Judicial (~~193~~ 1872) Department.

M.S. SERIES.

G.O. No. 868

Dated 24-6-72

Confidential

[Despatch Abstract.]

Suit brought by Mr Muthukistna against the Civil Judge of Madura—

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

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G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

No 236
1872

Madura Civil & Session Court
13th June 1872.

From,
I. D. Goldingham Esquire
Civil & Session Judge of
Madura.

To,
The Honorable R. S. Ellis C. B.
Chief Secretary to Government
Fort Saint George.

Honorable Sir,

1. I have the honor to inform you that the suit brought against me by Mr Mutukisna has been temporarily stayed by reason of the severe illness of the Plaintiff, but certain facts in connection therewith having transpired I deem it advisable to bring them to the early notice of Government as they have no relation whatever to the merits of the case or the points in issue as raised by the pleadings.

2. The Suit was brought ostensibly to recover damages for an act done by me in my official capacity, but in reality to annoy insult and defame me and if possible by making a public scandal to effect the results for which Mr Mutukisna petitioned Government in July 1871.

In addressing the Court he incautiously gave utterance to this expression of his motives - The real issue which would have to be determined said he was whether *he* should have to leave the district or the Defendant, and in the prosecution of this enterprize I entertain *a strong suspicion* that he has been materially aided and abetted by the Superintendent of Police Captain Guthrie -

3. I will proceed to show how I connect this officer with this conspiracy as I may call it, and first I must relate a circumstance that came to my knowledge in the beginning of the year - You will notice that Captain Guthrie deposes that he and I have had no intercourse since about the beginning of February. The reason is this shortly after I received those 2 anonymous x letters the contents of which I communicated to Mr Carmichael & which I attribute to Mr Mutukisna and just after Lord Napier's departure, Mr Mutukisna went to Madras again to petition the Government against me. What transpired I do not know, but I *was informed* that he was prepared to prefer 3 charges against me and I have heard that he has

circulated

x Both these were threatening letters
R.K.

circulated the libels in Madura (1) that I did not pay the purchase money of the house which I purchased with permission of Government from Vencatasawmy Naick last October. (2) that I had a share in a bond x of 75,000 Rupees executed by a party in a Suit before me to a firm in Madras and which bond Pff attempted to foist into this Suit and (3) that I had a man in my private employ who was at the *same* time an Ameen in the Madura Moonsiff's Court however that could be. To the 1st two libels I need not make any allusion but in connection with the 3rd I was *informed through* one of Mr Mutukisna's *Gomastahs* that Captain Guthrie and Mutusawmy Chetty the late Principal Sudr Amin had volunteered to give testimony. Whether it is so or not I cannot say, but I made enquiries and I learnt that Captain Guthrie had been making an enquiry into this matter for Mr Mutukisna through one of his Police Constables. On hearing this I dropped Captain Guthrie's acquaintance entirely. I need not add that the appointment in respect of which Mr Mutukisna was prepared to ground a charge was perfectly unexceptionable.

x This bond was executed 8 months after I passed my decree.

unexceptionable. I next *learnt that* Mr. Chatukisna was rather unwilling actually to put in the plaint in this Suit, after he had prepared it, but that he was urged on to do so by Captain Guthrie. Lastly after proceedings in the Suit had commenced a *message* was *conveyed to me* purporting to come from Mr. Chatukisna to the effect that, if I would be what he called friends with him (i.e. receive him at my house,) he would withdraw the Suit, and then when I became pleased with him, he would give up to me (in fact betray) his bad advisers. I merely mention this to show Government the clue I had and consequently what led my Vakeels to elicit from Captain Guthrie in his evidence certain facts which in my opinion serve to connect him *in some degree* with this litigation. These facts are that Captain Guthrie, who is the only European who at all associates with Plaintiff, has had several interviews with him since the commencement of this Suit, that he has had casual conversations with Plaintiff regarding me, and one serious conversation relating

by whom?

relating to this Suit and shortly before the institution of the Suit; that he has seen the issues[x] in this case and list of witnesses but he says no other papers. These papers he admits were sent to him for his perusal by the Plaintiff and the list of witnesses he rather thinks he sent on to Mr. Snaith. Now Mr. Snaith's evidence is much more emphatic on this point and it leaves me to infer a certain degree of reticence on the part of Captain Guthrie. Mr. Snaith deposes that he saw at Ramnad the issues, list of witnesses, petitions and counter[x] petitions connected with the case (in fact all the proceedings held prior to the actual trial); some of these papers were sent to him by Captain Guthrie at his special request and all of them were sent by Captain Guthrie. The papers he says came in 2 batches, the first without any letter and the second accompanied by a letter of apology for the delay (owing to Captain Guthrie's absence in Madras). It is clear therefore from this alone that Captain Guthrie has evinced an unusual degree of interest in these proceedings and that he has been

[x] He means copies of them of course

[x] In this the greatest abuse of me exists

been in frequent communication with Plaintiff regarding them - I should also state that prior to this, that is from August last year to January this year there was as far as I knew very little communication between them, though their wives used to meet occasionally - Captain Guthrie's deposition is marked No 1 among the enclosures -

4. But there are other facts which are more pregnant evidence than mere oral testimony - I refer first to enclosure No 4 - This is a paper of interrogatories which Plaintiff proposed to send for the examination of Lieutenant Porteous but the Court overruled them as irrelevant. I would draw your attention to questions 5 and 6 in particular - Now in reference to these questions I have this observation to make, that Lieutenant Porteous, like many other young Police Officers, was much annoyed when cases in which he took an interest were thrown out by the Court of Sessions, and on one particular occasion he was particularly annoyed at a case being acquitted as he thought the Court ought to have convicted the prisoner, and it has been

since

since reported to me that he did make the statement which the answer to the 6th question suggests - I even noticed that after that he never called at my house when he visited in Madura, so that the Plaintiff was not without a just expectation of obtaining a favorable answer to those interrogatories - The question arises how did Plaintiff get this piece of information? Mr Porteous left the district last August or Septr when the bringing of this suit was very problematical - He was only in Madura on passing through and I doubt if he ever saw or spoke to the Plaintiff - He certainly at that time would not have made this subject a topic of conversation - Mr Porteous was Captain Guthrie's assistant and I say he got this information from him hoping to have it imported into the record of this suit as he foolishly thought to my prejudice -

5 The 2nd circumstance I would draw your attention to is that in my summons to produce document (see enclosure 5) I was summoned by Plff to produce a copy of a private letter sent by me to Mr Davies impeaching

the value of any evidence of this kind would immediately be tested by a vigorous cross examination and I also perceived that it was only by some such means that I should be enabled to place before Government the threads of this conspiracy.× Accordingly Captain Guthrie in answer to one of Plaintiff's questions deposed that "my reputation for truthfulness among Europeans was bad". It is a grave charge to make against any one in the witness' box and still graver against any officer, I do not refer to the individual, but to any officer holding the appointment of a Civil & Session Judge. From the cross examination however the weight due to the testimony will be seen. The imputation Captain Guthrie says is the result of an impression which he received from private conversation with 4 individuals whose names he refuses to give. He can't say when he first received this impression, nor has he any landmarks to connect it with any special circumstance, nor can he give the grounds for the belief thus entertained by the four individuals. He says the impression was strengthened last Xmas by a conversation with a certain individual and the most definite place which he could assign as the "locus in quo" was the open air. These conversations were strictly private and confidential and he cannot say if any one beyond the said 4 individuals were present on the occasions. Once he said he could not say that he had more than one conversation with each individual, and then that their opinion was expressed at different times. Lastly on pressing him we elicited that one of these individuals within the last four months had gone to England. Regarding another he says he does not know where he is and the other two were among certain of the witnesses before the Court, so that by this process of sifting the four individuals became practically reduced to two namely Mr. Smith and Mr. Davies. Mr. Davies denies that he had any serious talk with Captain Guthrie regarding me but Mr. Smith whom I have not seen

× The Court ought notwithstanding to have prohibited it, and perhaps I was to blame in giving these instructions, but I thought I should have no other opportunity of having this witness on oath in the witness' box and I was most anxious to place matters in such a form before Government that they might see to the bottom of the case upon the record itself.

6 times to speak to since he came to the district admits that he recently attacked my character on his croquet ground. So that upon grounds such as these Captain Guthrie has sworn that my reputation for truthfulness among Europeans was bad. Regarding the constructions and improbable statements in Captain Guthrie's evidence I would draw your attention to my marginal notes in the deposition.

