

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	213	Press ~~Mis.~~
⁷³⁻⁷⁴ Dated	4-2-	19/865

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Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
4th February 1865.*

No. 73. Read the following Proceedings of the High Court of Judicature at Madras, dated 26th January 1865, No. 14.

Read again letter from the Chief Secretary to Government, dated 8th November 1864, recorded in the Proceedings of the 23rd idem, and letter from the Civil Judge of Tranquebar, dated 17th December 1864, recorded in the Proceedings of the 23rd idem.

Read also the following papers :—

Letter from the Civil Judge of Tranquebar, dated 4th instant, affording certain explanation in respect of the conduct of Mr. Ballard.

Letter from the District Moonsiff of Negapatam, dated 7th instant, forwarding a letter from the Civil Judge, shewing the opinion he entertained of him, and requesting that the Honorable the Judges will be pleased to institute an enquiry with reference to the vague aspersions upon his character.

Letter from the Civil Judge of Tranquebar, dated 4th instant, forwarding a copy of further explanation from Mr. Ballard.

These papers have reference to a letter addressed to Government by Mr. Ballard, the District Moonsiff of Negapatam, advocating, under the signature 'Alexander Franklin,' certain changes in the judicial arrangements of the Tanjore District. The name assumed by Mr. Ballard is that of his own son, and in the letter he prominently represents the writer as a private individual.

3. In his letter Mr. Ballard urges that he was not actuated by any private motive; that the alterations he proposed were suggested for the benefit of the public service, and were in accordance with the views of Mr. Beauchamp, late Judge of Combaconum; that he assumed the name of his son as a *nom de plume*, and to avoid being thought officious and obtrusive; that he wrote in his own hand, which was well known to the Chief Secretary, and that he acknowledged the truth directly he was questioned on the subject.

4. The argument is altogether neutralized by the one preceding it. They are merely to an assertion that he did not add to his assumed character the name of a disguised hand-writing. He must, however, have been well aware of the efforts which were made, for nearly two months, to discover the writer of the letter, and it was not until the authorship had been placed beyond a doubt by the hand-writing, and a direct charge was preferred against him by the Joint Magistrate, that he made any admission. There would have been no use then, as Mr. Ballard has himself shewn, in denial or evasion, and he was too prudent to make a bad case worse by a useless falsehood. That deceit was the object of the letter there can, in the opinion of the High Court, be little doubt. The opening words, "although a private individual," embody a plain falsehood, and the assumed name was a deception upon the Government. The practice of journalism affords no sort of defence, for in the case of journalists no one is deceived.

4. The reports of the Civil Judges of Tanjore and Tranquebar to Government, clearly shew the folly of the alterations recommended in the letter, but it is needless to consider this point at any length. It can only be of importance as enhancing the probability that the writer was actuated by some private motives.

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5. The High Court are satisfied that there were some such motives, but it is difficult to say with certainty what they may have been. It seems clear, however, that the operations of the Small Cause Court at Negapatam rendered the abolition of Mr. Ballard's own Court no impossible contingency, and it is also worthy of note that Mr. Ballard has shewn himself desirous of being again invested with Small Cause jurisdiction. On both these grounds the proposal to remove the Small Cause Court to Mayaveram curiously coincides with his known wishes.

6. It appears to the Court, however, that this matter is not very material, and they will not allow it much weight. Nor is it necessary to allude to the reflections cast upon Mr. Ballard's general character, in respect of which the Court have no solid materials to go upon. The question really rests upon the falsehood, the criminality of which is much aggravated by the deception having been practised upon the Government, of whom Mr. Ballard is the servant. The High Court consider that they cannot visit so grave an offence with a less punishment than suspension for six months, and subsequent removal to another station. The Civil Judge of Tranquebar is accordingly directed to nominate another person as District Moonsiff of Negapatam, and to make arrangement for the re-appointment of Mr. Ballard to another District Moonsiff's Court after the expiration of six months.

(True Extract.)

(Signed) P. P. HUTCHINS,

Acting Registrar, Appellate side.

To the Chief Secretary to Government,

With reference to his letter, dated 8th November, No. 1614 Judicial Department.

No. 74.

ORDER THEREON, 4th February 1865, No. 213.

To be recorded.

(True Extract.)

A. J. ARBUTHNOT,

Chief Secretary.

No. 8 Nov 13 62 92-93.

Judicial No 5 L
No 4 February 1865
Secretary
Chief of Administration

27 January 1865

No 14

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No 213 - 4 February 1865
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