animosity against him has been kept warm for the last 16 years, and *who omitted no opportunity to persecute him with the most frivolous complaints,* from May 1853, when he was first appointed Sudr Ameen under him to the date of his removal, would, had the habits of your Memorialist been such as described, and SO INFAMOUSLY NOTORIOUSLY, have omitted to make them known for such a length of time ? Mr. Glass' *plea of forbearance** has been shown to be untenable and unfounded, WHAT THEN WAS THE CAUSE OF HIS LONG SILENCE ?

Vide Appendix No 2. as well as B Appendix No 13.

42. As already observed Dr. Blackwell's statement is the only evidence deserving the name that has been adduced against your Memorialist. He attended him during his illness in July 1858, and therefore Dr. Blackwell's testimony may have an appearance of weight. Your Memorialist alluded* to it in his defence and tendered the testimony of two respectable witnesses * to show that he was not under the influence of intoxicating liquors previous to his illness. In his Memorial to Government *your Memorialist, not only emphatically denied excessive indulgence, but also boldly challenged enquiry.* Enquiry was however refused, and your Memorialist would ask, is it probable that gentlemen of respectability would wilfully state a falsehood to screen your Memorialist and declare their readiness to perjure themselves for his sake, or is it fair towards them to assume that they are capable of so doing and that your Memorialist is a liar unworthy of credit ? If your Memorialist had the opportunity of proving on oath, that he was not, and is not a confirmed victim to the degrading vice of intemperance, and that he had not been indulging previous to his illness, he submits that the delirium with which he was attacked, *even if correctly* designated, must have been owing to some other cause than that assumed by Dr. Blackwell and not to culpable indulgence to which *alone criminality can be attached.* Your Memorialist alluded in para. 17 to the *rejection* by himself of Doctor Blackwell's *testimony* in a Civil suit. He now begs to submit an Extract * from his decision from which your Excellency will preceive, that Dr. Blackwell's *testimony was considered undeserving of credit,* on account of *bias, prejudice and hasty judgment,* which in the estimation of your Memorialist *rendered him an unsafe Witness in the case of a person against whom Dr. Blackwell had acknowledged dissatisfaction.* Your Memorialist likewise begs to submit an Extract* from the defence of Mr. Reade, Agent to the Governor at Vizagapatam, against whom Dr. Blackwell was *instrumental in bringing forward charges,* from which your Excellency will be able to judge, more fully, of the degree of reliance to be placed upon the *single testimony* of an individual, whose evidence justified the comments made upon it on his own admissions both before your Memorialist and the Commissioner.

Vide Appendix No. 1 P. 3.

Do. P. 9 et. se 9.

Do. P. 16 & 17.

Appendix No. 2 P. 9 10 11.

*Appendix No. 10.

*Appendix No. 11.

43. Under these circumstances your Memorialist would ask whether he ought to have been condemned on the *single* testimony of a Medical Attendant, *whose pride and feelings he had deeply humiliated in the discharge of his duty,* and the active property of whose nature, is capable of being powerfully stimulated, as exemplfied in the instances submitted.

44. Dr. Blackwell's position towards your Memorialist, and the great interest he is known to possess from his connection with a Member of Council, are matters of notoriety in the District of Vizagapatam and elsewhere—your Memorialist would therefore submit, whether his condemnation, *solely* on Dr. Blackwell's evidence, the *only evidence* he repeats against him, will prove an encouragement or the reverse, to the spirit of independence and fearless discharge of duty, which should characterize Uncovenanted Judges and Magistrates, *in all cases and towards all persons* ?

45. One of the grounds for the removal of your Memorialist, appears to have been the supposed inefficient state of the Court over which he presided. In his defence* your Memorialist referred with pride to the success attending his exertions, and pointed with triumph to the efficiency of his Court as a *practical refutation* of Mr Glass' general accusation—and in the 36th para. of his Memorial to Government, he fearlessly challenged comparison between his labors during the past year, in the Civil Department, which had been the subject of remark, with the labors of any other Principal Sudr Ameen or Subordinate Judge throughout the Madras Presidency. An examination of the Tabular statement submitted with the Memorial will convince any one *practically* acquainted with the operations of a Mofussil Court, that the Court of your Memorialist was in the highest state of efficiency at the date of his removal. *This statement and his representations on the subject, your Memorialist regrets to observe, received no consideration whatever.* Your Memorialist would humbly ask, *Did the Government act as if they believed the correctness of their own conclusion ? Did they adopt measures to render the Court efficient ?* Your Excellency will be able to judge when informed, that immediately after his removal, the Principal Sudr Ameen's Court was transferred from Vizagapatam to Rajahmundry, and the Subordinate Court at Rajahmundry to Vizagapatam. The change was however barely nominal—for the jurisdiction of the Principal Sudr Ameen, is *identically the same* with that of the Sub Judge. The suits were not transferred they remained in the locality where they had been instituted—and the Sub Judge of the Covenanted Service, has now to decide the suits pending when, and similar suits instituted since your Memorialist relinquished office. It may be asked how does this arrangement affect the efficiency of the Court ? Simply thus. A Sub Judge receives 1400 Rupees a month, and *has to decide* 8 *suits,* whereas a Principal Sudr Ameen receives 500 Rupees, *and has to decide* 15 ; or in other words a Sub Judge receives *three times the pay* for doing *little more than one half the very same description of work* as a Principal Sudr Ameen—Or to put the matter in a still stronger light, *suitors before a Sub Judge will have to wait* 2 *years for a decision, which could be obtained in one year from a Principal Sudr Ameen*—and a reference to column 7 of the Tabular Statement will shew, that a Sub Judge doing regulation work, *will require nearly* 4 *years to pass the number of decisions passed by your Memorialist in the year* 1858. Your Memorialist would ask, whether it is probable, Government would have appointed an officer *required to perform a less quantity* of work to the station of your Memorialist, if the Court, over which he presided, were in reality in *an inefficient state* and required to be placed in *more efficient working order ?* If to produce *efficiency* were the intention, Government could not have had in contemplation the *effect of the measure* on the litigation of the District. If they thought the *change* could be effected *without hardship to the people,* it follows that the business was in so manageable a condition *as to admit of the change without production of hardship,* and that therefore the Court *could not have been inefficient.* The *change is in fact the most striking proof* of the *success* attending the operations of your Memorialist, for instead of being productive of *additional efficiency,* it shews that Government *acted* as if *they entertained the opinion that the production of additional efficiency was not needed.* In his defence

*Appendix No. 1, p. p. 13-14-15.

your Memorialist contended, he would again observe, that the state of the Court was the *best possible refutation* of Mr. Glass' charges, and to this argument he would once more respectfully solicit attention. The opinion of the Judges of the Court of Sudr Udalut has been referred to, but your Memorialist has little hesitation in declaring his conviction, that were the Tabular statement laid before the Judges, they would accord to him *high commendation* for what might well be styled *his praiseworthy exertions*. Having passed only 6 decisions less, than *twice the prescribed annual number*, your Memorialist considers that as a *hard working* public servant, whose attention to business has been acknowledge by the people of his district to have been *indefatigable*, he has a *right* to have his extra labor *appreciated, and he has ground for complaint* when he finds, that his exertions have been *disparaged* in the manner they have been in the Minutes of Conultation, and that this *disparagement*, made without *just cause*, has been assigned as *a ground for his removal*.

46. In his memorial to Government your memorialist alluded to his high testimonials. They are so numerous, that your Memorialist cannot think of troubling your Excellency with a perusal of the whole. He will however select 3, viz., One from Mr. Cotton Judge of Masulipatam, under whom he served previous to his appointment under Mr. Glass. One from Mr. Glass, his present accuser, and one from the Hon'ble Walter Elliot, Member of Council, to which he would request the attention of your Excellency. To Mr. Cotton, your Memorialist was a perfect stranger nevertheless he had no hesitation *unsolicited* to bear testimony in his favor when your Memorialist was removed to Mr. Glass' jurisdiction. Under that Gentleman, and Messrs. Dowdeswell, Irvine, and Matheson, Judges of Massulipatam, your Memorialist occupied a high place in the opinion of the Judges of the Court of Sudr Udalut. Will it not strike your Excellency as singular, that your Memorialist *should have changed his character and his nature entirely, immediately on being placed under Mr. Glass, a Judge who omitted no opportunity to persecute him by frivolous complaints and secret misrepresentations?* Mr. Glass bore testimony in favor of the unbending veracity of your Memorialist—nevertheless, *he is the only man* who ever impeached it. Mr. Glass declared your Memorialist to be *better qualified than* any Native he ever met to be entrusted with a Principal Sudr Ameen's Court,—nevertheless, *he protested against the appointment of your Memorialist to that Office.* The Honorable Walter Elliot bore testimony to the confidence of the people of the Ellore Moonsiffship in the *uprightness* of your Memorialist as a Judge, and declared that your Memorialist formed a *solitary exception* to the *general corruption* which prevailed among the public servants of the Masulipatam District—nevertheless, *he concurred in the verdict finding your Memorialist*, an old, faithful, and according to his own testimony, honest servant, *guilty on evidence which will not bear examination.* Your Memorialist would therefore respectfully ask, had not an Officer of his standing and antecedents, a right to an opportunity of substantiating his statements made in defence of his reputation?

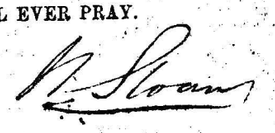
Appendix No. 12-13-14.

47. Your Memorialist has shewn from the documents referred to that the principal evidence on which he was condemned has been denied him; that without being called on for a reply to that evidence an *unfounded stigma* has been attached to his private and public character; that he has been *denied the investigation* which might have enabled him to wipe away the stain, *although shortly after the benefit of an impartial investigation was extended, to two Covenanted Civil Servants, against whom hearsay evidence was not admitted,* WHILE IT HAD BEEN RECEIVED, BELIEVED, AND UNRESERVEDLY ACTED ON IN THE CASE OF YOUR MEMORIALIST; that Mr. Glass' accusation is not based on *personal* knowledge; that the information on which it was framed, was with one exception entirely *hearsay* communicated by *unknown* and *unnamed parties*; that Dr. Cooper's statement is not only of the same character, but is in *contradiction* of the *previous* statement of Mr. Glass, who *subsequently contradicted himself*; THAT SO FAR BACK AS JULY 1857, A DESIGN APPEARS TO HAVE BEEN CONTEMPLATED TO EFFECT THE RUIN OR THE REMOVAL OF YOUR Memorialist; that Dr. Blackwell's statement, the only evidence against him, is open to question on account of *animosity*; that his public duty was discharged by your Memorialist *to the satisfaction of the people, and in a manner which merited and received their applause*; that *every circumstance and every iota of evidence in his favor was treated* by Government *with disregard*, and that he has been condemned on evidence, on which no reasonable man, in the most ordinary affairs of life, much less, in an affair of moment affecting the prospects and reputation of a hard working, upright Judge, would think prudent to rely.

48. Your Memorialist believes few cases of hardship resembling his have been laid before your Council, and he believes if ever a case demanded redress that his is one. By these *unusual* proceedings on the part of Government, Your Memorialist has in addition to the pecuniary loss, the loss of station, and the prospect of a retiring pension, been humiliated in the eyes of his friends, and in the estimation of society in general, and placed in a position which may render even the earning of a future livelihood a matter of difficulty. Henceforth he must be viewed with suspicion, for no man can entrust with confidence his interests to the care of one stigmatized by Government as a "CONFIRMED VICTIM TO THE DEGRADING VICE OF INTEMPERANCE." Had Your Memorialist been conscious of deserving the punishment awarded, or the stigma conferred upon him, or had such punishment or such stigma been adjudged after due and legitimate investigation, Your Memorialist would have had no cause to complain, but since he is conscious that both the punishment and the stigma are undeserved, and the investigation earnestly solicited has been denied, he has reason to consider himself an injured and much abused man, and having failed to obtain redress from the Madras Government, he has no resource, but to lay this appeal before Her Majesty's Indian Council, in the hope of obtaining that Justice in England which he has sought in vain in this Country.

For which as in duty bound, Your Memorialist

SHALL EVER PRAY.



MADRAS, ST. THOME,
22nd November 1859.

Read Letter from Mr. Sloan
dated 29th Ult.
Referred to Govt 20th 1858.

Judicial

WILLIAM SLOAN,

To *Late Principal Sudr Ameen of Vizagapatam*

SIR CHARLES WOOD,

Her Majesty's Secretary of State and the Hon'ble the Members of the Council of India

Dated 22nd November 1859

Received

Enclosure No. 14.

Memorial respecting his removal by the Madras Government from his appointment and praying for redress.

8 y

No. I.

JUDICIAL DEPARTMENT.

No. 44.

Extract from the Minutes of Consultation under date the 13th January 1859.

Read the following Extract from the Proceedings of the Sudder Udalut ; under date the 20th December 1858, No. 126.

Read letter dated the 29th Ultimo, from the Civil Judge of Chicacole, reporting that the reason of the absence of Mr. Sloan, the Principal Sudder Ameen of Vizagapatam, from his Official duties on a recent occasion, was that he was then suffering from delirium tremens caused by intemperance ; as shown in the Certificate of the Zillah Surgeon dated 11th October 1858 ; and that for some time past, Mr. Sloan's habits have been such as to bring contempt upon him as a Judicial Officer.

The Judges consider that the Civil Judge has erred in not making them earlier acquainted with Mr. Sloan's habits. In addressing the Court on the 2nd November last, the Civil Judge merely mentioned that he had obtained from the Zillah Surgeon copy of the Certificate, the neglect on the part of Mr. Sloan to forward which had formed the subject of previous correspondence ; and the Civil Judge said that he would forward the same, if required, to the Sudder Udalut. The Judges, taking it for granted that the Medical Officer's Certificate justified Mr. Sloan's absence from his duties, which had not been otherwise explained, did not think it necessary to require the transmission of the same. The Civil Judge has now forwarded it of his own accord, and it proves to be one which it was his bounden duty to have at once transmitted to the Court being in fact a Certificate that Mr. Sloan was suffering from delirium tremens, brought on by the use of intoxicating liquors. The fact of Mr. Sloan's habitual intemperance appears to have been long notorious ; and the Judges are surprized that the Civil Judge should have felt that "it could with propriety be kept quiet."

2. In forwarding copy of the Civil Judge's letter, and its enclosures, to the Government for their orders, the Judges have no alternative but to advise, for the sake of the public interests, that Mr. Sloan be removed from a position for which by his own act he has become disqualified.

3. The Judges are constrained to observe that the Certificate originally furnished by the Zillah Surgeon under date the 22nd July last, wherein no mention was made of the cause and symptoms of Mr. Sloan's illness, was not such as that Officer, in the proper discharge of his public duties, should have given; being calculated by the exclusion of that information to keep the Court of Sudder Udalut in ignorance of the real facts of the case.

(True Extract.)

(Signed) C. F. CHAMIER,

Acting Register.

To the Chief Secretary to Government.

From. E. B. GLASS, Esq., Civil Judge of Chicacole; to C. F. CHAMIER, Esq., Acting Register to the Court of Sudder Udalut, Fort Saint George, dated 29th November 1858, No. 366.

SIR,

With reference to my letter of date 2nd Instant, to which no answer has been received, I have the honor to state, for the information of the Judges of the Sudder and Foujdaree Udalut Court, since no explanation, of absence, and neglect of duty, was given to their Precept, therein referred to, that the habits of Mr. Sloan, the Principal Sudder Ameen of Vizagapatam, have been for a very long time, disreputable to the Department to which he belongs; and have caused both that Court, and himself, to be looked down upon with contempt! Therefore I consider it a matter of justice to the public, and of duty to the Judges of the Sudder Udalut Court, and Government, to bring to their notice that the occasion on which that Officer was again lately absent, without either leave, or ostensible cause shown, was on account of delirium tremens, caused by intoxication, which rendered it necessary to place him under European restraint; and *that* restraint is not the *first* or only occasion on which such measures have had to be resorted to, to prevent injury from his violence. The Certificate furnished to this Court by the Zillah Surgeon, will show this, *and is, enclosed!* If not sufficient, the Zillah Surgeon, and Superintending Surgeon, as well as the Magistrate Mr. Reade, can be called on to furnish the same information they brought to my notice, and the Magistrate has a report, of this being the case (sent to him by the Zillah Surgeon) on the former occasion, which I am informed is now in his possession.

These circumstances, and the consequence, have been the subject of discussion, and animadversion, in every part of Vizagapatam, both with Europeans and Natives; so it rests with the Government, whether such a person should be longer entrusted with, or considered fit for, such a responsible situation.

So long as matters could with any propriety be kept quiet, I did not wish to bring the matter forward, but though I do not intend to remain much longer in the service, or connected with that Court, I do not consider it would be an act of justice, to the suitors, and others attending it, to leave the Higher Court, and Government uninformed longer.

I hereby certify that Mr. W. Sloan, Principal Sudder Ameen, Vizagapatam, was taken ill on the 8th July 1858, is now recovered, and equal to the performance of his duty; having been 15 days under treatment.

Vizagapatam, 22nd July 1858.

(Signed) J. H. BLACKWELL,
Civil Surgeon.

I certify that Mr. W. Sloan, Principal Sudder Ameen, Vizagapatam, was on the sick list and under my professional charge and daily observation, from the 8th to the 22nd July inclusive.

He was suffering from an attack of delirium tremens, accompanied by the usual symptoms, great restlessness, sleeplessness, tremor of the hands; incoherence of speech, unusual loquacity, suspicion of those about him, fear of impending danger, and some violence, rendering the presence of a European attendant necessary.

I attribute this attack to the use of intoxicating liquors.

Vizagapatam, 10th August, 1858.

(Signed) J. H. BLACKWELL,
Civil Surgeon.

(True Copies.)

Vizagapatam, 11th October 1858.

(Signed) J. H. BLACKWELL,
Civil Surgeon.

(True Copies.)

(Signed) C. F. CHAMIER,
Acting Register.

Order.—The Government resolve that Mr. Sloan be called upon to make any defence, or offer any explanation regarding the charges laid against him. The Superintending Surgeon of the Northern Division, will also be required to state whether Mr. Sloan's habits have been such as they are represented by the Civil Judge of Chicacole.

(True Extract and Copies.)

T. PYCROFT,

Chief Secretary.

To the Judges of the Court of Sudder Udalut.
" Mr. W. Sloan, Principal Sudr Ameen, Chicacole.
" the Superintending Surgeon, Northern Division,
(through the Director General, Medical Department.)

No. II.

Vizagapatam, 3d February 1859.

No. 34.

From

THE PRINCIPAL SUDR AMEEN OF VIZAGAPATAM.

To

T. PYCROFT, ESQUIRE,

Chief Secretary to Government,

Fort Saint George.

SIR,

1. I beg to acknowledge receipt of Extract from Minutes of Consultation dated 13th Instant, No. 44 calling upon me to make any defence or offer any explanation regarding the charges preferred against me by Mr. Glass, Civil Judge of Chicacole.

2. The Proceedings of the Sudr Court under date the 20th December last, No. 126, are founded upon the letter of the Civil Judge, dated 29th November preceding, and therefore my explanation shall be confined chiefly to the charges contained in the Civil Judge's own letter.

3. These charges are threefold, 1st. That my habits have been for a long time, disreputable to the Department to which I belong, and have caused both the Court over which I preside and myself to be looked down upon with contempt.

2d. That I was lately absent without leave or ostensible cause shewn on account of delirium tremens, caused by intoxication, which rendered it necessary to place me under European restraint.

3d. And *that* restraint is not the first or only occasion resorted to, to prevent injury from my violence.

4. Mr. Glass in support of *these charges* forwarded two Certificates from the Civil Surgeon, and referred to a report said to be in possession of Mr. Reade the Magistrate, copy of which has not been forwarded.

5. Mr. Glass added that the circumstances, and the consequence have been the subject of discussion, in every part of Vizagapatam both with Europeans and Natives, and probably with reference to this part of his letter, the Judges of the Sudder Court observe that my habitual intemperance appears to have been long notorious."

6. In connection with this observation I shall reply to the first charge.

7. In what manner my habits have been manifested so as to render my habitual intemperance long notorious is not stated. I am not accused of *appearing in public or in Court in a state of intoxication, and no instance is specified of my having exposed myself from such a cause* beyond the allegation of my having been attacked with delirium tremens.

8. The community of Vizagapatam may be divided into three classes, viz., 1st Europeans in society, as the term is commonly understood ; 2d Europeans not in society and East Indians ; and 3d Natives of all ranks.

9. I have very little communication with the 1st class. The members composing it know personally little or nothing of me, consequently, whatever may have been the subject of discussion concerning me in their circles could only have been founded on *hearsay* and could not have been known from *personal observation.* The most absurd rumours, have in many instances, in every part of the world gone abroad and been propagated concerning individuals, and if we were to form our opinions of the characters of one another upon no better foundation, it is undeniable, that we would often find ourselves mistaken and might have cause to regret our unjust impressions.

10. Among the 2d class are some of my friends with whom I have associated on terms of intimacy, who have known me for years and are acquainted with my habits, and they declare *that they are prepred to make oath, that they have never seen me in a state of intoxication, either in public or private.*

11. These men are as respectable in their own sphere as the members of the 1st class in theirs. Their testimony is the more valuable as they can speak from *personal knowledge* having had opportunities of judging for themselves, and it is some consolation to me under the distressed circumstances in which I am placed to find, that those who *know me best* are prepared to bear testimony respecting this part of the charge.

12. Others of this portion of the Community know personally as little of me as the members of the 1st Class, and therefore whatever they may say must also be ascribed to *hearsay.*

13. What the opinions of the Native Class may be I cannot say, but the Government will have an opportunity of inferring when I advert to the official operations of the past year.

14. It will be observed that the ground upon which this charge is founded when analyzed, resolves itself into *rumour, said to* have been circulated among those who know *but little of me personally and are personally ignorant of my habits.*

15. It stands to reason that a man who is *notoriously* addicted to intoxication, to such a degree as to bring himself and the Court over which he presides into contempt, must not only *neglect* his business, but that his intellectual faculties will become so impaired as to disqualify him for the efficient discharge of his duties, which will soon become apparent, not only by a reduction in the quantity of work performed, by the imbecility of his proceedings, and by complaints on the part of suitors ; but also by a falling off in the file which in general may be looked upon as a manifestation of popular feeling.

16. When however the *quantity* of work performed *increases* and is gradually on the *increase,* when *imbecility* in proceedings is not ascribed or complained of, and when the file so far from *decreasing,* increases, I submit that a *reasonable man* would *pause* before yielding unhesitating assent to a rumour ascribing habitual intoxication to an officer presiding over a Court exhibiting such a condition of affairs.

17. I would further respectfully submit that *no Court* brought into a state of contempt, by the *intemperate habits* of the prescribing Officer will be found in such a condition.

18. On the contrary, a man *habitually* indulging in intemperance as I have been described to be, *must neglect his duty.* A man who *neglects* his duty, must, in a great measure, depend on his servants to avoid or slur over the consequences. His servants will thus become the masters of the Court, and experience shews, that under such circumstances, native servants will not fail to turn their mastership to their own account. Corruption will prevail—Corruption will form the subject of rumour—Corruption will be complained of—and some, more courageous than the generality of the multitude will boldly assert the fact before superior authority.

19. Such a charge has never yet been laid at my door.

20. The 3rd being but a continuation or rather an aggravation of the 2nd charge, I shall reply to both together.

21. Mr. Glass is in error when he says I was absent "without ostensible cause shown," seeing the certificate of the Civil Surgeon dated 22nd July last, forwarded with his letter, stated that I had been unwell.

22. Mr. Glass has shewn no ground for asserting that the attack of delirium tremens was "caused by intoxication." The Civil

Surgeon in his Certificate of the 10th August, does not make such a statement he merely attributes the "attack to the use of intoxicating liquors," and it will presently be seen, that in this respect, Mr. Glass has adopted the popular error concerning the pathology of this complaint.

23. Mr. Glass has aggravated the charge by alluding to restraint, apparently forgetful, that restraint is imposed on all patients suffering from delirium, from whatever cause it may have arisen.

24. In September 1857, I was taken ill of fever which followed a wetting I received in a shower of rain. During the course of the disease I became delirious, and it was only after the commencement of the correspondence which preceded the present complaint that I learnt the delirium was designated delirium tremens.

25. Whether on this occasion, the Civil Surgeon made any report to Mr. Reade the Magistrate, I know not. If he did, I have been kept in ignorance of it up to the present moment, and Mr Reade did not mention the circumstance in an interview I had with him some days ago on the subject of this complaint.

26. Whether the delirium was an attendant on the fever or the disease designated, I cannot say. Medical* men are frequently perplexed in distinguishing one from the other, when delirium ensues during the course of fever, Dysentery, Epidemic, Ophthalmia or any other affection or injury—considering therefore the length of time which has elapsed since this attack of fever: the fact of the circumstances attending it having faded from my recollection, and of my having been kept in profound ignorance of the report alleged to have been made to Mr. Reade, I trust it may not be thought that I wish to shirk enquiry, should I confine my observations to the subject of the Civil Surgeon's Certificate of the 10th August last.

* Vide. Dr. Blake's Essay on Delirium Tremens page 101.

27. Between April and June 1858 I received communications from the Civil Court, of a nature, reflecting severely, and in no measured language, on my official proceedings. If I have pride, it is pride in the performance of my duty. If I have ambition, it is ambition to be considered the first Officer of my standing. To gratify these foibles, if such they be, I have never spared labor or expense, and being naturally of a nervous excitable temperament, these reflections produced the effect which might be expected. I may have been wrong in the estimation of the value of my labors, and in the integrity of my intentions, but I was [redacted] in my own mind that convinced I was not, and I deemed the reflections cast upon me to be unjust and undeserved.

28. The weather was extremely oppressive—the heat last year continued longer than usual.—I brooded on the reflections cast upon me—my mind was kept for months in a state of inquietude—and from all these causes, my nervous system received so severe a shock, that towards the end of June, I felt certain of an approaching attack of sickness, which circumstance I mentioned to my friends, days before I fell ill.

29. On the 6th July last I attended Court, and after disposing of two Criminal cases returned home late in the evening—shortly after, Captain Farley, Commander of the "Gallant Neill," and his wife, called to pay myself and family a visit. They remained with us nearly an hour, and a few minutes after their departure I was taken sick.

30. Captain Farley came to see me again on the 7th, and Captain Meppen the Master Attendant called on the evening of that day.

31. It will be observed from enclosures Nos. 1 and 2, letters from Captains Farley and Meppen, that they are prepared to swear *that I was not under* the *influence of liquor* on the 6th and 7th July.

32. On the 8th July the Civil Surgeon was called in to attend I afterwards became delirious, and on seeing his Certificate I proposed the questions to which letters Nos. 1 and 2 are answers.

33. The above is a true conscientious statement of circumstances which occurred previous to my illness.

34. When the Civil Surgeon wrote his Certificate he was not aware of the state of my mind previous to my illness, and it will be observed from his Certificate, and it was the Civil Surgeon himself who directed my attention to the circumstance, that he has attributed the attack to the "*use*" and not to the *abuse* of intoxicating liquors.

35. Mr. Glass has not attempted to shew that *a debauch of intoxication or a single instance preceded the attack.*

36. I trust under these circumstances I may be pardoned for quoting from a Medical work a passage to shew that delirium tremens or a disease resembling it in its symptoms, arises from other causes than the use of intoxicating liquors.

37. Dr. Blake says at page 42 in his Treatise on this disease that "Dr. James Johnson, the talented and much respected Editor

" of the Medico Chirurgical Review, mentions the case of a young " lady, *in whom intense mental application was the cause of symp-* " *toms resembling those of delirium tremens*, and we are bound to " give due attention to such authority." And again " I have seen a " violent paroxysm of mania induced in a lunatic by long continued " efforts to discover the perpetual nation. I can easily imagine that " had the subject of this case, ceased suddenly, his continued mental " efforts to discover the perpetual motion, before he became mania- " cal, and had the brain become thus suddenly deprived of its accus- " tomed stimulus, a train of nervous symptoms, similar in a great " measure to those alluded to by Dr. Johnson, might, particularly if " assisted by idiosyncrasy, have developed themselves, and given rise " to an affection closely resembling delirium tremens."

38. Had the young lady referred to been in the habit of using stimulants simply in accordance with the custom among Europeans, would Dr. Johnson have been justified in attributing the attack to the use of intoxicating liquors? If so, to what cause could such an attack, had it occurrred in the lunatic, have been attributed other than to the theory propounded?

39. It will thus be seen that the *state of mind into which I was thrown long previous to the attack*, and which I solemnly declare was the fact, was, according to the testimony of Medical Writers possessed of a European reputation, *favorable to the development of a disease, almost, if not altogether similar, without the aid of any assistance from intoxicating liquor.*

40. Did I wish to cavil at the authority of the Civil Surgeon, I might rest upon these cases and upon other causes to which the various forms of mental disease owe their origin, for the purpose of shaking the force of that authority; but as I would scorn to owe my vindication or acquittal from the charges brought against me to any such finesse, I have no hesitation in acknowledging, that I, in common with people in general, was in the habit of using diffusible stimulus previous to the attack in question.

41. It does not however *necessarily* follow that a *person possessed of such a habit is a Drunkard, and previous intoxication, as the term is commonly understood, is not, as generally supposed, a necessary precursor to an attack of delirium tremens.*

42. Any man whatever his position and however high his character for sobriety or moderation may stand, if possessed of such a habit is equally liable with the most drunken soldier to such an attack under circumstances which may deprive him of the stimulus to which his system may have become habituated.

43. In support of this assertion I would beg once more to be allowed to quote from Dr. Blake, who says at page 15 of the same work, " When we consider the general habits of persons residing in the West Indies," (and these remarks it must be remembered are equally applicable to persons residing in the East Indies) " we must " take it for granted that the ebriositatic diathesis exists in most " persons who have sojourned there for any length of time, in com- " ing to this conclusion we must however recollect that *to induce* " *the state of constitution favorable to the development of delirium* " *tremens, it is not necessary that individuals should be of those* " *habits which would entitle them to the Appellation of drunkards;* " all that is required is, that persons should accustom themselves to " take a certain quantity of diffusible stimulus daily, perhaps little " more than sufficient to remove those feelings of debility which are " induced by the effects of the climate, and which, as they are indi- " rectly increased by the means used for their relief, require a gra- " dual increase in the quantity of stimulus taken to keep up the feel- " ing of benefit afforded by them. Under such circumstances any " sudden cessation or material dimunition of the stimulus thus ha- " bitually taken, will be felt in a strong degree by the nervous sys- " tem; and should depletion be used at the same time, the nervous " and sensorial powers, already deprived of their accustomed stimu- " lus, may be so reduced as to be unable to maintain the reasoning " faculties unimpaired, and thus the development of delirium may " be hastened.

44. Were an Officer at a Court Martial tried for disqualifying himself for the performance of his duty by *inducing* an attack of delirium tremens, would he not be entitled to plead the above theory as an extenuation for the purpose of showing that the attack, *might, so so far as its immediate inducement is concerned, be, as respects his own act, not criminally voluntary*, and that it might have never occurred had not the sudden cessation or diminution of the stimulus, perhaps indulged in for a life time, in common with his Judges and probably in common with the Medical Officer who may have certified against him, led to its developement, after an attack of some other disease, which by reducing the nervous and sensorial powers, may have paved the way for the derangement of the equilibrium of the reasoning faculties.

45. Were such a plea advanced would not his Judges be bound to ascertain whether the Prisoner had *become the victim of his own act* or whether he were not in reality the victim of the usage of society, which, by tending to foster the ebriositatic diathesis prepares the way for the attack of this disease among thousands who may have never thought that they were ever in danger from it.

46. Many other instances which inference and imagination will readily suggest, might be adduced, but brevity compels me to withhold them.

47. As already stated my *nervous system was completely disorganized, and I was in a very enfeebled state days previous to the attack*, and in the absence of any proof of *overt intoxication*, why the above view of the cause of the disease should not apply, instead of the worst inference that can possibly be deduced, is a subject which I would beg most respectfully to submit for the consideration of his Lordship in Council.

48. Before quitting this part of the subject I would observe that Dr. Cooper the Superintending Surgeon has been called on for a report. *That gentleman is very slightly acquainted with me—personally he knows nothing of my habits and therefore whatever he may state he must repeat from information derived from others*, probably from the notes of my case which can only establish the fact of delirium, leaving the *cause* to be inferred either from *evidence* or from *theory*.

49. Dr. Smith is at present in charge of the Superintending Surgeon's Office, but to him I am a perfect stranger.

50. Mr. Glass has excused himself for not bringing forward the subject earlier, under the plea that he did not wish to report upon it "*so long as matters could with any propriety be kept quiet*" and he says that he is now constrained to inform the higher Court and Government *out of justice to the suitors and others attending the Court, because he is about to quit the service.*

51. Mr. Glass was my earliest patron, and my affection towards him was almost filial, and on that account I refrained from frequent references to the Sudr, in the hope that his departure, which was long spoken of might admit of severance of our official connection without personal animosity.

52. Since my appointment to my present office I have had *little cause to be thankful for Mr. Glass' forbearance*, and this is sufficiently apparent from the Proceedings of the Sudr Court as well as his own letters which pressed upon them, a subject which the Judges seemed to think had been sufficiently discussed.

53. Had Mr. Glass imitated the generosity of the Judges who if they saw cause for suspicion appeared desirous to avoid crushing what may have appeared to them a fallen man, perhaps in the hope that leniency might have the effect of restoring him to a sense of pro-

14x

priety, he would have obtained an additional claim on my gratitude had he waited till a repetition of misconduct proved that leniency was misplaced and the fallen man was incorrigible.

54. In order to enable the Government to judge whether suitors and parties before the Court *have cause for complaints or whether tangible facts justify the inference that the Court has been brought by me into a state of contempt*, I shall now briefly advert to the state of the file when I took charge, to its state at the end of 1858, and to the operations of the past year.

55. I took charge in September 1854 and according to the quarterly report closed up to the end of that month, the state of the file was as follows;

	Original.	Appeal.
Suits of 1840 pending...	1	„
„ 1850...	9	„
„ 1851...	36	„
„ 1852...	68	„
„ 1853...	81	10
„ 1854...	73	11
	268	+ 21

Total Original and Appeal, Suits pending.....289

56. Owing to the accumulation of arrears 96 suits in addition to the above had been called up in that Quarter by the Civil Judge for the purpose of being transferred to other Courts, *which had thus additional work imposed upon them in consequence of the state of this Court in* 1854.

57. The state of the file at the end of 1858 as shewn by the Quarterly Report closed up to the 31st December last was as follows;

	Original.	Appeal.
Suits of 1857 pending...	25	„
„ 1858...	133	45
	158	+ 45
Total Original and Appeal, Suits pending.	203	

58. It will thus be seen that *arrears*, properly speaking, *have disappeared* and that those existing are so trifling so scarcely to deserve the name.

59. After taking charge I received instructions to file no suits within the jurisdiction of a Moonsiff unless they were instituted by parties residing in Vizagapatam or its immediate vicinity, and these instructions I have continued to observe.

60. It might be supposed that the prohibition would have the effect of reducing the number of suits filed, so far from this being the case, *the average number of suits during the time I have been in charge, on comparison with a corresponding Number of antecedent years, continues unaltered.*

61. The enclosed Tabular statement No. 3 shows that 326 suits were filed last year *being an increase* of 34 above the number filed in 1857, that 455 suits were disposed of, that the file *was reduced* by 129 suits, that 312 decrees were passed on merits, being 153 *above the prescribed number*, that 971 Petitions were disposed of leaving only a balance of 13 remaining; and that 34,000 Rupees were recovered and adjusted by parties in execution of decrees.

62. I have compared these operations with the operations of other Courts of a like degree published in the Reports on the Administration of Civil Justice from 1850 to 1856 and see no cause to entertain apprehension of the result of the inference deducible from such comparison.

Note.—The report for 1857 is not in detail.

63. To these operations I appeal with confidence as a *practical refutation* of the charge of notorious or habitual intemperance, and I would again observe that *no single instance has been specified* to admit of acknowledgment or denial.

64. I would also appeal to the *quality* of my decisions as *another practical refutation* of the charge—and although I have no proper data before me to admit of the preparation of a correct statement shewing the number confirmed, reversed or modified, I can refer with confidence to the *fewness* of the decisions affected on appeal, *and to the fact that not a single application of the few presented for the admission of a special appeal against my appeal decisions, has been successful in the Court of Sudr Udalut.*

65. *The result of my operations since I have taken charge has been the removal of arrears, and the production of a state of affairs, which, by destroying that stigma by which this Court was a clog on the operations of other Courts, admits of its now being able to afford to other Courts that relief which heretofore the higher Court was obliged to concede to it.*

66. I most respectfully beg leave to submit that the Officer who has eliminated such a state of order out of the mass of confu-

sion and arrears in which he found the Court, *cannot have rendered himself obnoxious to the contempt of suitors or other parties.* What have they to complain of? The administration of Justice—*electrically* speedy, when compared with the state of affairs previous to his incumbency. But—have they complained? Their complaints are not specified and appear to be simply assumed.

67. I have now been 22 years in the Service. As Head Writer of the Rajahmundry Court, it was certified that I brought the English Department into a state of efficiency rarely equalled. As Sheristadar of the Northern Provincial Court, I prepared accounts in lieu of certain which had been fraudulently destroyed, when no one else in the Office was capable of so doing, and showed a defalcation of about 16,000 Rs. a portion of which, I believe, Government recovered. As Superintendent of the Monegar Choultry, I reduced the permanent expenditure between 2 and 3000 Rs. a year. As Moonsiff of Ellore, I endeared myself to all classes subject to my jurisdiction—and in proof of these assertions, I refer to papers in the Government Office. What I have done as Principal Sudr Ameen of Vizagapatam, I have shewn above, and if, after this length of service faithfully employed, I can solemnly declare, I deserve removal, I must submit with resignation to the Will of the Almighty.

68. Humbly and sincerely thanking his Lordship in Council for the opportunity of submitting this painful explanation,

I have the honor to be, Sir,

Your most obedient Servant,

Vizagapatam,
Principal Sudr Ameen's Court,
3d Feby. 1859.

(Signed) W. SLOAN,
Principal Sudr Ameen.

No. III.

MY DEAR SLOAN,

I am just in receipt of your letter of this day and I have much pleasure in being able to reply to it immediately.

You will find annexed my answers to your queries placed in juxtaposition to each other, and I am prepared to swear to the *Truth* of my statements whenever called upon.

Beleive me,

Your's very sincerely,

(Signed) W. FARLEY.

12th August 1858—Friday.

1st Query.—Did yourself and Mrs. Farley see me on the 6th July last or on the day on which I was taken unwell?

Answer.—Mrs. Farley and I called to see you and family on the evening of the 6th July last the day in question, and we were received by both Mrs. Sloan and yourself, and we passed an hour or more in your company, and we were surprised to hear early on the following day that you had taken very unwell shortly after we left.

2nd Query.—Did you observe from my conversation and appearance whether I was under the influence of intoxicating liquors, or did my appearance denote that I had been indulging to excess a day, or two, or days previously?

Answer.—Your appearance I did observe to be rather careworn as if from recent mental excitement on the occasion and remarked it to Mrs. Farley; but your otherwise appearance, department, and conversation did not denote *in the least* that you had been indulging in intoxicating liquors—a circumstance that would easily betray itself, if such was the case.

3rd Query.—Did you see me the next day and did you observe any appearance in me to denote that I was under the influence of liquor?

Answer.—Having heard you were very unwell I called to see you the following day and I did not observe *any appearance in you to denote that you were under the influence of liquor.* I remained with you that day from about 9 A. M. to 2 P. M. and held you in conversation nearly the whole of the time.

No. IV.

VIZAGAPATAM, 13*th August* 1858.

QUESTIONS.	REPLIES.
Will you be pleased to inform me whether you saw me on the 7th July last, if so, at what hour, and in what state did you find me?	I was at your house on the evening of the 7th July from about 7-30 P. M., to 9 o'clock P. M., I saw you on your sofa in a weak state and conversed with you till about 9-15, when I left. I could solemnly state that from your conversation and appearance it did not appear to me that you had been *indulging in ardent spirits* but that you were then been suffering from constant study without exercise.
From my conversation and appearance had you any cause to imagine that I was under the influence of intoxicating liquors or that I had been for a day or days previously indulging to excess?	In reply to my remark you mention to me that it was also about the time you fell sick and if the weather continued hot it would go hard with you or words to that effect.
Previous to the 6th of July did you hear me make any particular complaint of the state of my health.	R. W. MEPPEN.

No. V.

JUDICIAL DEPARTMENT.

No. 394.

Extract from the Minutes of Consultation under date the 24*th March* 1859.

Read the following letters.

From the Civil Judge of Chicacole.

(Here enter 27th January 1859, No. 28.)

From the Principal Sudder Ameen, Vizagapatam.

(Here enter 3rd February 1859, No. 34.)

From the Director General, Medical Department.

(Here enter 25th February 1859, No. 34.)

In Extract Minutes Consultation, No. 44, dated 13th January last, Mr. Sloan, the Principal Sudder Ameen of Vizagapatam was called upon to answer an Extract from the Proceedings of the Sudder Udalut, in which it was reported, that he had been suffering from *delirium tremens* caused by intemperance, and further, that for some time past his excessive use of intoxicating liquors had been such as to bring contempt upon him, as a Judicial Officer. In the

You will find annexed my answers to your queries placed in juxtaposition to each other, and I am prepared to swear to the *Truth* of my statements whenever called upon.

Beleive me,

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VIZAGAPATAM, 13*th August* 1858.

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Will you be pleased to inform me whether you saw me on the 7th July last, if so, at what hour, and in what state did you find me?	I was at your house on the evening of the 7th July from about 7-30 P. M., to 9 o'clock P. M., I saw you on your sofa in a weak state and conversed with you till about 9-15, when I left. I could solemnly state that from your conversation and appearance it did not appear to me that you had been *indulging in ardent spirits* but that you were then been suffering from constant study without exercise.
From my conversation and appearance had you any cause to imagine that I was under the influence of intoxicating liquors or that I had been for a day or days previously indulging to excess?	In reply to my remark you mention to me that it was also about the time you fell sick and if the weather continued hot it would go hard with you or words to that effect.
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same Extract, the Superintending Surgeon of the Northern Division was required to state whether Mr. Sloan's habits had been such as they were represented by his immediate superior, the Civil Judge of Chicacole.

2. The Superintending Surgeon now reports that in the summer of 1857, previously to which he never heard any accounts of Mr. Sloan's intemperance—the Principal Sudder Ameen was brought by intemperance into the same state as is described in Dr. Blackwell's Certificate of August 1858, transmitted by the Sudder Udalut ; and *the Government therefore are constrained to believe that Mr. Sloan is now a confirmed victim to the degrading vice of intemperance*, and this belief is in no way shaken by a perusal of his *ingenious* defence. *He has referred to the efficient state of his Court, but on that point the Government must be guided by the contrary opinion* very strongly expressed by the Sudder Udalut on the 17th May last, as quoted by the Civil Judge of Chicacole in his letter above recorded.

3. The Sudder Udalut will inform Mr. Sloan that the Government consider him disqualified for his post, from which he is accordingly removed from the date of the receipt by him of this Resolution, copy of which will be communicated to him by the Higher Court. The Sudder Udalut will take measures for the charge of the Vizagapatam Jail and the proper custody of the records of the Principal Sudder Ameen's Civil Court, pending the arrival at the station of a successor to Mr. Sloan.

4. Referring to one of the Certificates furnished Mr. Sloan by the Civil Surgeon, the Sudder Court observed that it was not such a document as it was proper for him to grant. Dr. Blackwell's explanation will be transmitted to the Court for their information, and with the remark that the Government considers it satisfactory.

(True Extract.)

(Signed) T. PYCROFT,
Chief Secretary.

To the Judges of the Court of Sudder Udalut,
with letter No. 39, and its enclosures.
„ Director General, Medical Department.

To

The Civil Judge of Chicacole, who will forward copy thereof to Mr. Sloan, and direct the Sheristadar, or other proper officer, to take charge, of the Principal Sudder Ameen's Court, and the Jail until the arrival of a successor to Mr. Sloan.

(True Copy.)

(Signed) C. F. CHAMIER,
Register.

1st April 1859.

Exd. F. Cartledge.

Jud. Dept. Corrs. 16th Sept.
No. 4 of 1865

APPENDIX No. 1.

Containing the charge, defence, and Minutes of Consultation, removing Your Memorialist.

2187

Jud. Cons. 9th
Sept. 2087

TO

HIS EXCELLENCY

THE HONORABLE SIR CHARLES TREVELYAN, K. C. B.,

Governor in Council Fort Saint George.

The humble Memorial of WILLIAM SLOAN, late Principal Sudr Ameen of Vizagapatam.

SHEWETH,

1. That your Memorialist was appointed Principal Sudr Ameen of Vizagapatam in 1854, after having previously filled almost every subordinate situation in the Judicial Department.

2. That your Memorialist has been informed, that on his appointment, Mr. Glass, the Civil Judge of Chicacole, addressed Government objecting to the selection of your Memorialist.

3. That this objection was made in the face of a letter* addressed 11 years previously by Mr. Glass himself to your Memorialist, wherein he expressed a strong opinion in favor of the qualifications of your Memorialist for the office of Principal Sudr Ameen—Subsequently, a misunderstanding occurred between Mr. Glass and your Memorialist, which led to your Memorialist transferring his services in a more Subordinate capacity to another Judge, at a great pecuniary sacrifice—your Memorialist had therefore cause to regret that the accident of promotion, placed your Memorialist again under the control of Mr. Glass.

* The Original was sent to the Sudr Court.

4. Your Memorialist is forced to allude to these and other circumstances as a matter of necessity to account for Mr. Glass' proceedings towards your Memorialist.

5. That since the appointment of your Memorialist to his late office, Mr. Glass, on two occasions, unsuccessfully addressed the Sudr Udalut, impeaching the veracity of your Memorialist.

Vide Appendix A. C. and D.

6. That on the 11th November 1858, the Sudr Udalut declined noticing Mr. Glass' last complaint, in consequence of its not having been submitted after explanation had been obtained from your Memorialist.

Vide Appendix D.

7. That during the period, your Memorialist was employed as Principal Sudr Ameen, Mr. Glass was in the habit of submitting disparaging references concerning your Memorialist, without calling upon him for previous explanation,—and frequently, the first intimation your Memorialist received of his proceedings having been animadverted upon, was the order of the Sudr Udalut demanding explanation.

* For example Vide Appendix A. C. & D.

8. That such procedure on the part of Mr. Glass was not only contrary to the usage of the Judicial Department, but was also calculated to create a prejudice against your Memorialist in the minds of his superiors, and in some instances, probably prevented that degree of weight being attached to his subsequent explanations, which might have been attached to them, had the circumstances to which they referred, not been subjected to the possibility of a previous partial pre-judgment.

9. Your Memorialist submits that the good of the service does not demand such a course of pro-

cedure, destructive of the confidence, harmony and friendly feeling which should exist between the Covenanted Judge, and his Uncovenanted Subordinate Judge,—and your Memorialist is happy to observe, that he was never subjected to similar treatment by any other Judge or Officer, under whom he had the honor of serving.

10. That after the receipt of the aforesaid proceedings of the Sudr Udalut referred to in para 6. Mr. Glass abandoned the complaint impeaching the veracity of your Memorialist, and on the 29th November 1858, substituted a fresh one, accusing your Memorialist of habits for a very long time disreputable to the Department to which he belonged, causing both himself and the Court over which he presided to be looked down upon with contempt,—and in support of this fresh complaint stated, that your Memorialist had suffered from delirium tremens caused by intoxication.

11. That Mr. Glass excused himself for not bringing forward this fresh complaint earlier on the plea of forbearance.

12. That this plea is palpably inconsistant with Mr. Glass' previous attempts to bring your Memorialist into discredit, and is open to grave question when it is remembered, that it was advanced *only* 18 *days after* the Sudr Udalut had declined to notice so serious a charge as the impeachment of a Judge's veracity, and *only* 6 *or* 7 *days after*, in due course of the post, their proceedings could have reached Chicacole.

13. That the abandonment of so serious a charge is sufficient to justify the inference that Mr. Glass was satisfied that it could not be maintained, and the sub-

stitution of another of less magnitude, so soon after he became aware that the Sudr Court had declined to notice it, will shew that Mr. Glass, in his prosecution of your Memorialist was neither influenced by a spirit of forbearance, nor was his object, in his desire to effect the removal of your Memorialist, the good of the public service.

14. That the Sudr Udalut on the 20th December last, recommended the removal of your Memorialist on the ground, that "his habitual intemperance appears to have been long notorious."

15. Your Memorialist submits, that this observation is evidently based on Mr. Glass' statement, which, emanating as it did, from a party, who had endeavoured on more occasions than one to injure your Memorialist, should not have been so unreservedly and implicity adopted by the higher Court in its report to Government.

16. That on the 13th January 1859, Government was pleased to call upon your Memorialist for an explanation or defence.

17. That the order of Government was received by your Memorialist at Vizagapatam on the 26th of the same month, and on the 3rd February, your Memorialist submitted his defence, wherein—after explaining, circumstances attending his illness he admitted that he was in the habit, in common with people in general of using intoxicating liquors; and observed in effect, that if the disease with which Dr. Blackwell the Civil Surgeon stated your Memorialist had been attacked, were in reality, delirium tremens, the deductions of Medical Science shewed, that such a disease was liable to occur from causes, other than the use of intoxicating liquors, and even if they occasioned its development, that the disease occurs under certain circumstances, in persons in the habit of using intoxicating drinks without being in the habit of indulging to excess. At the same time your Memorialist referred to the absence of any specific instance of overt intoxication having been charged against him by Mr. Glass, and to the willingness of those with whom he was accustomed to associate, and who were acquainted with his private habits, to negative the general accusation.

18. Your Memorialist likewise referred with confidence to the high state of efficiency into which he had brought his Court as a practical refutation of the said general accusation.

19. That on the 24th March last, Government were pleased to record their opinion that they are constrained to believe that your Memorialist is NOW A CONFIRMED VICTIM to the degrading vice of intemperance, for which reason your Memorialist was considered disqualified for his post and removed.

20. That your Excellency will not fail to observe that the gravity of the charge increased in geometrical proportion as it travelled from lower to higher authority. The Civil Surgeon attributed the disease to the *use* of intoxicating liquors, without allusion to the habits of your Memorialist. Mr. Glass ascribed it to intoxication. The Judges of the Sudr Udalut pronounced his habitual intemperance to be long notorious. And the Government condemned him for being NOW A CONFIRMED VICTIM to the degrading vice of intemperance.

21. Your Memorialist submits, that the documents to which he has had access, do not enable him

to discover the cause of the progressive accretion to the charge originally founded on the certificate of the Civil Surgeon.

22. That the final resolution of Government appears to have been formed, not only upon consideration of the papers noticed in the Minutes of Consultation, dated 13th January last, to which your Memorialist has had an opportunity of referring, but also of other papers, submitted by Messrs. Glass, Cooper and Blackwell, after your Memorialist had submitted his defence.

23. Your Memorialist having been perfectly ignorant of Mr. Glass' aforesaid complaint, and of the Report of the Sudr Udalut thereon, previous to its submission to Government, felt extremely thankful to His Lordship the late Governor for the opportunity afforded him of defending his character; and he naturally entertained the hope, that had Mr. Glass, or others, preferred fresh matter against your Memorialist, after he had submitted his defence, a final decision would not have been pronounced, until his further reply to that matter had been received.

24. On receipt of the Minutes of the 24th March removing your Memorialist, he requested Messrs. Glass, Cooper and Blackwell, to favor him with copies of the letters containing the said fresh matter, as well as copies of other correspondence connected with his case, but he regrets to be obliged to observe, that his applications were refused, and that he has consequently been unable to obtain an inspection of the evidence on which he was finally condemned and has thus been placed in a worse position, than the vilest criminal before a Mofussil Court.

Vide Appendix E. and H.

21 X

25. Your Memorialist is therefore constrained to prepare this Memorial with only a partial knowledge of the evidence adduced against him; and in deciding upon his prayer, your Memorialist humbly trusts, that your Excellency will be pleased to make due allowance for deficiencies arising out of the disadvantages under which he in consequence labors.

26. That in proceedings of the 28th August and 23rd October 1837, the Sudr Udalut ruled, that a dismissed Servant is entitled to Copies of all papers connected with his case. Mr. Glass' refusal to act in accordance with those proceedings, is consequently another exemplification of the animus by which he was influenced in his prosecution of your Memorialist.

Vide Appendix G.

27. That it would appear from the Minutes of the 24th March, that Mr. Glass resolved, notwithstanding his plea of forbearance, to attack, what he anticipated would be the strongest position of the defence of your Memorialist, and, in his letter of the 27th January, dispatched apparently direct to Government while your Memorialist was preparing his defence, he seems to have adverted to the inefficiency of the Court over which your Memorialist presided. Hence, your Excellency will observe, that a third accusation, either direct or implied, was thus preferred against your Memorialist in the short space of a few months.

28. That your Memorialist being ignorant of the contents of Mr. Glass' letter of the 27th January, writes the preceding para. subject to correction—but as the inference is justified by the tenor of the Minutes of the 24th March, your Memorialist leaves it to your Excellency to decide, whether such clearly evinced determination to effect the ruin of your Memorialist, were prompted by public spirit or private animosity.

29. Your Memorialist submits, that any witness exhibiting the spirit displayed by Mr. Glass towards your Memorialist, would not be entitled to credit in a Court of Justice.

30. That Mr. Glass appears to have forwarded with his letter of the 27th January, copies of proceedings of the Sudr Udalut, dated 17th May 1858, having reference to the operations of the Principal Sudr Ameen's Court during the 3rd and 4th Quarters of 1857.

31. That the Government seem to have considered those proceedings sufficient to justify the inference that the said Court was in an inefficient state 11 months after, viz., on the 24th March 1859.

32. That from the absence of all allusion in the Minutes of the 24th March, to the state of the Court between May 1858 and January 1859, your Memorialist is led to suppose that the Sudr Udalut had no occasion to be dissatisfied with his labors during the interval.

33. That Mr. Glass was bound by the usage of the Judicial Department to forward to your Memorialist copies of his own observations on the work represented in the Quarterly Reports, as well as copies of the observations of the Sudr Udalut; but as he failed to forward such copies, and as he subsequently refused to furnish them on the application of your Memorialist, your Memorialist has no means of knowing what views the Sudr Udalut entertained respecting the efficiency of the Court subsequent to May 1858.

Vide appendix E. and F.

34. That justice to your Memorialist demanded that the opinion of the Sudr Udalut on his work, subsequent to May 1858, should have been represented in Mr Glass' letter of the 27th January.

35. That it is not just towards a public servant, to select a distant isolated condemnation of a controlling authority, for the purpose of shewing subsequent labors to be unsatisfactory. If such a proceeding were permitted, your Memorialist would observe, that few members of either branch of the service, can escape condemnation, seeing the proceedings of most individuals during a long period of service, must, at some time or other, have become the subject of animadversion.

36. With reference to the observations respecting the efficiency of the Court, your Memorialist begs to submit a Tabular statement, representing the Civil operations during the year 1858, and the 1st Quarter of 1859, and fearlessly challenges a comparison between his labors in the Civil Department which have been the subject of remark, with the labors of any other Principal Sudr Ameen or Subordinate Judge during the same period; and even without such comparison, your Memorialist has no hesitation in asserting that a simple examination of the statement itself, is sufficient to shew that grounds do not exist to justify the conclusion, that the Court was in an inefficient state, either at the date of Mr. Glass' charges, or when your Memorialist relinquished office.

Appendix L.

37. Your Memorialist respectfully begs leave emphatically to deny, that his habits have ever been disreputable to the Department to which he belonged; that his habitual intemperance has been long notorious; or, that he is now a confirmed victim to the degrading vice of intemperance.

38. He likewise begs emphatically to deny, that the disease under which he labored, if it were the

delirium known as delirium tremens, was preceded by excessive indulgence or intoxication.

39. He solemnly declares, that he was not intoxicated previous to the attack referred to, and as he could only account by the deductions of Medical Service, for the possibility of the correctness of the Civil Surgeon's Certificate, he deeply regrets to find, that the quotations referred to, have exposed his defence to the imputation of being ingenious.

40. Your Memorialist would go further, and deny, that he was ever in a state of intoxication either in public or private.

41. Your Memorialist begs to submit an extract from a letter from Mr. Reade the Collector of Vizagapatam, from which it will be observed, that that gentleman states he never heard aught to the detriment of your Memorialist from natives or other inhabitants of the District.

Vide Appendix I.

42. Mr. Reade resided at the same station as your Memorialist, and had better opportunity of becoming acquainted with the opinions of the inhabitants of Vizagapatam respecting your Memorialist than Mr. Glass, who resided at Chicacole, a Town about 60 miles distant, it is therefore singular that Mr. Glass should know more of those opinions than Mr. Reade.

43. Your Memorialist likewise begs to submit an address presented to him by some of the principal inhabitants of Vizagapatam on the day of his departure, expressive of their satisfaction with the proceedings of your Memorialist during the period of his incumbency.

Vide Appendix J.

44. Your Memorialist also submits the testimony of the local paper, the Vizagapatam Chronicle of the 15th April, as a token of the estimation in which he was held, and the regret expressed at his removal.

45. Your Memorialist respectfully submits that such public testimony would not have been borne to his ability, zeal, and indefatigable attention to business, had he lowered himself so far as to have become a confirmed victim to the degrading vice of intemperance.

46. Had the resolution of Government been confined to Dr. Blackwell's certificate, and had your Memorialist been conscious of culpable indulgence. Your Memorialist might have cast himself upon the mercy of Government, and in consideration of his length of service, his high testimonials, the long period which has elapsed, his subsequent non-repetition of offence, the highly efficient state into which he brought the Court entrusted to his charge, the anxiety and great distress of mind he endured during the 3 months the matter was pending, and the deep humiliation to which he has been subjected since, he might have prayed to be forgiven for a weakness and indiscretion which might have overtaken any man; but as the resolution of Government has proceeded beyond the Surgeon's certificate, and has pronounced him to be "NOW A CONFIRMED VICTIM to the degrading vice of intemperance," your Memorialist cannot but feel deeply grieved, knowing as he does that the stigma attached to his character is without foundation, and incapable of proof. A regard to his reputation therefore renders it indispensably necessary, that your Memorialist should court enquiry, in order to wipe away the stain, so that if he should be compelled to seek his fortune in another sphere of life, he may be able to commence, free from a blot, which may at every step impede his future progress.

47. Your Memorialist therefore humbly prays,

First. That your Excellency will be pleased to order an investigation at Vizagapatam, in the presence of your Memorialist, before an Officer, independent of Mr. Glass, and unconnected with the charges in question, regarding the imputation of habitual and notorious intemperance.

Secondly. That your Excellency will be pleased, should the investigation be satisfactory, to order the restoration of your Memorialist to the position he occupied.

48. Your Memorialist having been condemned on the testimony of parties personally unacquainted with his habits, he respectfully submits that common justice entitles him to the investigation he solicits.

49. Your Memorialist with due deference would submit, that if he had been in the habit of appearing in the streets in a disgraceful condition, or if he had ever exposed himself in such a state in public Court to the gaze of assembled suitors, the punishment meted out to him could not have been more severe, nor the contempt greater than that expressed in the Minutes directing his removal; your Memorialist therefore sincerely trusts, that your Excellency will not permit bare assumption, founded on reports, tinctured by prejudice and prompted by animosity, to ruin his prospects for life, blast his reputation, and doom his family to witness a father and a husband branded with such deep disgrace.

For which as in duty bound, your Memorialist shall ever pray,

Madras, 27th May 1859. W. SLOAN.

A.

Extract from a return from the Principal Sudr Ameen of Vizagapatam, dated 2nd May 1856.

The Principal Sudr Ameen begs to acknowledge the proceedings which accompanied, forwarding proceedings of the Sudr Court, dated 4th ultimo, wherein the Judges observe, that "of the 24 decrees "by the Principal Sudr Ameen sent up by the Civil Judge, as "reported by him to have been disposed of on the merits, 22 were "decided on the admissions of the Defendants, and in the other "two cases, the suits were struck off on technical grounds. The "Court of Sudr Udalut resolve to call upon the Principal Sudr "Ameen to explain, how it is that he has wrongly described the "manner in which those suits were disposed of."

2. The Principal Sudr Ameen has always entered in the reports, decrees passed on technical grounds, as decrees passed on merits. His doing so, has never been objected to, and he was not aware that the practice is open to question.

3. The Principal Sudr Ameen assumed office under the Civil Court of Chicacole, on the 24th May 1853, and ever since has been *in the habit of entering decrees disposed of on depositions taken from Defendants or Plaintiff's, as decrees disposed of on merits*, and decrees passed on answers acknowledging the truth of a claim, as decrees passed on admissions. The 22 decrees referred to are of the former description.

4. Although the Civil Court has reviewed 10 Quarterly Reports of the Principal Sudr Ameen, and has had his decrees passed during that period periodically under review, no observation, indicating that the Principal Sudr Ameen's proceeding in this respect was improper or irregular, was ever conveyed to him—he was consequently led away with the impression, that his proceeding was correct, and that it had received the sanction and approbation of the Civil Court.

5. This impression was strengthened and supported by a construction, virtually placed on para. 14 of the proceedings of the Sudr Udalut, dated 30th May 1840, in an order, addressed to the late Principal Sudr Ameen of Itchapoor, on the 18th November 1844 by the present Civil Judge, wherein the late Principal Sudr Ameen of Itchapoor, was *instructed to class decrees passed on the examination of Defendants, under the head of decrees passed on merits.*

* * * *

6. The Principal Sudr Ameen likewise begs to enclose translation of a deposition taken from Godavurty Sivaramiah, Nazir of this Court, who was employed from the year 1839 till 1855, in the late Principal Sudr Ameen's Court, and present Ameen's Court at Itchapoor, as Nazir, head writer, and Sheristadar, wherefrom it will appear, that from the year 1844, when the above construction was placed upon the aforesaid proceedings, decrees passed upon the examination of the Defendants, have been classed by Principal Sudr Ameen Rayal Naidoo, and Sudr Ameens Manchcherauze, Juggrow, Hodson, and himself, as decrees passed on merits, without eliciting any objection from the Civil Court.

* * * *

9. On the 10th January 1856, the Principal Sudr Ameen dispatched the reports for the 4th Quarter of 1855, and as they do not appear to have been dispatched from the Civil Court till the 13th February, the Principal Sudr Ameen respectfully submits, that had the Civil Court, changed its sentiments respecting the construction placed in 1844 on the proceedings of the Sudr Court of May 1840, it *would have been barely just* towards the Principal Sudr Ameen, to have informed him of the circumstance, *previous to representing him to the Judges as a Suppressor of the truth. An explanation if called for,* would have satisfied the Civil Court that the Principal Sudr Ameen imagined, *that he was merely obeying its orders* without any intention of concealing the real extent of his exertions.

10. The Principal Sudr Ameen, ignorant that exception had been taken to the practice above adverted to, and not having had the opportunity afforded him of explaining the cause which had induced him to class under the head of merits, decrees passed on the examination of Defendants produced before the Court, either by parties or their Vakeels, has been placed before the Judges of the Sudr Court in the painful position of an Official who has misrepresented his exertions. *If such here true he is underserving of the post he holds,* and he feels deeply the omission of the Civil Court in not calling for explanation, before accusing him of misrepresentation, and thus exposing him, not only to the suspicion of his superiors, but also injuring his reputation greatly in the estimation of Society.

* * * *

(Signed) W. SLOAN,

Principal Sudr Ameen.

Note.—This was the first instance of the impeachment of the veracity of your Memorialist. The following is the commencement of the Second.

B.

Extract from the proceedings of the Civil Court of Chicacole, dated 12th April 1856.

Ordered at the same time that the Principal Sudr Ameen be directed to forward to the Court copies of all his correspondence with the Government or Sudr Udalut on this subject as it appears to the Civil Judge that the character of the said Presapauty Venkiah has not been brought to their notice by the Principal Sudr Ameen.

(Signed) E. B. GLASS,

Civil Judge.

Note.—Your Memorialist forwarded the correspondence and heard nothing more about the matter, till the other day, when he discovered that about 18 months after, Mr. Glass again impeached his veracity.

C.

Extract from a return from the Civil Judge of Chicacole to a Precept from the Court of Sudr Udalut.

* *

8. The Civil Judge considers it necessary to inform the Judges, that he observed from the correspondence furnished by the

Principal Sudr Ameen, as taken place between him and Government, in nominating the said Venkiah, to act as Government Vakeel, that the Principal Sudr Ameen gave *an incorrect report of the facts*, in his letter to the Chief Secretary to Government, under date 1st February 1856, in reply to the Extract from the Minutes of Consultation, dated 6th January 1856.

* * * * *

Note. This complaint was made according to Mr. Glass' Custom, without calling for previous explanation, upon which circumstance the Judges of the Sudr Udalut commented in.

D.

Extract from the proceedings of the Sudr Udalut, dated 11th November 1858.

6. The Court will not judge of the animadversions cast by the Civil Judge on the Principal Sudr Ameen at the close of his return of the 4th ultimo. These, if the Civil Judge conceives them to be sustainable, should be submitted in a distinct communication after explanation may have been obtained from the Principal Sudr Ameen.

Note. Mr. Glass on receipt of these proceedings abandoned this complaint, and 6 or 7 days after, substituted a fresh one as explained in the Memorial.

E.

Letters addressed by your Memorialist on the 11th and 14th April 1859, to E. B. Glass, Esquire, Civil and Session Judge of Chicacole.

* * *

SIR,—With reference to the Minutes of Consultation, dated 24th ultimo, I beg that you will favor me with a copy of your letter dated 27th January 1859, No 28, therein referred to. The circumstances in which I am placed entitle me to all correspondence connected with my case.

(Signed) W. SLOAN.

SIR,—I shall feel obliged if you will be pleased to favor me with copies of all correspondence which has passed between yourself and the Civil Surgeon relative to my illness.

I would at the same time request to be favored with Copies of your remarks on the Civil Reports for the 2nd, 3d and 4th Quarters of 1858, as well as copies of the observations of the Sudr Court, so far as the Principal Sudr Ameen of Vizagapatam is concerned.

Similar copies, when the reports are dispatched, and the observations respecting the 1st Quarter of the Current year on review, are received are requested.

These copies I beg to add, I am entitled to, as connected with my work.

(Signed) W. SLOAN.

To the foregoing letters the following answer was received from Mr. Glass, dated 18th April 1859.

SIR,—With reference to your letters, dated 11th and 14th instant, I have the honor to inform you that the original papers of which you require copies, are in possession of the Court of Sudr Udalut and Government. The Judges of the Sudr Udalut first recommended to Government your dismissal, and the Government after having received your defence declared you disqualified for the post of Principal Sudr Ameen, therefore the proper course is to obtain the copies you require from the Government and Sudr Court, as I cannot have further correspondence with you on this subject.

(Signed) E. B. GLASS,
Civil Judge.

Note 1st.—What Mr. Glass means in stating that the original papers are with the Sudr Udalut and Government as a ground for refusing the application of your Memorialist is not very clear.

Note 2nd.—Document F. will shew that had Mr. Glass conformed to the orders of the Sudr Udalut, your Memorialist would not have had occasion to solicit copies of the observations on the work represented in the quarterly Reports. It is to be presumed that those observations are in his office.

Note 3rd.—Document G. shews that Mr. Glass was imperatively required to furnish your Memorialist with copies of the documents solicited.

F.

Extract from the Proceedings of the Sudr Udalut, dated—December 1856.

In his proceedings the Civil Judge is to bring under review, the work of each Judicial Officer in the Zillah, individually according to his rank, and to record his opinion thereon in the manner hereunder pointed out. A copy or translation (as the case may be) of such parts of the Civil Judge's proceedings as concern each Subordinate Officer is to be furnished to such Officer.

G.

Extract from the Proceedings of the Sudr Udalut, dated 28th August 1837, Civilian's Remembrancer, page 453.

A a District Moonsiff dismissed from his situation by a Zillah Judge B. applies to the Sudr Udalut to direct the Provincial Court and B. to furnish him with copies of their proceedings relative to his dismissal on unstampt paper.

The Sudr Udalut inform the Provincial Court and B. that they consider A. entitled under S. XXX., Reg. XIII of 1816, to be permitted to take copies of all papers connected with his case on any paper that he may think proper to produce.

Extract from Proceedings of the Sudr Udalut, dated 23rd October 1837, Civilian's Remembrancer, page 524.

The Sudr Udalut record their opinion "that a party" (a dismissed servant) "under such circumstances, is entitled to a copy of the order, directing his dismissal, to enable him to prefer any appeal he may be desirous of preferring thereupon to the superior Court."

H.

Letter addressed to F. Cooper, Esquire, Superintending Surgeon, N. D., by your Memorialist on the 11th April 1859.

SIR,—I have the honor to request that you will be pleased to favor me with a copy of your letter in reply to the Minutes of Consultation, dated 13th January last.

The circumstances in which I am placed will I trust be considered sufficient to entitle me to copies of all papers connected with the matter.

(Signed) W. SLOAN.

Dr. Cooper's reply, dated 12th April 1859, was as follows:

SIR,—I have the honor to acknowledge the receipt of your letter of the 11th instant, and shall be most happy to furnish you with any copies of correspondence between myself and the Director General of the Medical Department on the receipt of authority to do so.

Letter addressed to J. W. Blackwell, Esquire, Civil Surgeon, Vizagapatam, by your Memorialist on the 11th April 1859.

SIR,—I shall feel obliged if you will be pleased to favor me with copies of any correspondence which may have passed between yourself and the Civil Judge of Chica cole connected with my case, as well as a copy of the letter submitted by you with reference to the Minutes of Consultation, dated 13th January last.

The circumstances in which I am placed will I trust be considered sufficient to entitle me to copies of all correspondence connected with the matter.

(Signed) W. SLOAN.

Dr. Blackwell sent back the following reply, dated 12th April 1859.

SIR,—I do not feel at liberty to comply with your request. When desired by proper authority to furnish you with copies of correspondence, &c., from my department, I shall do so with pleasure.

(Signed) J. W. BLACKWELL,
Civil Surgeon.

I.

Extract from a letter, dated 16th April 1859, from C. W. Reade, Esquire, Collector of Vizagapatam, to your Memorialist.

I have no hesitation in saying that I have always been led to entertain a very high estimate of your capacity and talents for the office you filled.

On the 2nd point as to your general character, I am also unable to speak from any personal acquaintance with your habits, but I can with truth affirm that I never heard aught to your detriment from any one in the District, I mean from Natives or other inhabitants.

Dr. Blackwell the Civil Surgeon spake to me about you if I recollect aright on one or two occassions many months ago, but he never sent me any Official Report, nor was there any reason for his doingway so, as your Office was in no Subordinateto mine.

(Signed) CHARLES READE,
Collector.

J.

An address presented to your Memorialist on the day of his departure from Vizagapatam bearing the Signature of numbers of the principal inhabitants.

DEAR SIR,

After having heard various unfavorable rumours which were circulated throughout the Town, being now given to understand that you have been removed from your post by the late Right Honorable the Governor in Council, we cannot refrain from recording our high opinion of your abilities and the impartial and able manner in which you have meted out justice to us, one and all, the inhabitants of Vizagapatam, from the time you assumed charge of the Principal Sudr Ameen's Court, to the time of your removal; and can with the greatest confidence and pleasure assent that we have never had reason to be dissatisfied, but on the contrary, have in many ways been pleased with your mode of procedure. Your work we are in duty bound to remark, has always been performed with the strictest regard to order, and your decrees have been passed with such impartiality, that both parties of a suit have seldom had cause for complaint. The rapidity and accurate manner in which you have administered justice, and your indefatigable attention to business, have been most laudable, and we cannot but too much regret the severe reverse of fortune which has so suddenly overtaken you, and in consideration of the high opinion we entertain of your Honor, we are bound to say that your character is unquestionable and will bear the strictest enquiry.

In conclusion, we wish you every success in the step you are about to take, and we need hardly say, that the knowledge of your re-appointment, would be hailed with much pleasure by us your sincere well wishers.

Here followed a Telegoo translation and signatures.

K.

Extract from the Vizagapatam Chronicle of the 15th April 1859.

We are sorry to observe by the last Gazette that Mr. Sloan has been removed from his post of Principal Sudr Ameen. No one could

question Mr. Sloan's ability and zeal in the conduct of his duties. He had raised himself to this present high position and for which his talents and industry gave him every claim. His removal will therefore be a subject of regret to many besides those who are immediately interested in his welfare.

(True Copies and Extracts.)

(Signed) W. SLOAN.

ORIENTAL PRESS.

Statement shewing the state of the Civil file, &c. of the Principal Sudr Ameen's Court at Vizagapaṭam in the year 1858.

1	2		3		4		5		6	7	8	9	10	11	12	13	14	15	16	17	18			19	20	21	22	23
Quarter.	Suits pending on 1st January 1858.		Suits filed.		Disposed of.		Decreed on merits.		Pending on 31st December 1858.	Total Decrees passed on merits.	Established number of Decrees at the rate of 15 a month.	Excess passed above the established number in red ink.	Petitions pending 1st January 1858.	Filed in 1858.	Petitions disposed of.	Petitions pending 31st December 1858.	Applications for execution of Decrees fully executed.	Do. partially do.	Struck off without enforcement.	Total applications disposed of.	Amount recovered and adjusted by parties.			Criminal cases disposed of.	Criminal Cases pending on 31st December 1858.	Petitions in the Criminal department disposed of.	Petitions pending in the Criminal department, on 31st December 1858.	Remarks.
	Original.	Appeal.	Original.	Appeal.	Original.	Appeal.	Original.	Appeal.	Original and Appeal.	Original and Appeal.											Rupees.	Annas.	Pice.					
1st	253	74	68	19	114	6	64	5	0	69	45	24	41	253	268	0	28	15	0	0	11,185	7	7	5	0	0	0	The Court was adjourned 6 weeks during the 2d Quarter of 1858.
2nd	0	0	39	8	70	3	51½	1	0	52½	24	28	0	164	163	0	18	4	0	0	3,479	9	5	7	0	0	0	
3rd	0	0	32	12	44	44	44	40	0	84	45	39	0	207	227	0	38	2	0	0	3,438	1	2	6	0	0	0	
4th	0	0	36	12	115	27	82	25	0	107	45	62	0	319	313	0	61	17	0	0	15,897	2	0	5	0	0	0	
Total.	253	74	275	51	375	80	241½	71	203	312½	159	153	41	943	971	13	145	38	43	226	34,000	4	2	23	0	0	0	
1st quarter of 1859.	158	45	77	16	111	38	59	29	152*	88	45	43	13	311	307	17	35	13	23	71	6,233	12	9	6	1	0	0	*Suit remanded not included.

Synoptical view of the state of the file of Original and Appeal suits in 1858.

1	2	3	4	5	6	7	8
Number of suits remaining on 1st January 1858. Original and Appeal.	Number of suits filed in 1858. Original and Appeal.	Total suits pending and filed in 1858. Original and Appeal.	Disposed of in 1858. Original and Appeal.	Remaining on 31st Dec. 1858, Original and Appeal.	Reduction of file in 1858. Original and Appeal.	Suits filed in 1857, Original and Appeal.	Difference between columns 2 and 7 shewing increase of suits filed in 1858. Original and Appeal.
332	326	658	455	203	129	292	34

Memorandum of Criminal cases disposed of by the Principal Sudr Ameen from September 1854 *to* 11*th April* 1859.

Years.		Number of cases disposed of.	Number of cases confirmed.
1854		20	20
1855		32	32
1856		43	40
1857		50	49
1858		23	23
1859	2nd Quarter	*7	7
*One disposed of in the			
Total		175	171
Per cent. affected on Review		2.28	

* Note.—By C. O. S. U. No. 100 A. Appeal Courts are required within 15 days to forward copies of their decrees to the Court from whose judgments appeals have been acted upon by the this order has seldom been acted upon by the Chicacole Court during the last 2 years, your Memorialist is unable to prepare a similar Memorandum of Civil suits.

Statement exhibiting the progressive disposal of arrears.

Suits pending at the end of September 1854.		Suits pending at the end of the 14th quarter 1857.		Suits pending of 1st quarter of 1858.		Suits pending 2nd quarter of 1858.		Suits pending 3rd quarter of 1858.		Suits pending 4th quarter of 1858.		Suits pending 1st quarter of 1859.	
Of 1849	1	Of 1854	4	Of 1854	1	Of 1856	71	Of 1856	7	Of 1857	25	Of 1853	1
1850	17	1855	31	1855	14	1857	113	1857	98	1858	178	1857	5
1851	53	1856	108	1856	93	1858	89	1858	152	Original and appeal	203	1858	79
1852	115	1857	188	1857	123	Original and appeal	273	Original and appeal	257			1859	68
1853	138	Original and appeal	331	1859	69							Original and appeal	153
1854	44			Original and appeal	299								
Original and appeal	368												

* Includes Suits Called up.

The suit of 1853 was remanded for review on 29th January 1859.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following papers.

Letter from the Chief Engineer.

Requests attention to the last paragraph of his letter to Government No. 2303 dated 1st July last submitting revised draft rules for entrance into and promotion in the Department Public Works; and solicits orders thereon to guide him in the present revision of the rules. } (Here enter 26th September 1859, No. 5416.)

Minute by the Honorable the President.

Recording his views on the above letter. } (Here enter 7th October 1859.)

ORDER THEREON, 24th October 1859, No. 2192.

1. The question which forms the subject of the Chief Engineer's letter dated the 26th ultimo arises out of the following orders of Government.

Public Works Department, 23rd June 1857, *Notification No.* 1, *paragraph* 13.

"Soldiers are permitted to study at the Government college for the purpose of qualifying themselves for the situation of Assistant Overseers, under rules that will be laid down in general orders by the Commander-in-Chief. Rolls of the men who have qualified themselves for this situation, will immediately after the periodical examinations, be sent to the Secretary to Government in the Public Works Department. The Principal having previously communicated with the Chief Engineer, will at the same time suggest to Government the division to which each student should be appointed to serve for one year on probation. On the recommendations being approved of, the men will be appointed probationary Assistant Overseers."

Public Works Department, 15th March 1859, *No.* 596, *paragraph* 7.

"In partial exception to the rules in the preceding paragraph, paragraph 13 of the Notification No. 1 of June 23rd 1857, respecting soldiers who shall have qualified at the Engineering college for the post of Assistant Overseers, will still be adhered to."

Military Department, 6th May 1859, *No.* 175.

"The Governor in Council is pleased to intimate that it has been resolved to select from the European non-commissioned officers and privates belonging to H. M.'s Indian, and (with the concurrence of His Excellency the Commander-in-Chief) H. M.'s British forces on the Madras establishment, twenty stipendiary students for the Engineering college at Madras, if a sufficient number of eligible candidates should be forthcoming.

2. "The stipendiary students of this class will be allowed the same pay, rations and clothing as when they were serving with their respective regiments, and, in addition, ten Rupees a month.

3. "Their position will be strictly that of probationers. They will continue to be borne on the strength of their respective regiments; and such of them as prove not to be qualified either in respect of character or attainments will be sent back to their regiments.

4. "On the other hand, those who prove every way fit, will be appointed Sub-Overseers in the Department of Public Works, or to such other situations as may be considered proper.

5. "Time spent in the college of Engineers will be counted for promotion to the grade of Assistant Overseer.

6. "Candidates for stipendiary studentships must

1st. "Be less than 25 years of age.

2nd. "Have uniformly conducted themselves to the satisfaction of their Commanding officers "in the discharge of their duty as privates or non-commissioned officers.

3rd. "Be thoroughly trustworthy, well conducted men, who can be relied upon to superintend "native workmen efficiently, and to treat them in a becoming manner.

4th. "Be able to write correctly and legibly from dictation, and to express themselves with "reasonable correctness and intelligence in a letter or report.

5th. "Be familiar with the four first rules of arithmetic and with vulgar and decimal fractions, "and be able to keep accounts—and

6th. "Be either acquainted with one of the vernacular languages of India, or have shown such "aptitude and intelligence as furnishes a reasonable presumption that they would ac- "quire a native language if the necessary facilities were given.

"Commanding officers are requested to furnish full particulars to the Principal of the En- "gineering college at the Presidency under each of the above heads of such non-commissioned "officers and privates belonging to their respective corps as they can confidently recommend "for stipendiary studentships in the Madras Engineering college."

2. A comparison of these orders clearly shows what were the intentions of the Government. It was desired to open the Public Works Department to deserving non-commissioned officers and soldiers; and the order of June 23rd 1857 prescribed the course for such persons to qualify themselves and to obtain the post of Assistant Overseer. When the Government order of the 15th March last entrusted the nomination of Assistant Overseers to the District Engineers, "subject to the approval and confirmation of the Chief Engineer," a reservation was made in favor of "soldiers who shall have qualified at the Engineering college for the post of Assistant "Overseer;" and, lastly, by the order of the 6th May last, a regulated process was prescribed for giving effect to the arrangement in a manner suited to encourage good conduct and self cultivation throughout the European army in this country; and it was intimated that the suitations to which the military stipendiary students who had acquitted themselves well at the Engineering college might look forward would not be confined to the Department of Public Works.

3. The word "*Sub*-Overseer" obtained a place in the order of the 6th May by accident. The intention was, that the military stipendiary students, after they had passed their course at the college, should be appointed to vacant *Assistant* Overseerships. The position of Sub-Overseer would not, in general, be suited to their character and attainments.

4. But it was not intended nor would it be proper that appointments of this class should be made in excess of the actual vacancies.

5. In order that there may be a clear understanding of the matter the Honorable the Governor in Council resolves that the following course be adopted.

1st. The Principal of the Engineering college shall, after each periodical examination, furnish to the Chief Engineer a statement of the military students who are qualified for employment in the Department of Public Works, with full details as to the character, attainments &c. of each individual;

2nd. The Chief Engineer shall appoint the persons so recommended to vacant Assistant Overseerships or other suitable situations in the department whenever he thinks they are better qualified than other candidates;

3rd. The Principal shall, in like manner, furnish descriptive rolls of passed military stipendiary students to the Commissary General, the Inspector General of Ordnance, the Commissioner of Mufassal Police and other heads of departments in which the services of persons of approved character and ability, such as the passed military students will be, are likely to be required; and

4thly. Passed military students who cannot be immediately provided for in any of these ways, shall be retained at the college as part of the regulated number of twenty military stipendiary students; new selections of students being made, under the order of the 6th May last, only as vacancies take place in that number.

6. If, notwithstanding these precautions, it should turn out that twenty is a larger number of military students than can be provided for under these arrangements, the Principal of the Engineering college will report the circumstance in order that suitable orders may be given.

7. Ordered that the above resolutions be communicated for the information and guidance of the Chief Engineer, and that copies be also furnished to the Military and Judicial Departments for the guidance of the officers concerned in those departments.

(True Extract.)

Secretary to Government.

To the Chief Engineer.
" Director of Public Instruction.
" Principal of the Civil Engineering College.
" Military Department.
" Judicial do.

Exd. Wm. Thomas.

I Prov. 21st Oct. 1859 ct. 1898
Pub — 28th March — 1903

List of Wards.

Proc. of Govt. 10th Nov. 1859.
Judicial. 1859. Dept.

Proceedings of Govt. in the Public Works Dept. 1892.

8/26
1/29 Oct/59.

No 1802.
4 spare copies.

Communicating for the guidance of the officers concerned, the orders of Govt. in respect to the revision of the rules for entrance into and promotions in the Dept. Public Works.

With an Order.

Communicated to the Inspector General of Police, & also to the Inspector General of Jails, & the Commissioner of Police.

JP

The Inspector General of Police.
" Inspector General of Jails.
" Commissioner of Police.
(Sept. 3rd

Ld. Pt. Lieut. 16 Lancs
Sept 1860.

APPENDIX No. 2.

Memorial presented to His Excellency the Governor and His Excellency the Governor in Council.

APPENDIX No. 3.

TO

T. PYCROFT, ESQUIRE,

Chief Secretary to Government,

Judicial Department, Fort St. George.

SIR,

I beg to request that you will be pleased to lay the accompanying Memorial with its enclosures before the Right Honorable His Excellency the Governor in Council.

Should an objection exist against compliance with the prayer contained therein, I request that you will be pleased to obtain sanction to furnish me with copies of the communications of Mr. Glass, the Director General and Dr. Cooper, referred to in the Minutes of Consultation of the 24th March last.

(Signed) W. SLOAN.

Madras, 27th May 1859.

This letter was returned with the following endorsement

No. 1884 of 1859.

The Government having perused the Memorial and enclosure forwarded by Mr. Sloan, are unable to view the circumstances in a more favorable light than they did when they declared him disqualified for his post and dismissed him from the service. The order of 24th March 1859, must be considered final.

Fort St. George, 15th June 1859.

By Order,

(Signed) L. FORBES,

Deputy Secy. to Government.

Received 23rd June 1859.

Note. It will be observed that the request contained in the 2nd para was left unanswered.

APPENDIX No. 3.

Letter dated 27th May 1859.

Forwarding Memorial. Appendix No. 2, and praying for copies of documents.

APPENDIX No. 4.

GOVERNMENT HOUSE, *26th May* 1859.

SIR,

In reply to your application of the 24th, I am directed to state that your removal from Office having been ordered by Lord Harris' Government on the recommendation of the Sudr Court and after consideration of your defence, His Excellency Sir Charles Trevelyan is unable to re-open the question.

(Signed) D. F. CARMICHAEL,

Private Secretary.

MR. WILLIAM SLOAN.

APPENDIX No. 4.

Letter from the Private Secretary to His Excellency the Governor.

Dated 26th May 1859. Wherein intimation was conveyed that His Excellency declined to re-open the question.

APPENDIX No. 5.

Extract from a letter addressed to Henry Ricketts, Esquire, Commissioner for the Revision of Civil Salaries and Establishments throughout India, by the Principal Sudr Ameen of Vizagapatàm, dated 23rd July 1856, No. 240.

* * * * *

"Our expectations are not great, all that we ask is to be placed on the same footing as our Uncovenanted Brethren in Bengal, and to have a few situations, now held exclusively by Civilians, thrown open to our attainment. We would also feel thankful, if our situations were rendered *more secure than they are at present, and if it were ruled, that we should neither be dismissed, reduced, nor removed, without a fair and impartial trial by Jury, open to challenge.* Some arrangement of this sort is necessary, seeing *Civil servants are strongly knit by various bonds towards each other, and should an unfortunate Uncovenanted, unhappily offend One, he may find to his cost, that he has incurred the displeasure of Many.* Such an apprehension tends to restrain freedom of action and speech, and when a man *is bold enough to set it at defiance.* and act as if no such bond existed, he becomes MARKED, *and is made to feel his position very uncomfortable.* Such *moral thraldom* should not be allowed to exist, and if nothing more be conceded to the Uncovenanted than a *relief* therefrom, Government would receive their most heartfelt thanks.

Erroneously inserted in the original.

It is true that Act XXXVII* of 1850, provides for the trial of Servants not removable except by order of Government, but that act has not been brought into operation, and *even Civil Servants have been removed at pleasure.*

(True Extract.)

(Signed) W. SLOAN.

APPENDIX No. 5.

Extract from a Letter addressed by Your Memorialist on the 23rd July 1856 to the Commissioner for the Revision of Civil Salaries, containing the Report of Your Memorialist on the position and prospects of a portion of the Uncovenanted Service called for by Mr. Ricketts.

APPENDIX No. 6.

Extract from the Proceedings of the Foujdaree Udalut under date the 14th October 1858.

Read Miscellaneous Petitions presented on the 16th August 1858 by Calaburghey Sutarama Deetchatooloo of Zillah Chicacole.

(Here enter F. M. P. No. 129 of 1858.)

Petitioner enters into a detailed account of circumstances which he considers indicative of systematic Fraud and collusion on the part of Judicial Servants at Chicacole, in reference to the subject matter of O. S. No. 35 of 1855 (No. 48 of 1856 Sudr Udalut) and concludes by praying either a Commission may be appointed to enquire into those circumstances, or that Mr. Glass the Civil Judge, or his proteges Chinta Juggunnathum, the present District Moonsiff of Chicacole, with his adherents, according to the list annexed to the petition, may be removed to other Zillahs, under Minutes of Consultation dated the 2d October 1852, and 7th February 1854, as the best and most effectual means of breaking up their combination.

The Foujdaree Udalut resolve to forward the documents, Nos. 1, 2, 3, 4, and 8 produced with the Petition to the Civil Judge of Chicacole, and to request that officer to ascertain from Chinta Juggunnathum, and the other official persons named therein whether the same are genuine.

Precept returnable in 5 days.

Note. Appendix No. 7 will shew the view the Judges of the Court of Sudr Udalut took of the imputation thus publicly cast on Mr. Glass' Court.

APPENDIX No. 7.

Extract from Proceedings of Sudr Udalut under date 2nd December 1858.

Read again Miscellaneous Petition presented on the 16th August 1858 by Calaburghy Sutarama Deetchatooloo of Zillah Chicacole.

5 On reference to the documents laid before the Court by the Petitioner, and the Decree passed by the Civil Judge in the afore-said case (No. 35 of 1855), the Court is satisfied that there are grounds for acceding to the Petitioner's latter request. The Civil Judge passed his decision without taking further evidence than that of two Documents namely that before adverted to as taken from Petitioner, *under intimidation* (copy of Petition) by the Petitioner's wife (mother-in-law and himself) to the Court (Collector of Ganjam) and in the *strongest terms* he *denounced* (the *character* of the Petitioner) and *cleared* that of Chinta Juggunnathum, *without giving* the Petitioner *any opportunity of establishing the allegation upon which his defence rested.*

6 The Court consequently resolve to call up O. S. No. 55 of 1851 and to refer the case for decision to the Civil Judge of Rajahmundry. This officer will be pleased to take it up at once for trial, and to bestow *upon its merits his best attention, taking care* that the *evidence* be also taken *before himself* or if *any part* may require to be obtained by *Commission that this be taken* under circumstances to which neither of the parties may oppose objection.*

Note. The meaning of this is, not before Mr. Glass or any Court subject to his jurisdiction.

7. When the Civil Judge of Rajahmundry may have decided the suit, he will be pleased to forward to the Court the whole Record thereof, after receipt and consideration of which, and after giving any party dissatisfied with the Decree passed, the benefit of an appeal thereupon, the Court will proceed to deal with the subject of Petition No. 129.

Extract from the Proceedings of the Court of Sudr Udalut under date the 8th September 1859.

Read Miscellaneous Petitions presented respectively on the 2nd February and 1st July by Presapaty Venkiah of Zillah Chicacole.

(Here enter S. M. P. No. 91—233 and 234 of 1859.)

Petitioner prays the Court of Sudr Udalut *for reasons stated* in the foregoing petitions, *to call up, and refer, for decision,* to *any other* Civil Court the appeal suits Nos. 62, 138 and 158 of 1858 now pending against him, *before the Civil Court of Chicacole.*

Under the circumstances the Court of Sudr Udalut resolves to comply with the prayer of the Petitioner, and accordingly direct that the whole of the records of the above cases be called up and referred to the Civil Court of Rajahmundry for determination.

*

Note. These proceedings shew that no less than (4) four cases were withdrawn from Mr. Glass' adjudication, because the Sudr Judges had occasion to doubt his impartiality and judgment. Your Memorialist believes this is the first instance where in such a course was adopted towards any Civil Judge; nevertheless Mr. Glass is still retained in office, and your Memorialist has been removed, on a report from an officer, whose judgment and impartiality, the Sudr Judges felt unsafe to rely on, in matters wherein Mr. Glass' prejudices had been exhibited. To what reliance were Mr. Glass' reports [illegible]erse, against Your Memorialist entitled, Your Excellency may determine.

APPENDIX No. 6.

Proceedings of the Foujdary Udalut dated 14th October 1858, Relating to the Commission prayed for on the Chicacole Civil Court.

APPENDIX No. 7.

Extracts from pro. of the Sudr Udalut dated 2nd December 1858, and 7th September 1859. Transferring Suits from the Chicacole Civil Court to the Rajahmundry Civil Court.

APPENDIX No. 8.

Questions proposed to Mr. F. Hodson Executive Agent, by Mr. W. Sloan, late Marriage Registrar of Vizagapatam.

1. Do you recollect having called at my house in September 1857, to give me notice in my capacity as Marriage Registrar, of your intended Marriage.

Answer.—I do distinctly.

2. Was I well or ill at the time?

Answer.—Ill.

3. Did you observe any thing in my appearance or conversation to denote that I was laboring under the influence of intoxicating liquors.

Answer.—I did not.

(Signed) F. HUDSON.

Vizagapatam, 25th July 1859.

Questions proposed to the Revd. Mr. Gordon of the London Missionary Society.

1. Do you remember having called to see me in September 1857, when I was suffering from illness in that year.

A. I do not exactly recollect the date of my visit, but I do recollect having called when you were suffering from illness.

2. Did you observe any thing in my appearance or conversation to denote, that I was at the time laboring under the influence of intoxicating liquors?

A. I certainly saw nothing, or heard nothing to indicate that you were under the influence of any intoxicating liquor.

(Signed) J. W. GORDON.

Vizagapatam, 1st August 1859.

Questions proposed to the Revd. Mr. Hay of the London Missionary Society.

1. Do you recollect having called to see me in September 1857, or when I was suffering from illness in that year.

2. Did you observe any thing in my appearance or conversation to denote, that I was at the time laboring under the influence of intoxicating liquors?

Vizagapatam, ~~26th July 1859~~.

Vizagapatam, 26th July 1859.

MY DEAR MR. SLOAN,

In reply to your first question proposed to me, I am able to say that I distinctly remember having called to see you during your illness in 1857.

In reply to the 2nd question. I am happy to say that their was nothing in your appearance or conversation at that time, that could for a moment have led me to suppose that you were under the influence of any intoxicating liquors or drugs on the contrary, I distinctly remember having been pleased with your conversation and apparent state of mind at the time, and spoke of it at Mr. Wardlow's when I went home.

I am glad I am able to speak so positively regarding the questions you put to me, and if my answers thereto be of any service to you shall be still more so.

Believe me,
Yours sincerely,

(Signed) JOHN HAY.

Note. It is impossible to expect exact dates to be specified 2 years after Dr. Cooper's *volunteered information*, *volunteered* about a matter of which he was *personally* ignorant.

APPENDIX No. 8.

Replies of Messrs. Hay, Gordon, and Hodson [illegible]

APPENDIX No. 9.

No. 337.

CHICACOLE CIVIL AND SESSIONS COURT,

22nd October 1857.

FROM

E. B. GLASS, ESQUIRE,

Civil Judge of Chicacole.

To

C. F. CHAMIER, ESQUIRE,

Actg. Registrar to the Court of Sudr Udalut,
Fort Saint George.

SIR,—With reference to my letter dated 6th instant, I have the honor to inform you that the Principal Sudr on the 9th instant addressed a letter to this Court, that his Sheristadar was not authorised by him to take charge of his office, and that his report on that subject is nothing but a peice of the highest presumption. Therefore I addressed a letter to the Civil Surgeon at Vizagapatam on the 12th instant* wishing to know whether the Sheristadar had sufficient cause at the time for assuming charge of the Principal Sudr Ameen's Court. At the same time, I directed the Sheristadar to state the cause of his having done so. Subsequently the Civil Surgeon reported to this Court by a certificate dated 12th that the Principal Sudr Ameen was fit for duty from that date.

Having heard from the best authority that Mr. Sloan was delirious from fever and dangerously ill.

This Officer in his answer dated 15th to this Court's letter mentions that the Principal Sudr Ameen was ill previous to the 1st October, that on the 1st and 2nd he was much improved, and had a relapse subsequently. The Sheristadar in his answer under date the 15th to this Court's latter states that the Principal Sudr Ameen being dangerously ill and delirious, and not expected to survive, fearing he would be blamed, and also having been previously informed by the collective messages of the Nazir and 2 other servants of the Court as having been directed by the Principal Sudr Ameen that public papers may be signed by him officially, in his absence, he was induced to take the charge in accordance with the orders of the Sudr and Foujdaree Udalut dated 30th March 1839. He further states that on the 9th instant the Principal Sudr Ameen passed a Diary order at his quarters suspending him from discharging the functions of his office and directing him to confine himself to the task of translating the appeal records above, and prays the Court to take these circumstances into consideration and pass proceeding that he may be restored to his situation. The Principal Sudr Ameen in forwarding the above answer of the Sheristadar states in his letter of the 15th that he was incapacitated from attending to his duties from the 22nd September last to 12th Instant, and that he was only a few days in such a condition as to be unable to attend to any thing like business. He admits having passed the Diary Order alluded to in the Sheristadar's letter.

* Note. The only duty he is fit for.

Under the foregoing circumstances I consider the Principal Sudr Ameen has not sufficient ground to blame the Sheristadar for taking charge of the Court and Jail, and the order passed by him is unjust and contrary to the orders of the Higher Court!! I herein enclose copies of the whole correspondence for the perusal and orders of the Judges.

(Signed) E. B. GLASS,
Civil Judge

22nd October 1859.

NOTE.—The order of the Sudr Udalut was to the effect that the *complaint* was *uncalled for* or *unnecessary*.

APPENDIX No. 9.

Letter from Mr. Glas to the Register to the Court of Sudr Udalut, date 22nd October 1857, complaining of your Memorialist, and alluding to his illness.

APPENDIX NO. 10.

VIZAGAPATAM PRINCIPAL SUDR AMEEN'S COURT.

O. S. No. 289 OF 1855.

Plaintiffs—Mrs. Catherine Lynsdale, and Mr. Henry Herbert Lynsdale her husband.

Versus

Defendant—Lieutenant James Flint.

JUDGMENT.

The 1st Plaintiff in this case is the wife of an Assistant Apothecary, who, according to Archbold's Civil Pleadings page 38, was obliged pro forma to become a party to this action. The Defendant is a Lieutenant in the Army and Assistant Civil Engineer of this Division. The 1st Plaintiff is in the habit of attending ladies in their accouchement and also of acting as a sick nurse, and from the numerous testimonials which she has filed, as well as the testimony of Mrs. Mason and Dr. Cooper, she appears hitherto to have given satisfaction to the ladies upon whom she has waited. Dr. *Blackwell however expressed himself dissatisfied with her*, and said that he would not consent to her employment if he could secure the services of another individual. She has frequently waited on ladies whom Dr. Blackwell attended, hence Dr. Blackwell may be supposed to have had ample opportunity of judging of her conduct. But although he *expressed a very unfavorable opinion of her*, he *omitted* to advert to *specific instances*, and on the *whole* exhibited *such a strong prejudice against the 1st Plaintiff* in the course of his Examination, that the Court is *forced to conclude, that Dr. Blackwell is not an unbiassed witness, and on that account is precluded from placing reliance on his testimony*, either as respects the inference he has drawn of the assumed conduct of the 1st Plaintiff in the matter under consideration, or the consequence of that conduct as it affected Mrs. Flint. It is necessary that a reason should be given for *rejecting the testimony of the Civil Surgeon* whose reputation as a Medical man stands high, and the Principal Sudr Ameen believes deservedly so, in the estimation of the profession. Dr. *Blackwell was not present* when the dispute between the 1st Plaintiff and the Defendant occurred, *nevertheless he has ventured to attribute* Mrs. Flint's increased illness solely to the *bad behaviour of the 1st Plaintiff* forgetful, apparently, that rude and boisterous conduct on the part of the Defendant, was just as likely to have produced the same symptoms in a lying in patient of a nervous, hysterical habit, which he acknowledges Mrs. Flint to be, as similar conduct on the part of 1st Plaintiff. The *utmost that Dr. Blackwell could say was*, that he found his patient in such a condition, and that he was informed that so and so was the cause ; *but to jump at a conclusion as he has done, and attribute the sole blame to 1st Plaintiff while ignorant of the facts, and possessed of only one side of the story*, was somewhat rash. Mrs. Mason in her evidence has carefully abstained from attributing the blame to either party, and has simply related what she heard from the 1st Plaintiff immediately after the occurrence of the dispute. Had Dr. Blackwell, who, in a similar manner, had derived his information from the Defendant, fllowed this example, the Court would have been saved the necessity of commenting on his testimony. For these reasons *that testimony cannot be allowed to outweigh* the other favorable evidence relative to the conduct and behaviour of the 1st Plaintiff, whether in professional attendance either as a nurse or a Midwife.

The date of the decree 6th December 1855.

(Signed) W. SLOAN,

Principal Sudr Ameen.

NOTE.—This decision tends to illustrate Dr. Blackwell's disposition and shews how rash he is in his judgment, and how far he lost sight of conclusions deducible from his statements, concerning a party who had incurred his ill will. In this instance Dr. Blackwell's *peculiarity* led to the rejection of his statement on oath.

APPENDIX NO. 10.

Extract from a decision by Your Memorialist wherein he rejected Dr. Blackwell's evidence given on oath.

APPENDIX NO. 11.

Extract from the defence of Mr. Reade before the Commissioner appointed under Act XXXVII of 1850 :—

" 26. Dr. Blackwell so far corroborates the Rajah that he says he received a letter from the Rajah, and then sent him a draft of a letter to the Governor. He states that it was on the 11th, 12th or 13th of June. It could not have been on the two latter days, as I have shewn, and therefore must have been on the 11th if not earlier. He also would lead the Court to suppose that the act emanated from the Rajah alone, and that he at all events had no part in instigating it. But I think this gentleman's antecedents are not such as to entitle him to very implicit reliance. He cannot say whether or not he is addicted to writing letters against me. He admits that he may have written accusations against me to Dr. Maclean at Madras once, twice or thrice—that he has written similar letters to Mr. Walter Elliot more than thrice, but less than 20 times. That when he receives a letter from a native, containing a charge which would blast my fame for ever, he never enquires into its truth, never tests it by word or deed, but at once sits down, and pens a letter to the Secretary to ruin me for ever. This he does on the 12th of June, and having thus aided another in traducing me behind my back, he has not the common honesty or manliness to warn me of the snare which he has woven around me. Sir, I shall not ask whether this conduct is such as we expect from English gentlemen, or from those whom it is safe to mix with in private life. I shall not ask the question, because it only admits of one answer. But it is material to ask whether such dealing does not prove a degree of treachery and animosity which would justify any amount of suspicion? And when we find that I have one such enemy in the station, can there be much doubt of the quarter from which these charges proceed?

27. The letter is itself remarkable enough to deserve notice.

It begins by expressing an apprehension that the letter C. may mislead Government. The Rajah swears that he never knew I wanted to shew the letter. I would be glad to know who first told him the note would mislead Government. It then goes on to state a direct falsehood, viz., that I had made him write a letter saying he had never lent me any articles. C. contains no such statement, and none such was ever asked for, or desired. It concludes by a hypocritical hope that the letter may not be considered as affecting me No one knew better than the writer that such a hope was absurd, and no one was less anxious that it should be realised. But there is one most singular phrase, "*The Governor is well aware how in my position and of the character of Mr. Reade.*" This is the only piece of bad English in the letter. If it was inserted to make the letter appear like the genuine composition of a Hindoo, I can only congratulate the author upon the ingenuity of the contrivance, and the success which it has met. But the strangest thing of all is that the letter states nothing and denies nothing. It mentions nothing about the pretended sale, tated was false. It does not say what the real facts were. It mentions nothing about the pretended sale, nothing about the cheques. It commits the writer to nothing, which it may afterwards be convenient to disown. It is a mere swivel, which may be turned in any direction that subsequently seems fit. And this ingenious composition was written by Dr. Blackwell, upon the order of the Rajah, without an atom of proof that a single word in it was true. Sir, I have now done with Dr. Blackwell. I leave him to the soothings of his own conscience, and the consolation of those friends who are still willing to own him."

APPENDIX NO. 13.

Mr. Glass' Letter to Your Memorialist.

APPENDIX No. 14.

WALTAIR, September 4th, 1854.

SIR,—I beg to acknowledge the receipt of your letter of the 28th ultimo, requesting me to assist you in your application for the situation of the Principal Sudr Ameen of Vizagapatam, and to state what I heard of your public character as Moonsiff of Ellore, when engaged in investigating the condition of the Masulipatam District.

I am not in a position to comply with your first request. The appointment rests entirely with the Governor, and unconnected as I am with the Judicial branch of the service, my opinion of any of the Candidates is not likely to be asked, and I could not presume to volunteer one. But I can have no hesitation in stating to you for your own satisfaction, that what Mr. Dowdeswell told you was quite correct. During the whole time I was at Masulipatam, and particularly during the very minute enquiries I made at Ellore, I never heard the slightest imputation against your Judicial proceedings, but on the contrary *I found a universal impression of confidence on the minds of all classes of your uprightness as a Judge*, and I considered myself therefore justified in informing Mr. Dowdeswell, *that you formed a solitary exception to the general corruption which prevailed among the public servants of that place.*

Since you wrote to me I observe that you have been nominated to the acting appointment at this place and should you be confirmed, I have no doubt you will maintain the high character you have already earned.

I am,
Your obedient servant,
(Signed) WALTER ELLIOT.

To

MR. W. SLOAN, Sudr Ameen, Itchapoor.

NOTE.—The original is either in the Government Office or in the Office of the Private Secretary whither it was forwarded.

APPENDIX NO. 14.

The Honorable Mr. Walter Elliot's Letter to Your Memorialist.

No. 46 – 13 January 1860.

Ordered that the Memorial with its enclosures, received with the above letter, be forwarded to the Rt. Honble the Secretary of State.

2. The three original papers referred to in para 2, will be returned to Mr. Sloan.

Mr. W. Sloan — with 3 papers returned

Recd 12th Jany 1860
Stat Department
2
Pro Depch 20 Lancy

From
William Sloan
Late Asst Surgeon
Vizagapatam
To The Chief Secretary
to Government.
Fort Saint George.
Dated 23d Decr 1859.
Recd " Memorial in triplicate
attendance Roll &c 14
Enclosures
No 54. No 2088

Transmitting a
Memorial & Roll in
Triplicate for distribution
to Her Majesty's
Secretary of State
for India.

Recd 18th January 1860 & No 268 to
— 23d March — No 17 & 20.
Returned to Govt Secretary on Petition &c 1861.

Judl Lr to Govt 16th Janry
No 4 of 1860.—
Replied to by No 12 of 1860.

cf Judl Jan/60 26 & 27
0210 "

With an Order.