7. Mr Snaith's deposition is No 2 among the enclosures. I have shown in what particulars he is at variance with Captain Guthrie namely as to the receipt of papers relating to this suit, but I would draw the earnest attention of Government to two specific statements (1) Mr Snaith says "I "have participated in Plaintiff's wish "to get rid of Defendant from this "district. I wish to see Defendant removed more on _public_ than on private "grounds" and (2) "his character has "been constantly attacked on my croquet "ground. On Thursday last there was

Such

"Such an attack made upon him by me and "another x in Captain Guthrie's hearing" I can say with perfect sincerity I know of no adequate reasons for the violence of Mr Snaith's hostility or feelings towards me, and that since he came to Madura in October 1870 I have not met him half a dozen times to converse with.

x He evidently meant Mr Davies but we did not wish to elicit it.

8. Mr Davies's deposition is marked 3. I send it merely to show that Mr Davies denies any personal communication with the Plaintiff.

9. Lastly I will proceed to show how Mutusawmy Chetty is mixed up in this litigation. First I must refer you again to my summons (enclosure 5) and document No 5. Proceedings sent by Mutusawmy Chetty relative to the character of my Nazir. There were no public proceedings of any kind but I received a tappal petition charging my Nazir cor with having gone to the house of an influential person in the town whom I had acquitted the same evening of gang robbery and murder. The Principal Sudr Amin's daffadar was named as a witness. As far as I recollect I asked the late

Principal Sudr Amin to make a private enquiry for me and he did so - Having this preliminary evidence I investigated the case in the presence of the Nazir & finding him entirely innocent, I tore up my notes of evidence because the enquiry being purely departmental it was not fair that the papers should stand upon the record to the prejudice of the Nazir and affect his promotion - Plff's object in trying to introduce this into the record was (1) to attack the Nazir whom he had summoned as a witness and (2) to show that I was in the habit of tampering with the Court records - Plaintiff did not deny in Court that the late Principal Sudr Amin had given him this information and from the accurate knowledge he displayed relating to the proceedings that were really held it was clear that he must have done so - I regret Mutusawmy Chetty's attendance was not procurable - When in Madura on the way from Tinnevelly he left abruptly, after intimating that he would be here a few days and when summons was sent to Tranquebar at Plff's instance he was absent -

10 - Secondly I must refer to a Second paper of interrogatories Enclosure 7 intended for the Honorable J. D. Sim and in particular I would draw your attention to question 4 - The history of this insolent question being put in this as far as I have been able to learn - It is notorious here that the late Principal Sudr Amin was personally annoyed when his decrees were reversed and when he was transferred to Tinnevelly he took it into his head, of course erroneously, that I had had something to do with it - From the time of Plaintiff's memorials to Government against me Mutusawmy Chetty avoided Plaintiff, but at this time they became friends again, as they were before Plaintiff went to England - Then Mutusawmy Chetty went to Madras and saw the Honorable J. D. Sim, but of course I can't say what passed between them on the occasion - The rumour in the town however was that the tenor of Mutusawmy Chetty's conversation was prejudicial both to me and to my best Moonsiff - At all events there is proof that on Mutusawmy Chetty's return Plff had a long interview with him and upon the strength of that confabulation these interrogatories

I saw Mutusawmy Chetty when he was in Madras & explained very fully & carefully to him the reason of his being temporarily moved from Madura - He could hardly then have thought Mr Goldingham had any thing to do with his removal -

Not that I believed the rumours, but I mention it to show the basis on which I entertain the suspicion that Mutusawmy Chetty has connected himself with Plff in the matter

interrogatories must have been drawn
From the absurdity of the question however
up - it is highly probable that
this was a trap which Mutusawmy pre=
=pared for Plaintiff to fall into.

Then when Mutusawmy Chetty left Madura he is reported to have said "there will soon be a tamasha here", and when he quitted the district he did so with=
=out taking the customary leave of me, and that after he had served under me more than 3 years - As soon as the trial is ended I will transmit to Govern=
=ment a Copy of the entire record and the Judgment with such further ob=
=servations as may then occur to me.

I have the honor to be
Honorable Sir
Your most obedient Servant
J. D. Goldingham
Civil & Session Judge

Original Suit No 23 of 1872

Evidence of Captain J. R. Guthrie Superintendent of Police, Madura, witness for the Plaintiff.

Examination in chief } I am the Superintendent of Police in this District. I have held the office since September 1867. In that capacity I have to travel about good deal in the District and to communicate with Europeans and natives of all grades. I have known Plaintiff ever since he came into the District. I have no information as to the general reputation of the Plaintiff among the people.

Question. What is your opinion as far as you know of my character?

The Defendants' Vakils object to the question on the ground that individual opinion of character is not receivable, and that evidence of general reputation only is re=
=ceivable. I also think so and disallow the question.

I have known the Defendant ever since he returned from England.

Question What sort of reputation does he bear?

N. B. In this instance Defts' Vakils waived their objection to the question.

Answer. I am not in a position to give any opinion for want of information.

Question. What is his general reputation as to truthfulness?

Answer. I cannot answer the question for want of information.

Question. What is his general reputation for truthfulness among Europeans in the District?

Answer. Bad.

Question. Are you aware that the present Acting Collector characterized him as a "liar and a shallow knave"?

Question allowed by Defts' Counsel but disallowed by Court as opposed to law in that it introduces secondary evidence of the opinion of a single individual which is certainly not evidence of general reputation.

Cross Examination. I have experience of

It is hardly necessary to say the Collector was prepared to deny ever having used such an expression and when my Vakeel asked him Plff objected to the question and it was not permitted by the Court - This is one of many instances showing Plff's deliberate intention of offering every insult he could devise -

104.

of all sorts of Natives, both good and bad, and I cannot say of which class I have the larger experience.

Question. When you said that the Defendant's reputation for truthfulness among Europeans was bad, had you any and what Europeans in mind?

Answer. I had some Europeans in mind, but decline giving their names or position. I had in my mind 3 or 4 persons. No. Exactly four. I know and recollect their names. As regards all of them, I say, that I have come to the opinion I have expressed about Defendant's truthfulness from private conversations in my private capacity. I am not under any promise not to mention their names, and yet I conceive I am under an obligation not to give up their names. I mean a social obligation.

Question. Do you consider that obligation greater than the obligation you are under as a witness?

Answer. Yes.

I cannot remember how far back the first impressions with reference to Defendant's truthfulness were conveyed to my mind.

Question. Can you connect this impression with any special circumstance?

Answer. I have no landmarks in my mind by which I can say when the impression began. This impression came to my mind with more or less force at different times. This impression was strengthened at two particular periods. I remember the circumstances, in connection with which, the impression was so strengthened. Those circumstances had nothing to do with the four persons I have and had in my mind. The second of these circumstances occurred during the last Xmas holidays. I remember another occasion on which my impression of the Defendant's reputation for truthfulness was strengthened. It occurred about the middle of last year.

This is the first occasion – & I remember none other. I have no recollection whether the four persons I had in mind or any of them had any connection with the circumstance which strengthened my impression as to the Defendant's reputation for truthfulness about the middle of last year. In connection with the second circumstance I think I talked to some of the four persons, I have had in my mind, at Kodicarnel. To the best of my recollection there was nobody present then but myself and the person I spoke to. It was in the open air that I had this talk. That is the most definite description of the place I could give. I still decline to give up the names of those four persons. I don't know whether the person to whom I was talking will have the same scruples to give up names. Mr. Snaith, Mr. McQuhae, Doctor Gamack, Mr. Fondclair, Mr. Kenny & Mr. Davies are witnesses in this case as far as I know. Of the persons in my mind 2 are among those witnesses. Of the four persons 2 are now in the District and those two are among the above witnesses.

witnesses - The exclusion of Mr. Bliss makes no difference in my answer - The two persons out of the District are alive I believe - I don't know where they are. One of them has been in England within the last four months.

Question. Have you ever been in conversation with any one of those four persons about Defendant and his bad reputation for truthfulness when any body else was present?

Answer. My memory does not serve me. All the conversations were strictly private and confidential. I never mentioned to the Plaintiff the name of any of those four persons, nor did I give him sufficient information to enable him to discover who those persons were, nor has Plaintiff ever attempted to get the information from me, nor does he know who they are, as far as I know - I have been in personal communication with the Plaintiff during his residence in Madura - I have had casual conversation with Plaintiff

about

about Defendant, and also serious ones. I had only one serious conversation with Plaintiff regarding Defendant and that had nothing to do with administration of Justice in Madura. In that conversation there was no attack upon Defendant. This conversation took place shortly before (quite within a month of) the institution of this Suit - I am on the same conversing terms with Plaintiff as with Defendant - All the four persons whose names I declined to give up expressed their opinions of the Defendant's reputation for truthfulness - I can't recollect whether any of them expressed their opinion more than once - At the time they expressed their opinion, none of them, as far as I know, had any personal difference with Defendant, or that they had not - To the best of my recollection they never had any such difference - There was no discussion of Defendant's reputation for truthfulness but the impression upon my mind was

formed

This the witness must know is not the Case & moreover he contradicts it later on

107.

This is contradicted later on

107.

Witness must know the state of every ones relation to each other in a small place like this & moreover the statement is contradicted later on

107.

formed by the tenor of their conversation - So I am not in a position to give the ground of their belief -

Question Are you aware whether those four persons are now of the same opinion of the Defendant's reputation for truthfulness? -

Answer: To the best of my belief they are all of the same opinion - Something has occurred to indicate that they are still of the same opinion - *That* something is receipt of letters and conversation; both of which were private - I can swear that I have not communicated those conversations or the contents of those letters to strangers - I have not shown any of the letters of one of the four to any of the others or mentioned their contents - Those letters contained matters other than remarks about the Defendant's reputation for truthfulness - I never spoke to Defendant on the subject of those conversations or letters - I am unable to define the present state

of

Then how can he depose to general reputation

hy

How reconcile these 2 statements

hy

of feeling of any of those four persons towards Defendant nor can I indicate it - The state of feelings of 2 of those persons who are witnesses in the case is hostile to Defendant - I noticed the indication of hostility in both of them till yesterday by personal observation on one and the same occasion - This also was in the open air - It was on a croquet ground - Others were present within hearing - I can't say which of the persons present were within hearing - To the best of my belief I took part in that of the conversation which indicated hostility to Defendant - I did not indicate my hostility to the Defendant then - I had a feeling of pity for the Defendant - At that time my feelings towards Defendant were neither friendly nor hostile - To the best of my belief Defendant had not a friend within hearing of that conversation - I did not give to the Defendant indication of what took place nor have I ever intended to do so - My present feelings towards Deft are neither hostile nor friendly - I was once very intimate with him. It was a private matter that put an end to it, but left behind a certain amount of friendship - The first matter which put an end to our intimacy occurred after the hot weather of last year - Again we became intimate at the desire of the Defendant - Well by mutual arrangement; the friendship lasted for 3 or 4 months - Then renewed intimacy lasted till about the beginning of last February - We are neighbours. But in point of intercourse we are not neighbourly - I can't say I can associate any other than the four persons already referred to, with my impression as to the Defendant's reputation for truthfulness. × The opinions of those four persons were expressed at different times. × I have no objection to state the serious conversation I said I had with Plaintiff about Defendant - It related to this Suit. I was present when the Plaintiff

was

× This is contrary to what he said before

× Plaintiff objected to it being given and as Pltff had not put himself in the witness box & was conducting his case in person we did not press it.

was speaking about the suit - He spoke to me also about it. I was one of those to whom he spoke - This took place both in my house and in Plaintiff's house. I saw the issues in this case and the list of witnesses, but no other paper - The papers I saw were in my possession for a few hours - They were sent to me for my perusal by Plaintiff - I sent the list of witnesses to Mr. Snaith - I rather think I sent him paper of Issues also - Mr. Snaith, I believe, is not on friendly terms with Defendant - I sent the papers on to Mr. Snaith to Ramnad knowing that he was as curious as myself to know the course of the suit - As far as I understand Mr Snaith's curiosity is just the same as that of other × Europeans in the District - I received, I believe, from Plaintiff a printed copy in common with other Gentlemen at the Station, of the order of High Court reversing Defendant's order against Plaintiff - Besides what I have already stated,

I

No other Europeans have evinced curiosity that I know of

I have another reason for believing Defendant's reputation for truthfulness to be bad. I was present in the Court when Defendant was examined and that is the reason, and I have none other. I was present only during a part of the Defendant's examination. Of course I don't know what effect the other part of his evidence would have produced upon my mind if I heard it. Before Defendant came into Court, on the day his examination commenced, his counsel intimated to me that my presence during his examination was not thought desirable. This was intimated to Mr Snaith also who was in Court. Mr Snaith replied that he was prepared to leave, if the Court ordered, but not upon the Defendant's order. There was nothing offensive in the manner of Mr Scott's request to me and Mr Snaith. I was scarcely willing to leave. The whole thing was referred to the Court by me and the Court allowed us to remain in Court during a part of the Deft's examination

examination

× Is this to be credited

J.W.

examination. I have× no knowledge of the cause of difference between Defendant and Mr Snaith or of the cause of its continuance. I was present during a part of the Deft's examination. There was nothing in the Defendant's statements which led to my last impression of his untruthfulness but it was his manner that had that effect.

Re-examination. The two witnesses, who I said, were two out of 4 persons I had in my mind, are thoroughly honorable, upright gentlemen. The other two who are absent are also of the same character. I believe the× Defendant has not a single friend among Europeans in the District. I have had several interviews with Plaintiff since the institution of the suit but he did not in the slightest degree indicate to me what I was to prove. I am the only European Gentleman now in Madura known to Plaintiff since he came to the District. The others are all gone except Mr Fondclair. In the interviews I have had with the Plaintiff since the suit, he never intimated

× This the witness must know to be incorrect as he knows who are my friends perfectly well.

J.W.

intimated what his other witnesses or any of them were to prove. I have certainly never shown to Plaintiff any of Defendant's letters to me –

I have heard this read – It is correctly taken –

(Signed) T. K. Guthrie

Taken by me in open Court this 31st May 1872 –

(Signed) A. P. Strineevassa
Principal Sudr Amin

Enclosure 1
In a letter from the
Civil & Session Judge
of Madura dated 13th
June 1872 No 236

Copy of deposition
of Captain J. R.
Guthrie Superinten=
=dent of Police, Madura

Sub 12 24/7/72

Original Suit No. 23 of 1872.

Deposition of Mr. J. F. Snaith Acting Judge of the Court of Small Causes Madura, and witness for Plaintiff.

Examination in chief } I am acting Small Cause Judge of Madura - I don't recollect when I returned from Ram=nad to Madura last year - I think it was about the end of August - I cannot remember when Plaintiff first appeared in my Court after that - Plaintiff has often appeared before me, but I can't say when, without referring to records - Plaintiff continued to appear before me till I went to Dindigul last time. I cannot remember whether Plaintiff was engaged to appear before me in the case of Burby and Ramalingam in Dindigul - Whenever he appeared before me he behaved with due respect to Court - I have no means of judging whether Plaintiff has recently lost practice in my Court - I have noticed no difference - I have no intercourse whatever with Defendant and how can I say from personal knowledge what the state of his feelings is towards Plaintiff - I have no means of knowing that the Defendant wished to get rid of the Plaintiff from the District - It is easy to see from this suit that each of them wishes to get rid of the other -

Cross Examination - The other day I think I heard Plaintiff say that he or Defendant must leave the District - I was gazetted to this District on 11th October 1870 - I think I joined the District in November - I know that in a case brought by Mr. French before me he was examined by this Plaintiff - I recollect that the Plaintiff did not appear before me in Dindigul in the case of Burby and Ramalingam Pillay - I noticed no difference in Plaintiff's practice till I went out on circuit in January last when he did not follow the Court - His not following the Court has not made any impression upon my mind as to falling off of Plaintiff's practice either one way or the other - It is

impossible

impossible for me to say what effect Defendant's order had upon Plaintiff's practice in my Court - a printed copy of the High Court's order reversing Defendant's order against Plaintiff was sent to me when I was at Ramnad - After the last recess, my Court re-opened at Ramnad on the 26th June - Copy of the High Court's order was sent to me with Plaintiff's compliments - I saw at Ramnad, issues, list of witnesses, Petitions and Counter Petitions connected with this case - Some of these papers were sent to me by Captain Guthrie at my special request - All of them were sent by him - The papers came in 2 batches - The first came without any letter - The second was accompanied by a letter of apology for delay in sending them - I can't tell, when I requested Captain Guthrie to send me the papers - I particularly asked for list of witnesses to see whether I was cited - Defendant and I are not even on bowing terms - It was both idle curiosity and state of my feeling towards the Defendant that made me desirous of seeing those papers - There were also other reasons both of public and private nature - I have participated in Plaintiff's wish to get rid of the Deft from this District - I cannot remember having done anything to get rid of him from the District - I have no other sympathies with Plff in this suit than a wish to see justice done and I hope it will be done -

Question: Have you any sympathies with the Plaintiff -

Answer - I agree with the # High Court's order - I wish to see the Defendant removed from the District more on public than on private # grounds - His character has been constantly attacked in my croquet ground - On Thursday last there was such an attack made upon the Defendant's character by me & another in Captain Guthries' hearing - -

Reexamination - There were memorials to Government praying that my Court might be allowed to sit always in Madura instead of going on circuit and that prayer has been granted - I never directly intimated to Plaintiff my wish to see Defendant transferred - I might have expressed that wish to others - I am a most unwilling witness in the case and very much regret the evidence I have given -

(Signed) J: T: Snaith

Taken by me in open Court this 3rd day of June 1872 -

(Signed) A: P: Strineevassa
Principal Sudder Amin -

Original Suit No. 23 of 1872

Deposition of the Plaintiff's Witness Mr J. A. Davies formerly an Assistant to the Collector and Magistrate of Madura and now transferred to Bellary.

Examination in chief } I was an Assistant Collector & Magistrate here for nearly 7 months - During that period Plaintiff appeared before me in Criminal cases from time to time - In the Tiroomangalum Sub Magistrate's case Plaintiff hardly appeared before me it being a departmental enquiry - Plaintiff appeared and assisted the Sub Magistrate - Whenever he appeared before me he behaved with proper respect to the Court - I know the Defendant -

Question: Are you in a position to say from what passed between you and Defendant from time to time that he had strong personal feelings against Plaintiff -

Answer: There was strong personal feeling but I cannot say from what cause

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Enclosure 2
In a letter from the
Civil & Session Judge of
Madura dated 13th
June 1872 No 236

Copy of deposition
of Mr J. F. Smith
Acting Judge of the
Court of Small Causes
Madura

Ref 1224/72

cause - The Defendant spoke to me about a printed pamphlet addressed by Plaintiff to Lord Napier - I don't remember the exact words used by Defendant - I was in Court during a part of Defendant's examination on the first day -

Question - What is his general reputation for integrity, honesty and conscientiousness as far as you know? -

Question objected to and disallowed as irrelevant with reference to the order of the 13th Ultimo -

Cross Examination - I joined this District on the 1st July last year - I saw the Defendant officially on the same date - I took my oath before him and went away and had no private conversation with him - The Defendant was then engaged in Sessions work - Some 3 or 4 weeks after this I called upon him at his house - It was a dinner party - There was then some talk about a memorial by Plaintiff to Government against Defendant - Before that I had never seen Defendant in our private capacity - I think that at that time Defendant's answer had gone up to Government and an order was awaited - I cannot remember whether or not there was anything said to me by Defendant indicative of the existence of other cause of hostility besides this memorial - From my intercourse with the Defendant I certainly had reason to think that there was a prior cause of hostility on the part of Defendant besides this memorial - Defendant and myself were talking - I should think in September or October over a pamphlet written by Plaintiff against Defendant - Our conversation lasted for about an hour - And from this conversation I learnt that the pamphlet was a prior cause of hostility - This conversation took place in the Defendant's study upstairs in his house between 11 and 12 A.M. - On that occasion I think I saw the order of Government on the Plaintiff's memorial - I have no idea from what

Defendant said then when he got the pamphlet - Now I begin to think that he got the pamphlet after the memorial had been sent to Government - From the fact of the Defendant reading the whole pamphlet to me and from there being in it marginal notes (I don't know whose) and from his not showing me the memorial I inferred that he must have got the pamphlet more recently - From anything that Defendant said on that occasion I could not say how far back hostility on Defendant's part commenced - I have not been in communication of any kind with Plaintiff about Defendant - I have had no serious conversation with Captain Guthrie about Defendant - I don't know how I came to be made a witness - I was cited by Plaintiff to produce a document - I never communicated to Plaintiff contents of the Deft's private letter to me about Mr. French - I have not seen any of the papers connected with this

suit

suit -

Re-examination - Defendant did not put the pamphlet into my hands - Defendant's private letter about Mr. French became afterwards subject of public correspondence -

I have heard this read - It has been correctly taken down -

(signed) J. A. Davies

Taken by me in open Court this 1st day of June 1872.

(signed) A. P. Strineevassa.
Principal Sudder Amin.

4

In the Principal Sudder Amin's Court of Madura
Original Suit No 23 of 1870
Between
H. F. Mutukisna Esquire . . . . Plaintiff
J. D. Goldingham Esquire . . . . . Defendant

Interrogatories for the examination of Lieutenant H. Porteous Superintendant of Police Palghaut, Plaintiff's 26th witness.

1- How long were you in the District of Madura and in what capacity?

2- Had you occasion in your official capacity to travel about as good deal?

3- Do you know the Defendant Mr Goldingham?

4. Have you appeared often in his Court?

5- Were you not very much dissatisfied with the manner in which justice was administered in the Civil & Session Court of Madura during the time you were here?

- Did you not say that you would never go into that Court if you can help it?

- What was Mr Goldingham's (Defendant's) general character for integrity?

2nd May 1872. (Signed) H. F. Mutukisna
Plaintiff

Enclosure 3
In a letter from the Civil & Session Judge of Madura dated 13th June 1872 No 236.

Copy of deposition of Mr J. A. Davies formerly an Assistant to the Collector of Madura and now transferred to Bellary

Inf 1224/72

Enclosure A
In a letter from the
Civil & Session Judge of
Madura dated 13th
June 1872 No 236.

Copy of Interrogatories
for the Examination of
Lieutenant H. Porteous
Superintendent of Police
Palghaut

[illegible] 12/24/72
[illegible] 4/12/24/72

Copy

Principal Sudr Ameen's Court
Madura 8th May 1872.

From,
The Principal Sudr Ameen of
Madura.

To,
J. D. Goldingham Esquire
Civil & Session Judge of
Madura.

Sir,

I have the honor under Sections 162 and 170 of the Code of Civil Procedure, to inform you that Mr. H. F. Mutukisna Plaintiff in Original Suit No 23 of 1872, wherein you are the Defendant, has made a special application to this Court for an order requiring your attendance as a witness and has shown to the satisfaction of the Court sufficient grounds in support of such application; and to request that you will be so good as to appear in person in this Court on the 28th day of May 1872 at 11 o'Clock in the forenoon to give evidence in the above Suit and to bring with you the undermentioned documents; and I have further the honor to inform you that if you shall without lawful excuse fail to comply with this Summons the Court will either pass Judgment against you or make such other order in relation to the Suit as the Court may deem proper in the circumstances of the case.

I have the honor to be
Sir
Your most Obedt. Servant
(Signed) A. P. Shreenivassa
Principal Sudr Amin

Description of the Documents.

1- All orders passed by you appointing Ramasami Pillai Sheristadar of the Civil Court as Commissioner in different Suits and fixing the amount of fees due to him -

2- Letter written by you to Government recommending that the said Ramasami Pillai may be appointed to act as Sheristadar -

3- Do Do to Do requesting that the said Ramasami Pillai may be confirmed in the office of Sheristadar.

Order

4- Order passed by you confirming the said individual in the office of Sheristadar and

5. Proceedings sent to you by the late Principal Sudr Amin Muttasawmi Chettiar relative to the character of Kristniengar Nazir of the Civil Court -

6. Copy of a private letter sent by the Defendant to Mr. Davies late Assistant Collector impeaching the character of Mr. J. French Pleader of the Civil Court in a case wherein he had to appear before Mr. Davies -

7- Public Proceedings held by the Defendant about Mr. French with an opinion contrary to that contained in the aforesaid private letter -

8. Order of the High Court on the above subject -

9. Vakeel's Sanud returned by the Plaintiff to the Civil Court.

10- Register of Vakeel's Sanuds returned and cancelled subsequent to 20th April 1868, or the orders passed by the Defendant on the Subject.

11- Proceedings of the Madras High Court dated the 29th March 1871 in Calendar No 10 of 1870 on the file of the Sub Magistrate of the Pulney Hills

12. Copy of a letter sent by the Defendant to Mr. Mayne regarding the Plaintiff after the reversal of the order passed for his Suspension was known.

13. List of the Civil Court Vakeels appointed subsequent to the 17th July 1871 the date on which the High Court reversed the order of Suspension of the Plaintiff &c; or the orders passed for the appointment of those Vakeels

14. Explanation given by the Defendant regarding the Petition presented by Plaintiff to Government complaining of the order of Suspension passed by the Defendant.

15 Letter or letters sent to the Defendant by his father about the Plaintiff previous to the date of his Suspension –

Enclosure 5
In a letter from the
Civil & Session Judge of
Madura dated 13th
June 1872 No 236.

Copy of summons
sent by the Principal
Sudr Ameen Madura

Sp 1224/72
[illegible]

No 8

Madura Asstt Magts office
20th January 1872.

~~From~~

J. A. Davies Esquire,
Assistant Magistrate,
Madura.

To

W. McQuhae Esquire,
Acting Magistrate,
Madura.

Sir,

With reference to the Proceedings of the High Court No 2025, dated 18 December 1871, I have the honor to request that you will kindly make the following representation on my behalf to the Chief Justice and Judges.

I beg to state that I was completely taken by surprise when I read the order, for I had no idea, that I had been contumacious. The whole matter was for my part at the most but a misunderstanding. Now, as I find the Judges made reference to a private letter, I have referred to it, and I find that its tenour is not as stated by the Judge begging me to receive Mr. French, but that I should obey the further order of the Court. "I do beg of you not to disobey the further order of this Court". I received this note on the evening of the 7th. On the very next day, the 8th* the report against me was written, although no further order was sent me, norx did Mr. French again appear and present his vakalut as intimated in the Court's letter. I beg to assure the High Court that I waited & anxiously expecting that further order, and if it had come I should of course have obeyed it at once.

I am exceedingly sorry to follow the Judge's example in referring to the private correspondence in the case, but it is so intimately connected with the public proceedings, that in justice to myself, I am bound to do so. So that with reference to the Judge's remark that my charge against Mr. French was "trumpery" I regret to say that I have in my possession another letter written on the same matter, in which the Judge characterizes Mr. French as a "horrid rascal" and "as tricky as he can be".

It was this seeming approval on the Judge's part that threw me off my guard, and so gave cause for the censure, which has been passed upon me, but which, with my repeated assurance that I had not any intention of disobeying the Civil Court's order, I earnestly trust the Honorable the Judges of the High Court will now allow themselves to see, was not deserved.

I could say more in my defence, but I shrink from troubling the High Court further and I have made this appeal only because I feel I have been misrepresented.

I have the honor to be,
Sir,
Your most obedt. servant,
(Signed) J. A. Davies,
Assistant Magistrate.

(True copy.)

Ag. Registrar,
Appellate Side.

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D G.
5th Feb./72.

G. Varadarayulu

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I could say more in my defence, but I shrink from troubling the High Court further and I have made this appeal only because I feel I have been misrepresented.

I have the honor to be,
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Your most obedt. servant,
(Signed) J. A. Davies,
Assistant Magistrate

(True copy.)
W. Digrane
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Appellate Side.

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6th Feb./72.

Fd 12/2/72

In the Principal Sudder Amin's Court of Madura
Original Suit No 23 of 1872
Between
H, F, Mutukisna Esquire --- Plaintiff
J, D, Goldingham Esquire ..... Defendant

Interrogatories for the examination of the Honorable J, D, Sim, Member of Council Madras, Plff's 23d Witness

1. You are Senior Member of Council?

2. Do you know the Defendant Mr Goldingham and how long you have known him?

3. What sort of a character does he bear for integrity?

4. Do you recollect saying to any one that his (Defendant's) character was so bad that you had never broken bread with him and never shall?

2d May 1872

(Signed) H, F, Mutukisna
Plaintiff

(Signed) A, P, Sreenivassa
Principal Sudr Amin
7th May 1872

[illegible] 12 May 72

Mr J D Goldingham

Pro 24 June 72 - 55

2 copies of the Pros sent to Secy - 9-9

Enclosure 7

In a letter from the Civil & Session Judge of Madura dated 13th June 1872 No 236.

Copy of Interrogatories for the Examination of the Honorable J. D. Sim Member of Council Madras.

Ref 1224/72

Ref 1224/72e

Proceedings of the Madras Government, Judicial Department, 24th June 1872.

No. 55. Read the following letter from J. D. GOLDINGHAM, Esq., Civil and Session Judge of Madura, to the Chief Secretary to Government, Fort St. George, dated Madura, 13th June 1872, No. 236 :—

I have the honour to inform you that the suit brought against me by Mr. Mutukisna has been temporarily stayed by reason of the severe illness of the plaintiff, but certain facts in connexion therewith having transpired, I deem it advisable to bring them to the early notice of Government, as they have no relation whatever to the merits of the case, or the points in issue as raised by the pleadings.

2. The suit was brought ostensibly to recover damages for an act done by me in my official capacity, but in reality to annoy, insult, and defame me, and if possible, by making a public scandal, to effect the results for which Mr. Mutukisna petitioned Government in July 1871. In addressing the Court he incautiously gave utterance to this expression of his motives. The real issue which would have to be determined, said he, was whether *he* should have to leave the district or the defendant, and in the prosecution of this enterprize I entertain a strong suspicion that he has been materially aided and abetted by the Superintendent of Police, Captain Guthrie.

3. I will proceed to show how I connect this officer with this conspiracy, as I may call it, and first I must relate a circumstance that came to my knowledge in the beginning of the year. You will notice that Captain Guthrie deposes that he and I have had no intercourse since about the beginning of February. The reason is this; shortly after I received those two anonymous letters the contents of which I communicated to Mr. Carmichael, and which I attribute to Mr. Mutukisna, and just after Lord Napier's departure, Mr. Mutukisna went to Madras again to petition the Government against me. What transpired I do not know, but I was informed that he was prepared to prefer three charges against me, and I have heard that he has circulated the libels in Madura, (1) that I did not pay the purchase money of the house which I purchased with permission of Government from Vencatasawmy Naick last October. (2) that I had a share in a bond* of 75,000 Rupees executed by a party in a suit before me to a firm in Madras, and which bond plaintiff attempted to foist into this suit; and (3) that I had a man in my private employ who was at the *same* time an Ameen in the Madura Moonsiff's Court, however that could be. To the 1st two libels I need not make any allusion, but in connexion with the 3rd, I was informed through one of Mr. Mutukisna's Gomastahs, that Captain Guthrie and Mutusawmy Chetty, the late Principal Sudr Amin, had volunteered to give testimony. !! Whether it is so or not I cannot say, but I made inquiries, and I learned that Captain Guthrie had been making an inquiry into this matter for Mr. Mutukisna through one of his Police Constables. On hearing this I dropped Captain Guthrie's acquaintance entirely. I need not add that the appointment in respect of which Mr. Mutukisna was prepared to ground a charge was perfectly unexceptionable. I next learned that Mr. Mutukisna was rather unwilling actually to put in the plaint in this suit, after he had prepared it, but that he was urged on to do so by Captain Guthrie. Lastly, after proceedings in the suit had commenced, a message was conveyed to me purporting to come from Mr. Mutukisna, to the effect that, if I would be what he called friends with him (*i. e.*, receive him at any

without appearing [illegible] calling for Captain Guthrie's explanation house), he would withdraw the suit, and then when I became pleased with him, he would give up to me (in fact betray) his bad advisers. I merely mention this to show Government the clue I had, and consequently what led my vakeels to elicit from Captain Guthrie in his evidence certain facts which in my opinion serve to connect him in some degree with this litigation. These facts are that Captain Guthrie, who is the only European who at all associates with plaintiff, has had several interviews with him since the commencement of this suit; that he has had casual conversations with plaintiff regarding me, and one serious conversation relating to this suit, and shortly before the institution of the suit; that he has seen the issues* in this case, and list of witnesses, but he says no other papers. These papers, he admits, were sent to him for his perusal by the plaintiff, and the list of witnesses he rather thinks he sent on to Mr. Snaith. Now Mr. Snaith's evidence is much more emphatic on this point, and it leaves me to infer a certain degree of reticence on the part of Captain Guthrie. Mr. Snaith deposes that he saw at Ramnad the issues, list of witnesses, petitions and counter petitions† connected with the case (in fact all the proceedings held prior to the actual trial); some of these papers were sent to him by Captain Guthrie at his special request, and all of them were sent by Captain Guthrie. The papers, he says, came in two batches, the first without any letter, and the second accompanied by a letter of apology for the delay (owing to Captain Guthrie's absence in Madras). It is clear, therefore, from this alone, that Captain Guthrie has evinced an unusual degree of interest in these proceedings, and that he has been in frequent communication with plaintiff regarding them. I should also state that prior to this, that is from August last year to January this year, there was, as far as I knew, very little communication between them, though their wives used to meet occasionally. Captain Guthrie's deposition is marked No. 1 among the enclosures.

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* This bond was executed eight months after I passed my decree.

4. But there are other facts which are more pregnant evidence than mere oral testimony. I refer first to enclosure No. 4. This is a paper of interrogatories which plaintiff proposed to send for the examination of Lieutenant Porteous, but the Court overruled them as irrelevant. I would draw your attention to questions five and six in particular. Now in reference to these questions I have this observation to make, that Lieutenant Porteous, like many other young Police Officers, was much annoyed when cases in which he took an interest were thrown out by the Court of Sessions, and on one particular occasion he was particularly annoyed at a case being acquitted, as *he* thought the Court ought to have convicted the prisoner, and it has been since reported to me that he did make the statement which the answer to the sixth question suggests. I even noticed that after that he never called at my house when he visited in Madura, so that the plaintiff was not without a just expectation of obtaining a favourable answer to those interrogatories. The question arises, how did plaintiff get this piece of information? Mr. Porteous left the district last August or September, when the bringing of this suit was very problematical. He was only in Madura on passing through, and I doubt if he ever saw or spoke to the plaintiff. He certainly, at that time, would not have made this subject a topic of conversation. Mr. Porteous was Captain Guthrie's Assistant, and

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* He means copies of them of course.

† In this the greatest abuse of me exists.

I say he got this information from him, hoping to have it imported into the record of this suit, as he foolishly thought, to my prejudice.

5. The second circumstance I would draw your attention to is, that in my summons to produce document (see enclosure 5) I was summond by plaintiff to produce a copy of a private letter sent by me to Mr. Davies impeaching the character of Mr. French, Pleader in the Civil Court, and my public proceedings expressing a contrary opinion. See numbers six and seven in the summons. They have no bearing on the suit of course, and I declined to produce them, but their peculiar significance is in the construction which plaintiff, in the summons, places upon the documents, for it was the very same construction, only in a modified form, that Mr. Davies sought to place upon them in his letter of explanation to the High Court. I set that right by a marginal note. The letter was sent to me by the High Court. I returned it in a sealed cover without letting my establishment see it, and the High Court returned it to me in the same cover after perusing it, in order, I suppose, that it might not be on record against the individual it related to, and I have ever since kept it locked up. In the same manner I send it to Government to peruse as enclosure No. 6. Now how did plaintiff arrive at the knowledge that there had been any private correspondence between me and Mr. Davies that had had, or could have such a construction placed upon it? Mr. Davies swears he has never had any communication with plaintiff about me, and that he did not communicate to plaintiff the contents of my private letters to him on this subject, and as their contents could not have been known publicly or officially excepting to me and the High Court, it follows that, in my judgment, Captain Guthrie, with whom Mr. Davies was very intimate, and to whom he poured out all of what he called his grievances at the time, must have imparted to him this information also.

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6. But I come now to the gravest feature in Captain Guthrie's evidence. Having a strong idea for what purpose he was about to be called, I instructed my Vakeels to waive any objection in his case to any question which, though irrelevant, would give him an opportunity of defaming me, for I knew that nothing he said could eventually harm me. I felt that the value of any evidence of this kind would immediately be tested by a vigorous cross-examination, and I also perceived that it was only by some such means that I should be enabled to place before Government the threads of this conspiracy.* Accordingly Captain Guthrie, in answer to one of plaintiff's questions, deposed that "my reputation for truthfulness among Europeans was bad." It is a grave charge to make against any one in the witness box, and still graver against any officer, I do not refer to the individual, but to any officer holding the appointment of a Civil and Session Judge. From the cross-examination, however, the weight due to the testimony will be seen. The imputation, Captain Guthrie says, is the result of an impression which he received from private conversation with four individuals whose names he refuses to give. He cannot say when he first received this impression, nor has he any land-marks to connect it with any special circumstance, nor can he give the grounds for the belief thus entertained by the

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* The Court ought notwithstanding to have prohibited it, and perhaps I was to blame in giving these instructions, but I thought I should have no other opportunity of having this witness on oath in the witness box, and I was most anxious to place matters in such a form before Government that they might see to the bottom of the case upon the record itself.

four individuals. He says the impression was strengthened last Christmas by a conversation with a certain individual, and the most definite place which he could assign as the "locus in quo" was the open air. These conversations were strictly private and confidential, and he cannot say if any one beyond the said four individuals were present on the occasions. Once he said he could not say he had more than one conversation with each individual, and then that their opinion was expressed at different times. Lastly, on pressing him, we elicited that one of these individuals within the last four months had gone to England. Regarding another he says he does not know where he is, and the other two were among certain of the witnesses before the Court, so that by this process of sifting the four individuals became practically reduced to two, namely, Mr. Snaith and Mr. Davies. Mr. Davies denies that he had any serious talk with Captain Guthrie regarding me, but Mr. Snaith, whom I have not seen six times to speak to since he came to the district, admits that he recently attacked my character on his croquet ground. So that upon grounds such as these Captain Guthrie has sworn that my reputation for truthfulness among Europeans was bad. Regarding the constructions and improbable statements in Captain Guthrie's evidence, I would draw your attention to my marginal notes in the deposition.

7. Mr. Snaith's deposition is No. 2 among the enclosures. I have shown in what particulars he is at variance with Captain Guthrie, namely, as to the receipt of papers relative to this suit, but I would draw the earnest attention of Government to two specific statements. (1) Mr. Snaith says "I have participated in plain-"tiff's wish to get rid of defendant from this district. I wish to see defendant "removed more on *public* than on private grounds;" and (2) "his character has "been constantly attacked on my croquet ground. On Thursday last there was such "an attack made upon him by *me* and "another* in Captain Guthrie's hear-"ing." I can say with perfect sincerity I know of no adequate reasons for the violence of Mr. Snaith's hostility or feelings towards me, and that since he came to Madura in October 1870, I have not met him half a dozen times to converse with.

8. Mr. Davies' deposition is marked 3. I send it merely to show that Mr. Davies denies any personal communication with the Plaintiff.

9. Lastly, I will proceed to show how Mutusawmy Chetty is mixed up in this litigation. First I must refer you again to my summons (enclosure 5) and document No. 5, Proceedings sent by Mutusawmy Chetty relative to the character of my Nazir. There were no public proceedings of any kind, but I received a tappal petition charging my Nazir with having gone to the house of an influential person in the town whom I had acquitted the same evening of gang robbery and murder. The Principal Sudr Amin's Daffadar was named as a witness. As far as I recollect I asked the late Principal Sudr Amin to make a private inquiry for me, and he did so. Having this preliminary evidence I investigated the case in the presence of the Nazir, and finding him entirely innocent, I tore up my notes of evidence, because the inquiry being purely departmental it was not fair that the papers should stand upon the record to the prejudice of the Nazir and affect his promotion. Plaintiff's object in trying to introduce this into the record was (1) to attack the Nazir whom

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* He evidently meant Mr. Davies, but we did not wish to elicit it.

he had summoned as a witness, and (2) to show that I was in the habit of *tampering* with the Court records. Plaintiff did not deny in Court that the late Principal Sudr Amin had given him this information, and from the accurate knowledge he displayed relating to the proceedings that were really held, it was clear that he must have done so. I regret Mutusawmy Chetty's attendance was not procurable. When in Madura on the way from Tinnevelly he left abruptly, after intimating that he would be here a few days, and when summons was sent to Tranquebar at plaintiff's instance, he was absent.

10. Secondly, I must refer to a second paper of interrogatories (enclosure 7) intended for the Honourable J. D. Sim, and in particular I would draw your attention to question four. The history of this insolent question being put is this, as far as I have been able to learn. It is notorious here that the late Principal Sudr Amin was personally annoyed when his decrees were reversed, and when he was transferred to Tinnevelly he took it into his head, of course erroneously, that I had had something to do with it. From the time of plaintiff's memorials to Government against me Mutusawmy Chetty avoided plaintiff, but at this time they became friends again, as they were before plaintiff went to England. Then Mutusawmy Chetty went to Madras and saw the Honourable J. D. Sim, but of course I cannot say what passed between them on the occasion. The rumour in the town, however, was that the tenor of Mutusawmy Chetty's conversation was prejudicial* both to me and to my best Moonsiff. At all events there is proof that on Mutusawmy Chetty's return plaintiff had a long interview with him, and upon the strength of that confabulation these interrogatories must have been drawn up. From the absurdity of the question, however, it is highly probable that this was a trap which Mutusawmy prepared for plaintiff to fall into. Then when Mutusawmy Chetty left Madura he is reported to have said "there will soon be a tamasha here," and when he quitted the district he did so *without* taking the customary leave of me, and that after he had served under me more than three years. As soon as the trial is ended I will transmit to Government a copy of the entire record, and the judgment, with such further observations as may then occur to me.

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* Not that I believe the rumour, but I mention it to show the basis on which I entertain the suspicion that Mutusawmy Chetty has connected himself with plaintiff in the matter.

No. 1.

Original Suit No. 23 *of* 1872.

EVIDENCE of Captain T. K. GUTHRIE, Superintendent of Police, Madura, witness for the plaintiff.

Examination in chief. I am the Superintendent of Police in this District, I have held the office since September 1867. In that capacity I have to travel about a good deal in the District, and to communicate with Europeans and Natives of all grades. I have known plaintiff ever since he came into the District. I have no information as to the general reputation of the plaintiff among the people.

Question.—What is your opinion, as far as you know, of my character ?

The Defendent's vakils object to the question, on the ground that individual opinion of character is not receivable, and that evidence of general reputation only is receivable. I also think so and disallow the question.

I have known the defendant ever since he returned from England.

Question.—What sort of reputation does he bear?

N. B.—In this instance defendant's vakils waived their objection to the question.

Answer.—I am not in a position to give any opinion for want of information.

Question.—What is his general reputation as to truthfulness?

Answer.—I cannot answer the question for want of information.

Question.—What is his general reputation for truthfulness among Europeans in the District?

Answer.—Bad.

Question.—Are you aware that the present Acting Collector characterized him as a "liar and a shallow knave?"

Questions allowed by defendant's counsel but disallowed by Court as opposed to law, in that it introduces secondary evidence of the opinion of a single individual, which is certainly not evidence of general reputation.

It is hardly necessary to say the Collector was prepared to deny ever having used such an expression, and when my vakil asked him, plaintiff objected to the question, and it was not permitted by the Court. This is one of many instances showing plaintiff's deliberate intention of offering every insult he could devise.

J. D. G.

Cross-examination.—I have experience of all sorts of natives, both good and bad, and I cannot say of which class I have the larger experience.

Question.—When you said that the defendant's reputation for truthfulness among Europeans was bad, had you any, and what Europeans in mind?

Answer.—I had some Europeans in mind, but decline giving their names or position. I had in my mind three or four persons. No. Exactly four. I know and recollect their names. As regards all of them, I say, that I have come to the opinion I have expressed about defendant's truthfulness from private conversations in my private capacity. I am not under any promise not to mention their names, and yet I conceive I am under an obligation not to give up their names. I mean a social obligation.

Question.—Do you consider that obligation greater than the obligation you are under as a witness?

Answer.—Yes. I cannot remember how far back the first impressions with reference to defendant's truthfulness were conveyed to my mind.

Question—Can you connect this impression with any special circumstance?

Answer.—I have no land-marks in my mind by which I can say when the impression began. This impression came to my mind with more or less force at different times. This impression was strengthened at two particular periods. I remember the circumstances in connection with which the impression was so strengthened. Those circumstances had nothing to do with the four persons I have and had in my mind. The second of these circumstances occurred during the last Christmas holidays. I remember another occasion on which my impression of the defendant's reputation for truthfulness was strengthened. It occurred about the middle of last year. This is the first occasion. I remember none other. I have no recollection whether the four persons I had in mind or any of them had any connection with the circumstance which strengthened my impression as to the defendant's reputation for truthfulness about the middle of last year. In connection with the second circumstance I think I talked to some of the four persons I have had in my mind at Kodicarnel. To the best of my recollection there was nobody present then but myself and the person I spoke to. It was in the open air that I had this talk. That is the most definite description of the place I could give. I still decline to give up the names of those four persons. I do not know whether the person to whom I was talking will have the same scruples to give up names. Mr. Snaith, Mr. McQuhæ, Doctor Gamack, Mr. Fondclair, Mr. Kenny, and Mr. Davies, are witnesses in this case, as far as I know. Of the persons in my mind two are among those witnesses. Of the four persons two are now in the District, and those two are among the above witnesses. The exclusion of Mr. Bliss makes no difference in my answer. The two persons out of the District are alive, I believe. I do not know where they are. One of them has been in England within the last four months.

Question.—Have you ever been in conversation with any one of those four persons about defendant and his bad reputation for truthfulness when any body else was present?

Answer.—My memory does not serve me. All the conversations were strictly private and confidential. I never mentioned to the plaintiff the name of any of those four persons, nor did I give him sufficient information to enable him to discover who those persons were, nor has plaintiff ever attempted to get the information from me, nor does he know who they are, as far as I know. I have been in personal communication with the plaintiff during his residence in Madura. I have had casual conversation with plaintiff about defendant, and also serious ones. I had only one serious conversation with the plaintiff regarding defendant, and that had nothing to do with the administration of Justice in Madura. In that conversation there was no attack upon defendant. This conversation took place shortly before (quite within a month of) the institution of this suit. I am* on the same conversing terms with plaintiff as with defendant. All the four persons whose names I declined to give up expressed their opinions of the defendant's reputation for truthfulness. I cannot† recollect whether any of them expressed their opinion more than once. At the time they expressed their opinion none of them, as far as I know, had any personal difference with defendant, or that they had not.‡ To the best of my recollection they never had any such difference. There was no discussion of defendant's reputation for truthfulness, but the impression upon my mind was formed by the tenor§ of their conversation. So I am not in a position to give the ground of their belief.

* This the witness must know is not the case, and moreover he contradicts it later on.

J. D. G.

† This is contradicted later on.

J. D. G.

‡ Witness must know the state of every one's relations to each other in a small place like this, and moreover the statement is contradicted later on.

J. D. G.

§ Then how can he depose to general repatation.

J. D. G.

Question.—Are you aware whether those four persons are now of the same opinion of the defendant's reputation for truthfulness?

Answer.—To the best of my belief they are all of the same opinion. Something has occurred to indicate that they are still of the same opinion. *That* something is receipt of letters and conversation, both of which were private. I can swear that I have not communicated those conversations or the contents of those letters to strangers. I have not shown any of the letters of one of the four to any of the others or mentioned their contents. Those letters contained matters other than remarks about the defendent's reputation for truthfulness. I never spoke to defendant on the subject of those conversations or letters. I am unable to define the present state of feeling of any of those four persons towards defendant, nor can I indicate it. The state of feelings of two of those persons who are witnesses in the case is hostile to defendant. I noticed the indication of hostility in both of them till yesterday by personal observation on one and the same occasion. This also was in the open air. It was on a croquet ground. Others were present within hearing. I cannot say which of the persons present were within hearing. To the best of my belief, I took part in that part of the conversation which indicated hostility to defendant. I did not indicate my hostility to the defendant then, I had a feeling of pity for the defendant. At that time my feelings towards defendant were neither friendly nor hostile. To the best of my belief defendant had not a friend within hearing of that conversation. I did not give to the defendant indication of what took place, nor have I ever intended to do so. My present feelings towards defendant are neither hostile nor friendly. I was once very intimate with him. It was a private matter that put an end to it, but left behind a certain amount of friendship. The first matter which put an end to our intimacy occurred after the hot weather of last year. Again we became intimate at the desire of the defendant. Well, by mutual arrangement; the friendship lasted for three or four months. The renewed intimacy lasted till about the beginning of last February. We are neighbours, but in point of intercourse we are not

How reconcile these two statements.

J. D. G.

neighbourly. I cannot say I can associate any other than the four persons already referred to, with my impression as to the defendant's reputation for truthfulness. The opinions of those four persons were expressed at different times.* I have no objection to state the serious conversation I said I had with plaintiff about defendant.† It related to this suit. I was present when the plaintiff was speaking about the suit. He spoke to me also about it. I was one of those to whom he spoke. This took place both in my house and in plaintiff's house. I saw the issues in this case and the list of witnesses, but no other paper. The papers I saw were in my possession for a few hours. They were sent to me for my perusal by plaintiff. I sent the list of witnesses to Mr. Snaith, I rather think I sent him paper of issues also. Mr. Snaith, I believe, is not on friendly terms with defendant. I sent the papers on to Mr. Snaith to Ramnad, knowing that he was as curious as myself to know the course of the suit. As far as I understand, Mr. Snaith's curiosity is just the same as that of other Europeans‡ in the district. I received, I believe from plaintiff, a printed copy, in common with other gentlemen at the station, of the order of the High Court reversing defendant's order against plaintiff. Besides what I have already stated, I have another reason for believing defendant's reputation for truthfulness to be bad. I was present in the Court when defendant was examined, and that is the reason, and I have none other. I was present only during a part of the defendant's examination. Of course I do not know what effect the other part of his evidence would have produced upon my mind if I heard it. Before defendant came into Court, on the day his examination commenced, his counsel intimated to me that my presence during his examination was not thought desirable. This was intimated to Mr. Snaith also, who was in Court. Mr. Snaith replied that he was prepared to leave, if the Court ordered, but not upon the defendant's order. There was nothing offensive in the manner of Mr. Scott's request to me and Mr. Snaith. I was scarcely willing to leave. The whole thing was referred to the Court by me, and the Court allowed us to remain in Court during a part of the defendant's examination. I have no knowledge of the cause of difference between defendant and Mr. Snaith, or of the cause of its continuance.§ I was present during apart of the defendant's examination. There was nothing in the defendant's statements which led to my last impression of his untruthfulness, but it was his manner that had that effect.

* This is contrary to what he said before.
J. D. G.

† Plaintiff objected to it being given, and as plaintiff had not put himself in the witnesses' box and was conducting his case in person we did not press it.
J. D. G.

‡ No other Europeans have evinced curiosity that I know of.
J. D. G.

§ Is this to be credited?
J. D. G.

Re-examination.—The two witnesses, who I said were two out of four persons I had in my mind, are thoroughly honourable, upright gentlemen. The other two who are absent are also of the same character. I believe the defendant has not a single friend among Europeans in the district.¶ I have had several interviews with plaintiff since the institution of the suit, but he did not in the slightest degree indicate to me what I was to prove. I am the only European gentlemen now in Madura known to plaintiff since he came to the district. The others are all gone except Mr. Fondclair. In the interviews I have had with the plaintiff since the suit, he never intimated what his other witnesses or any of them were to prove. I have certainly never shown to plaintiff any of defendant's letters to me.

¶ This the witness must know to be incorrect, as he knows who are my friends perfectly well.
J. D. G.

/a

I have heard this read. It is correctly taken.

(Signed) T. K. GUTHRIE.

Taken by me in open Court, this 31st May 1872.

(Signed) A. P. SHREENIVASSA,
Principal Sudder Amin.

No. 2.

Original Suit No. 23 *of* 1872.

DEPOSITION of Mr. J. F. SNAITH, Acting Judge of the Court of Small Causes, Madura, and witness for Plaintiff.

Examination in chief.} I am Acting Small Cause Judge of Madura. I do not recollect when I returned from Ramnad to Madura last year. I think it was about the end of August. I cannot remember when plaintiff first appeared in my Court after that. Plaintiff has often appeared before me, but I cannot say when, without referring to records. Plaintiff continued to appear before me till I went to Dindigul last time. I cannot remember whether plaintiff was engaged to appear before me in the case of Burby and Ramalingam in Dindigul. Whenever he appeared before me he behaved with due respect to Court. I have no means of judging whether plaintiff has recently lost practice in my Court. I have noticed no difference. I have no intercourse whatever with defendant, and how can I say from personal knowledge what the state of his feelings is towards plaintiff. I have no means of knowing that the defendant wished to get rid of the plaintiff from the district. It is easy to see from this suit that each of them wishes to get rid of the other.

Cross-examination.—The other day I think I heard plaintiff say that he or defendant must leave the district. I was gazetted to this District on 11th October 1870. I think I joined the District in November. I know that in a case brought by Mr. French before me he was examined by this plaintiff. I recollect that the plaintiff did not appear before me in Dindigul in the case of Burby and Ramalingam Pillay. I noticed no difference in plaintiff's practice till I went out on circuit in January last, when he did not follow the Court. His not following the Court has not made any impression upon my mind as to falling off of plaintiff's practice either one way or the other. It is impossible for me to say what effect defendant's order had upon plaintiff's practice in my Court. A printed copy of the High Court's order reversing defendant's order against plaintiff was sent to me when I was at Ramnad. After the last recess, my Court re-opened at Ramnad on the 26th June, copy of the High Court's order was sent to me with plaintiff's compliments. I saw at Ramnad, issues, list of witnesses, petitions, and counter petitions connected with this case. Some of these papers were sent to me by Captain Guthrie at my special request. All of them were sent by him. The papers came in two batches. The first came without any letter. The second was accompanied by a letter of apology for delay in sending them. I cannot tell when I requested Captain Guthrie to send me the papers. I particularly asked for list of witnesses to see whether I was cited. Defendant and I are not even on bowing terms. It was both idle curiosity and state of my feeling towards the defendant that made me desirous of seeing those papers. There were also other reasons both of public and private nature. I have participated in plaintiff's wish to get rid of the defendant from this district. I cannot remember having done anything to get rid of him from the district. I have no other sympathies with plaintiff in this suit than a wish to see justice done, and I hope it will be done.

Question.—Have you any sympathies with the plaintiff?

Answer.—I agree with the High Court's order. I wish to see the defendant removed from the district more on public than on private grounds. His character has been constantly attacked in my croquet ground. On Thursday last there was such an attack made upon the defendant's character by me and another in Captain Guthries' hearing.

Re-examination.—There were memorials to Government praying that my Court might be allowed to sit always in Madura instead of going on circuit, and that prayer has been granted. I never directly intimated to plaintiff my wish to see defendant transferred. I might have expressed that wish to others. I am a most unwilling witness in the case, and very much regret the evidence I have given.

(Signed) J. F. SNAITH.

Taken by me in open Court, this 3rd day of June 1872.

(Signed) A. P. SHREENIVASSA,
Principal Sudder Amin.

7. Public Proceedings held by the Defendant about Mr. French, with an opinion contrary to that contained in the aforesaid private letter.

8. Order of the High Court on the above subject.

9. Vakeel's Sanud returned by the Plaintiff to the Civil Court.

10. Register of Vakeel's Sanuds returned and cancelled subsequent to 20th April 1868, or the orders passed by the Defendant on the subject.

11. Proceedings of the Madras High Court, dated the 29th March 1871, in Calendar No. 10 of 1870, on the file of the Sub-Magistrate of the Pulney Hills.

12. Copy of a letter sent by the Defendant to Mr. Mayne regarding the Plaintiff after the reversal of the order passed for his suspension was known.

13. List of the Civil Court Vakeels appointed subsequent to the 17th July 1871, the date on which the High Court reversed the order of suspension of the Plaintiff; or the orders passed for the appointment of those Vakeels.

14. Explanation given by the Defendant regarding the petition presented by Plaintiff to Government complaining of the order of suspension passed by the Defendant.

15. Letter or letters sent to the Defendant by his father about the Plaintiff, previous to the date of his suspension.

No. 6.

From J. A. DAVIES, Esq., Assistant Magistrate, Madura, to W. McQUHAE, Esq., Acting Magistrate, Madura, dated 20th January 1872, No. 8.

With reference to the Proceedings of the High Court, No. 2025, dated 18th December 1871, I have the honour to request that you will kindly make the following representation on my behalf to the Chief Justice and Judges.

2. I beg to state that I was completely taken by surprise when I read the order, for I had no idea that I had been contumacious. The whole matter was, for my part, at the most but a misunderstanding. Now, as I find the Judge made reference to a private letter, I have referred to it, and I find that its tenour is not as stated by the Judge, begging me to receive Mr. French, but that I should obey the further order of the Court. "I do beg of you not to disobey the further order of this Court." I received this note on the evening of the 7th. On the very next day, the 8th,* the report against me was written, although no further order was sent me, nor† did Mr. French again appear and present his vakalut as intimated in the Court's letter. I beg to assure the High Court that I waited anxiously expecting that further order, and if it had come I should of course have obeyed it at once.

* The Court's letter must have been inadvertently dated the 9th, for the Court was not sitting on that day nor for five days afterwards.

† This error I also corrected in my letter to the High Court.
12th June 1872. J. D. G.

3. I am exceedingly sorry to follow the Judge's example in referring to the private correspondence in the case, but it is so intimately connected with the Public Proceedings, that in justice to myself, I am bound to do so: so that with reference to the Judge's remark that my charge against Mr. French was "trumpery," I regret to say that I have in my possession another letter written on the same matter, in which the Judge characterizes Mr. French as a "horrid rascal" and "as tricky as he can be."

I am sorry to say Mr. Davies has given a gartled version of the expression used by me. The letter in question was written in answer to one Mr. Davies wrote to me which I tore up, but as far as my memory serves me, Mr. Davies wrote to me as a fact "that Mr. French had a Goomastah listening to the evidence as it was taken and then going out and passing to and fro, communicating with the unexamined witnesses." In answer to this I said "I have no doubt that man is a horrid rascal, indeed I know he is as tricky as he can be."

When, however, Mr. