

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	916	Press
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Dated	8-6-1867	

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Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,

5th June 1867.

No. 45. Read the following letter from the Honorable J. D. MAYNE, Barrister-at-Law, to the Chief Secretary to Government, Fort Saint George; dated 28th May 1867.

I have the honor to request that you will submit the following circumstances for the consideration of His Excellency in Council.

1. Mr. A. V. Nursing Row, of Vizagapatam, an old client of mine, was charged with defamation, in April, by Dr. Andrews, and the charge was investigated by Mr. Bliss, the Acting Assistant Magistrate. After the investigation had proceeded for some length, it was suggested that Mr. Nursing Row should make an apology in terms dictated by Mr. Bliss. The case was then adjourned, to enable the defendant to obtain my advice, as to whether the terms of the apology could prejudice him in some Civil Suits then pending.

2. Mr. Nursing Row sent me all the papers, and requested my opinion, not only as to the effect of the particular apology which had been framed for him, but also, generally, as to whether he should apologize at all, and what course I would recommend him to take.

3. I replied, advising him not to apologize at all, and stating that, in my opinion, he had not been guilty of defamation, and that his proper course was to stand his trial, and, if convicted, to appeal.

4. Mr. Nursing Row acted upon my opinion, which he showed to the Assistant Magistrate. Mr. Bliss, as I am informed by my client, used very strong language in reference to me at the time, and subsequently, in paragraph 17 of an elaborate written judgment, herewith sent, made use of the expressions of which I now complain.

5. I would respectfully submit that such language was uncalled for and improper, when addressed by a Magistrate to a gentleman who was no party to the proceedings before him, and who was simply discharging a plain professional duty.

VIZAGAPATAM MAGISTRATE'S FILE.

CALENDAR No. 12 of 1867.

The facts of this case are partly matters of public notoriety, and partly appear in the evidence given before the Court in this and other cases. They are as follows:—

2. About a year ago one Gajapati Row brought a complaint of cheating before the Magistrate of the District against the present prisoner, on the ground that he had set up as his own child a boy who was not his own child, with a view to deprive him (Gajapati Row) of his reversionary rights in prisoner's property, which depended on prisoner having no male issue. With a view to determine this question it was necessary for the Magistrate to be informed of the age of the child. He, therefore, requested the present complainant, Dr. Andrews, the Zillah Surgeon, to examine the child, and report on its age. Dr. Andrews, in company with another Medical man, examined the child in the Magistrate's presence, and, on the same day, gave his opinion as to its age, in the form of a deposition given by him before the Magistrate on the hearing of the complaint made by Gajapati Row. That opinion was unfavorable to the present prisoner's case, but resulted in nothing, inasmuch as the Magistrate considered that the case set up by the then complainant Gajapati Row did not, even if true, establish the offence of cheating. The case was, therefore, dismissed.

3. Some few months ago, the prisoner published a sort of pamphlet*, in which he set forth the particulars of a plaint he had filed in the Civil Court of the Zillah, against the before mentioned Gajapati Row. The plaint was for damages for the libel which he alleged had been committed by Gajapati Row, in charging him

* Exhibit B.

with cheating. Appended thereto was what purported to be a legal opinion given by Mr. Mayne on the prisoner's plaint, before the Civil Court, and a number of so called "medical opinions" for Gajapati Row and the prisoner respectively. Under the head of "medical opinions" for Gajapati Row, the first place is given to an extract from the deposition given by the complainant before the Magistrate, as before mentioned. The extract is not a fair one, for, by the omission of a few words, Dr. Andrews' statements are made to appear rather an ex-parte declaration of opinion given in the interest of the prisoner's adversary, than a deposition given by an expert in the Court of a District Magistrate, and at his request. This, however, is of no great importance, except as proof of the prisoner's disingenuousness throughout the whole of the transaction, of which Dr. Andrews complains.

4. To the extract from Dr. Andrews' deposition is added a foot note, in the following words:—
• "Doctor Andrews brought a suit against Mrs. Nursing Row's mother. Her defence was that the claim was a fiction, but, before its presentation in Court, she died. Her (*query*—his) claim was, in consequence, opposed by Mrs. Nursing Row, in whose favor the judgment of the Court was—I therefore give judgment against the plaintiff, under Section 114 of the Code of Civil Procedure. The plaintiff is to bear the costs of the defendant.—20th February 1866.

" (Signed) C. PURUSHATHAM,

District Moonsiff."

(" True Copy.)

" J. G. THOMPSON,

Civil Judge."

5. Doctor Andrews now complains of the publication of this pamphlet, alleging the portion above quoted to be defamatory and injurious to his character *per se*, as well as by its connection with the extract from his deposition before the Magistrate, which is therein styled a medical opinion for Gajapati Row.

6. The questions then for the decision of the Court are—

1. Did prisoner print said pamphlet?

2. Did he publish it?

3. Are the words complained of defamatory?

4. If so, had the prisoner any good grounds for publishing defamatory matter regarding the complainant.

7. Now, as to the first of these questions:—The prisoner admits that he printed the pamphlet, and it is besides on the records of the Court that he has already been punished Magisterially for doing so anonymously.

8. Secondly, as to the publication:—It is notorious all over the Northern Circars, that the pamphlet has been very widely circulated by some person or other; and to show that the prisoner was that person the complainant produced two witnesses.

9. The 1st of these witnesses was Doctor Mayer, the Deputy Inspector General of Hospitals for the Northern Division. He deposed that he had received a copy from the prisoner, but it was somewhat difficult to gather from what he said the effect produced on his mind thereby—a matter of much importance to the complainant, who is officially subordinate to the witness. Indeed, the most noticeable things about the witness were his excessive and persistent want of memory, for which one felt quite inclined to pity him, and the way he fenced with every question, instead of answering it plainly and directly. On the whole, however, the impression produced on my mind by his evidence was that the statement made in the pamphlet had seriously injured the complainant in his estimation. He did not say so, but rather tried to make out that the bad opinion he owned he entertained of the complainant originated in other ways. However this may be, I feel certain that the perusal of the pamphlet had at least done much to confirm the witness in an opinion which may have owed its origin to other circumstances.

10. The second witness was Assistant Surgeon Dougall, who deposed to having received nine copies of the pamphlet from the prisoner. One of these, he said he had given away to Mr. Godson. He himself, I may notice, is clearly, therefore, liable to punishment, for the circulation of a defamation, as I am about to decide the publication of this pamphlet to be.

11. To turn to the 3rd question raised in paragraph 6. The complainant alleges that the portion of the pamphlet quoted is defamatory, because it implies that a claim brought by him in a Civil Court against Mrs. Nursing Row's mother was dismissed by the Court on account of its fictitious character. To this, the prisoner objects, in the first place, that he has merely said that the complainant's claim was dismissed by the Court, under Section 114, Civil Procedure Code, or, in other words, on account of his failure to be present in Court when his case was called on; and, in the second place, that it is no defamation to publish a substantially true account, as this is, of the Proceedings of a Court of Justice. The first of these objections I consider to hold good. The prisoner cannot, in law, be held liable for the fact that not one person out of a thousand who might see this pamphlet would know what was meant by a judgment given in the terms quoted, but, at the same time, it is quite evident that he intended to take advantage of the common ignorance as to the law to the prejudice of the complainant. To the second of the prisoner's objections, I cannot attach any weight at all. What he says is quite true, no doubt, but then it is equally true that no person can be allowed to state the truth about any fact, or series of facts, in such a way as to insinuate or make people believe what is not the truth (vide Section 499, Indian Penal Code, Explanation 3, and Illustration (a)). Again, if a report of the Proceedings of a Court be given, care must be taken to add nothing to the report which does not appertain to those Proceedings. In this case, however, the prisoner says "her defence was that the claim was a fiction." Had this statement, that complainant had advanced a fictitious claim, ever been made in Court, the publication of it would not be defamatory, but it never was made in Court, for "before its presentation in Court, she died." Again, there is a direct insinuation that Mrs. Nursing Row adopted the same line of defence as her mother would have done had she been alive. But, as the Court dismissed the suit, on account of the non-appearance of the plaintiff on the day fixed for the settlement of issues, the "answer" filed by defendant can never have been read out. I consider, therefore, prisoner had no right to allude to the contents or purport of that answer. I am of opinion, consequently, that the note quoted above is defamatory.

12. I will take this opportunity to say a few words as to the real nature of the case in which the present complainant sued Mrs. Nursing Row's mother. Not to do so would, perhaps, be to allow people to maintain still that the complainant's conduct in the matter was open to exception. As he has thrown himself on the protection of the Court, I consider that it is no more than his due that the whole of the circumstances of the case should receive the fullest comment and publicity.

13. In February 1864, the complainant (then, as now, Civil Surgeon of Vizagapatam) was about to proceed to England, and set to work, therefore, to collect his debts in this place. Among other persons who owed him money for his medical attendance was Mrs. Jugga Row, mother of Mrs. Nursing Row, on whom he had been attending for more than a year. On complainant's making a claim on her for Rupees 700, she refused to pay. On his departure, therefore, complainant left his brother (since dead) a Power of Attorney to act for him in the matter, with the vouchers necessary for the prosecution of a Civil Suit for the recovery of the amount. Acting on the authority thus conveyed, the complainant's brother instituted a suit in the Court of the Vizagapatam District Moonsiff, for the recovery of Rupees 825. Why this particular sum was set down, rather than the amount originally claimed, is not clear. Complainant says that he asked for Rupees 700 as a round sum, and that he supposes that his brother must have fixed Rupees 825 as the accurate amount of the claim, on an examination of the account. If the account could be produced, this point might possibly be cleared up, but complainant says that he heard from his brother that the account was given to the Vakcel (whose name was not mentioned), and that he does not know where it is now. There the matter rests. On the return of complainant to this place towards the end of 1865, he found that the defendant (Mrs. Jugga Row) was dead, and that his suit was still pending. By Mrs. Jugga Row's death, the suit would, of course, be maintainable against her legal representative, prisoner's wife, against whom complainant determined to proceed. As, however, he had always, up to that time, been on good terms with the prisoner, he preferred to endeavour to arrange the matter with him amicably, before going on

with his case in Court. The result of this endeavour was that the prisoner agreed to pay the complainant the amount of his claim with interest and his costs, and to pay defendant's costs on complainant failing to proceed with his suit, and, in satisfaction of such agreement, paid complainant the sum of Rupees 1000, as a round sum. Complainant, thereon, allowed judgment against him to be given by default. To complainant's statement as above, the prisoner demurs, stating that the Rupees 1000 was given by him without his wife's knowledge, out of his own private money, as a present, and to prevent complainant feeling any unpleasantness. People, however, as far as my experience of the world goes, are not generally so ready to give away money, and, as the complainant says, it was a matter of indifference to him whose money it was, as long as it was paid to himself. The statement that he received the Rupees 1000 as a gift, the complainant declares not to be true.

14. Thus far, then, I have disposed of the allegation of the complainant that the portion of the pamphlet quoted above is *per se* defamatory. I now turn to the question of its defamatory nature when taken in connection with the extract from Dr. Andrews' deposition, to which it is appended as a note.

15. The complainant affirms that to append to an extract from a deposition which was given by him on oath, and which militated against the interests of the prisoner, a statement, such as the one quoted, which goes to show that he had been defeated in Court in an attempt to establish a fictitious claim against a near relative of the prisoner, as is not the fact, is nothing more or less than to imply that he entertained, or was likely to entertain, feelings of hostility to the prisoner, and had, therefore, given the evidence he did, adversely to the prisoner's interests. That the statements complained of do so imply, I think there can be no doubt. A graver imputation than this, which almost amounts to an imputation of perjury, on a person in the position of the complainant, constantly called on, as he is, for confidential reports and opinions, could scarcely be imagined. It was for the prisoner to justify the imputation, and show he had cause to make and publish it, or to retract it and apologize for it, opportunity for which the complainant had given him before appealing to the Court. Neither cause nor justification did the prisoner allege. All he could say was that he had printed the pamphlet for the use of his Counsel in the case of libel before referred to. To this, of course, there could be no objection, and if the pamphlet had never gone further than the hands of the prisoner's legal adviser, the complainant would have had no *locus standi* whatever. It is in evidence, however, that the two witnesses were presented with copies by the prisoner. Even this one would not have thought much of, for it is not unreasonable that the prisoner should wish persons standing in the confidential position of his medical attendants to know something of his affairs, as he says was the case. At the time, however, when the 1st witness received the copy from the prisoner, he was not his medical attendant, and it is difficult to conceive why prisoner should have given, or Dr. Dougall should have received, nine copies, except for the purpose of circulating them.

16. Upon this state of the case, and upon the prisoner failing to allege any probable objectionable motive for the appending of the note quoted to the paragraph in question, I drew up a charge against him, as directed in Section 250, C. C. P., and, at the same time, I informed both parties that I much regretted to see persons of their standing in the place in the positions of prosecutor and prisoner respectively, and that I thought they might come to an amicable settlement. A conference was thereupon held between the complainant and the prisoner, the upshot of which was that the prisoner agreed to plead guilty for form's sake, and to sign an apology drawn up by myself as an impartial person, conditionally on an adjournment being granted to enable him to refer to Mr. Mayne (his legal adviser) the question whether, by stating in the apology that he admitted the *good faith* of the complainant's evidence, he thereby admitted its truth and tened to prejudice his chances of success in the Civil Suit as to the legitimacy of his child, in which he is engaged in the Civil Court. It was, of course, abundantly evident that his fears were groundless, and I was somewhat surprised that a man who had held the position he once did in the service of Government did not see this at once. His request, however, was reasonable enough, and I had no hesitation in acceding to it.

17. After about a fortnight's delay, the prisoner received an answer from Mr. Mayne, acting on which he refused to apologize, and desired that the case might continue. I was favored by the prisoner with a copy of Mr. Mayne's opinion on the case in general, which he sent me I suppose as desiring to put forward in his defence the arguments Mr. Mayne suggested. I have a strong suspicion, almost amounting to certainty, that Mr. Mayne's opinion was written with the view of being produced in Court. If this be so, all I can say is that, considering the Court allowed a reference to Mr. Mayne on one point only, it was quite unnecessary and somewhat impertinent for Mr. Mayne to return the answer he did. The prisoner was not permitted to ask Mr. Mayne's opinion as to whether he should apologize at all, but whether he would prejudice himself by signing an apology containing certain specified words, and it was superfluous to inform a Court administering the Indian Law of Defamation of Mr. Mayne's opinion on certain points of the widely differing English Law of Libel.

18. The prisoner then, having refused to make any apology, examined two witnesses to prove that the money he paid Doctor Andrews was his own—not his wife's. As complainant says, I do not see that this makes the least difference.

19. It then became my duty to consider what punishment I should impose on a person who had published very gross imputations as to the truth and honor of a person holding Doctor Andrews' position, the grievousness of which may not unfairly be estimated from the fact that the prisoner is even now proceeding with a suit against Gajapati Row, in which he claims Rupees 50,000 damages for no worse ones. It was at once apparent that any fine I had power to inflict would be quite inadequate in the case of a person of the prisoner's enormous wealth. I determined, therefore, to impose a sentence of imprisonment, as to the amount of which I had considerable doubts. Remembering, however, that in the celebrated *Nil Darpan* case, an English Clergyman was sentenced to a year's imprisonment, and Rupees 1000 fine, for the circulation of a certainly somewhat grosser libel than the one now complained of, I came to the conclusion that a sentence of one month's simple imprisonment and a fine of Rupees 1000 could not be considered excessive in the present case. The circumstances under which that sentence was modified into the one now standing on the record are detailed in Proceedings attached hereto, a copy of which will be forwarded with the Calendar for the information of the Court of Session.

WALTAIR,
14th May 1867.

(Signed) H. W. BLISS,
Ag. Prinl. Asst. Magistrate,
in charge of the Magistrate's Office.

(True Copy).

(Signed) H. W. BLISS.

No. 46. ORDER THEREON, 5th June 1867, No. 916.

The Governor in Council has perused with much regret the very improper and uncalled for remarks made by the Acting Principal Assistant in Vizagapatam, with reference to Mr. Mayne, in the judgment submitted with the foregoing letter. The remarks, however, having been made by the Acting Principal Assistant in his judicial capacity, it is not competent to the Government to order them to be expunged from the record of the case, which course the Governor in Council would have deemed it necessary to adopt if the remarks, to which Mr. Mayne very justly takes exception, had been penned by Mr. Bliss in his administrative capacity.

(True Extract).

Chief Secretary.

To the Honorable J. D. Mayne.

„ Acting Magistrate of Vizagapatam, for his information.

Exd. J. H. Burns.

Vyagapataw Magister's File

Calendar No 12 of 1867

The facts of this case in partly matters of public notoriety and partly appear in the evidence given before the Court in this and other cases they are as follows.

2 About a year ago one Gayapati Row brought a Complaint of Cheating before the Magistrate of the District against the present Prisoner on the ground that he had set up as his own child a boy who was not his own child with a view to deprive him (Gayapati Row) of his reversionary rights in Prisoner's property which depended on Prisoner having no male issue with a view to determine this question it was necessary for the Magistrate to be informed of the age of the child. He therefore requested the present Complainant, Dr Andrews, the Lallah Surgeon, to examine the child and report on its age Dr Andrews in conspiracy with ^{another} medical man examined the child in the Magistrate's presence and on the same day gave his opinion as to its age in the form of a deposition given by him before the Magistrate on the hearing of the Complaint made by Gayapati Row that opinion was unfavorable to the present prisoner's case but resulted in nothing in as much as the Magistrate considered that the case set up by the ^{then} Complainant Gayapati Row did not, even if ^{it} establish the offence of Cheating the cause was

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నంద్యాలకు చెందిన గ్రామం నంద్యాలకు చెందిన గ్రామం
నంద్యాలకు చెందిన గ్రామం నంద్యాలకు చెందిన గ్రామం

Complains -
4 To the extract from Dr Andrew's deposition is
added a foot note in the following words -

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"True Copy"
"J. G. Thompson"
"Civil Judge"

6 The questions then for the decision of the Court are -
1 Did Prisoner print said pamphlet;

- 3rd Street

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of the original
of the original
of the original

7 Now, as to the first of these questions, the Prisoner admits that he printed the Pamphlet and it is besides on the records of the Court that he has already been punished magisterially for doing so anonymously.

8 Secondly, as to the publication, it is notorious all over the Northern Circuit, that the Pamphlet has been very widely circulated by some person or other, and it is clear that the Prisoner was that person the Complainant produced 2 witnesses -

9 The 1st of these witnesses was Dr. May, the Deputy Inspector General of Hospitals for the Northern Division. He deposed that he had received a copy from the Prisoner, but it was somewhat difficult to gather from what he said the effect produced on his mind thereby - a matter of much importance to the Complainant who is ^{not} officially subordinate to the witness. Indeed the most noticeable things about the witness, were his evasiveness and persistent want of memory for which one felt quite inclined to pity him and the way he fenced with every question instead of answering it plainly and directly. On the whole however the impression produced on my mind by his evidence was that the statements made in the Pamphlet ^{complainant} seriously injured the Complainant in his reputation. He did not say so, but rather tried to make out that the bad opinion he ^{owned} entertained of the Complainant originated in ^{other} ways. However this may be, I feel certain that the perusal of the Pamphlet had at least done much to confirm the witness's opinion.

[Signature]

to be.

11. To turn to the 3rd question raised in para 6. the Complainant alleged that the portion of the pamphlet quoted is defamatory because it implies that a claim brought by him in a Civil Court against Mrs. Stinson's mother was dismissed by the Court on account of its fictitious character. To this the Grievor objects in the first place that he has merely said that the Complainant's claim was dismissed by the Court under Sec 114 Civil Procedure Code, or in other words on account of his failure to be present in Court when ^{his} case was called on; and in the second place, that it is no defamation to publish a substantially true account, as this is, of the proceedings of a Court of Justice. The first of these objections I consider to hold good. The Grievor cannot in law be held liable for the fact that not one person out of a thousand who might see this pamphlet would ^{know} what was meant by a judgment given in the Army ^{terms} quoted.

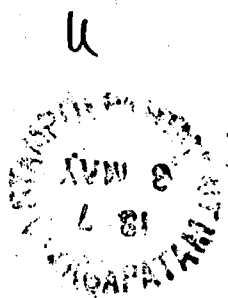
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12. I will take this opportunity to lay a few
 words as to the real nature of the case in which the present
 Complainant sued Mrs. Stirling Row's mother. Not to
 do so would, perhaps, be to allow people to maintain still
 that the Complainant's conduct in the matter was open
 to exception. As he has thrown himself on the protection
 of the Court, I consider that it is no more than his due that
 the whole of the circumstances of the case should receive
 the fullest comment and publicity.

13. In February 1861 the Complainant (then as now,
 Civil Surgeon of Singapore) was about to proceed to
 England, and set to work therefore to collect his debts in
 this place. Among other persons who owed him money
 for his medical attendance was Mrs. Saffron, mother
 of Mrs. Stirling Row, on whom he had been attending
 for more than a year. On Complainant making a claim
 on her for Rs 700 she refused to pay. On his departure
 therefore Complainant left his brother (since dead) agent
 of a attorney to act for him in the matter, with the vouchers
 necessary for the prosecution of a civil suit for recovery
 of the amount. Acting on the authority thus conveyed
 the Complainant's brother instituted a suit in the Court
 of the Singapore District for recovery
 of Rs 825. Why this particular sum was set down rather
 than the amount originally claimed is not clear. The
 Complainant says that he asked for Rs 700 as a home ^{sum} ~~debt~~
 and that he supposes that his brother must have fixed Rs 825

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J. J. J.



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as the accurate amount of the Claim on an examina-
tion of the account. If the account could be produced
this point might possibly be cleared up, but Complainant
says that he heard from his brother that the account
was given to the Fakir (whose name was not mentioned)
that he does not know where it is now. There the matter
rests. On the return of Complainant to this place
towards the end of 1865, he found that the Defendant
(Mrs. Saffa Row) was dead, and that his suit was still
pending. By Mrs. Saffa Row's death the suit would of
course be in abeyance against her legal representative
Prisoner's wife. He however against whom Complainant
determined to proceed. He however he had always
up to that time been on good terms with the Prisoner, he
preferred to endeavour to arrange the matter with him
amicably before going on with his case in Court. The
result of this endeavour was that the Plaintiff agreed
to pay the Complainant the amount of his Claim with
interest and his costs and to pay Defendant's costs
on Complainant failing to proceed with the suit,
and in satisfaction of such agreement paid
Complainant the sum of Rs 1000, as a round sum
Complainant thereon allowed judgment against
him to be given by default to Complainant's
Statement as above, the Prisoner deems, stating
that the Rs 1000 was given by him without his wife's knowledge.

8th Sheet

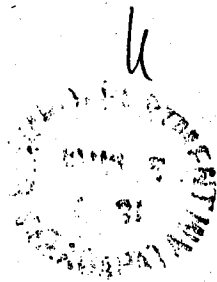
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out of his own private money, as present and
to present Complainant feeling any impleas-
-antness. People however, as far as my experience
of the world goes, are not generally so ready to give
away money, and as the Complainant says, it was
a matter of indifference to him whose money it
was as long as it was paid to himself. The statement
that he received the Rs 1000 as a gift the Complainant
declares not to be true.

14 Thus far then I have disposed of the allegation
of the Complainant that the portion of the pamphlet
quoted above is per se defamatory. I now turn to
the question of its defamatory nature when taken
in connection with the extract from Dr Andrew's depo-
-sition to which it is appended as a note -

15 The Complainant affirms that it appeared
to an extract from a deposition which was given
by him on oath, and which militated against
the interests of the Prisoner, a statement such as the
one quoted which goes to show that he had been def-
-eated in court in an attempt to establish a ficti-
-tious claim against an associate of the Prisoner,
as is not the fact; is nothing more. It is then to imply
that he entertained or was likely to entertain feelings
of hostility to the Prisoner, and had therefore
G. D. Sheel *G. D. Sheel*



George J. Jones
of the New York
expressed a desire
to be released from

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Given the evidence he did adversely to the Prisoner's
interests. In the statement complained
of do so imply. I think there can be no doubt
A graver imputation than this which almost
amounts to an imputation of perjury, on a person
in the position of the Complainant constantly
called on as he is, for confidential reports
and opinions. Could scarcely be imagined.
It was for the Prisoner to justify the imputation
and show he had ^{cause} to make and publish
it or to ^{re}extract it, and apologize for it, ^{opportunistically}
for which the Complainant had given him
before appealing to the Court. Neither cause
nor justification did the Prisoner allege.
All he could say was that he had printed
the pamphlet for the use of his counsel in the
case of libel before referred to. To this of course
there could be no objection, and if the pamphlet
had ^{(4) gone} ^{(5) rather} ~~never gone~~ ^{than} the hands of the Prisoner's
legal ^{adviser} ~~adviser~~ the Complainant would have had
no locus standi, whatever. It is in evidence
however that the 2 witnesses were presented with
copies by the Prisoner. Even this one would not have

[Signature]

పైలెట్ కు
 వ్యక్తిగత విషయ
 కి సంబంధించి సమాచారం
 ని సమీక్షించబడదు

of Circulating them.

16. Upon this state of the Case and upon the Prisoner failing to allege any probable mischievous motive for the appending of the note quoted to the Paragraph in question, I drew up a charge against him as directed in Sec 250 C.C.D. and at the same time I informed both parties that I much regretted to see persons of their standing in the place in the positions of prosecution and Prisoner ^{Gene Green} respectively, and that I thought they might come to an amicable settlement. A Conference was there upon held between the Complainant and the Prisoner, the upshot of which was that the Prisoner agreed to plead guilty for former sake, to sign an apology drawn up by myself as an impartial

11th Street

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JAN 10 1964
U.S. DEPARTMENT OF AGRICULTURE
WASHINGTON, D.C.

154

12^d Sheet

1. *[Signature]*

164

19. It then became my duty to consider what

13th Sheet 

11
KAPALAN

ಮಾನ್ಯರಾದವರಿಗೆ
ವಿಶೇಷವಾಗಿ
ಇವರಿಗೆ
ಇವರಿಗೆ

the grievousness of which may not be fairly be estimated
 did from the fact that the Prisoner is even now pro-
 ceeding with a suit against Gajapati Row, in which
 he Claims Rs 50,000 damages for ^{no} worse ones. It
 was at once apparent that any fine I had power to
 inflict would be quite inadequate in the case of
 a person of the Prisoner's enormous wealth. I deter-
 mined therefore to impose a sentence of imprisonment
 as to the amount of which I had considerable doubts.
 Remembering however, that in the celebrated McDargie
 Case an English Clergyman was sentenced to a year's
 imprisonment and Rs 1000 fine for the circulation of
 a certainly somewhat grosser libel ^{libel} than the one now
 complained of, I came to the conclusion that a
 sentence of one month's simple imprisonment
 and a fine Rs 1000 could not be considered excessive
 in the present case. The circumstances under which
 that sentence was modified into the one now
 standing ^{on} the records are detailed
 in Proceedings attached hereto, a copy
 of which will be forwarded with the Calendar for the
 information of the Court of Session

Maltair }
 14.5.67 } / True Copy
 42 }
 17th and last sheet
 4B
 Signed J. W. Blair
 agt. & ad. magt.
 in charge of the magt. office
 17th and last sheet
 agt. & ad. magt.
 in charge of the magt. office



சென்னை
கி. பி. 1867
மே 28
சென்னை

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter
from the Honorable J. D.
Mayne.

Here, under 28th May 1867.

Order. 5 June 1867 N^o 916.

The Governor in
Council has perused with
much regret the very im-
proper and uncalled for
remarks made by the
Acting Principal Assistant
in Tiruagapattam with reference
to Mr. Mayne in the
judgment submitted with
the foregoing letter. The
remarks however having
been made by the Acting
Principal Assistant in
his judicial capacity it is
not competent to the Govt.
to order them to be expunged
from

N.
W.

Copy of the order

18th May 1867

Copy of the order

20th May 1867

Copy of the order

Copy of the order

Order. 5 June 1867 N^o 916.

Copy of the order

from the record of the case
which course the Governor
in Council would have
deemed it necessary to
adopt of the remarks
to which Mr. Mayne
very justly takes exception
had been penned
by Mr. Blip in his
administrative capacity.

[Faint signature]

To the Honble J. D. Mayne
— Ag. Magistrate of
Vizagapatnam for his
information } *as per*

Localial 1864. Department.

No. 916.

PROCEEDINGS OF GOVERNMENT.

Dated 5 June 1864.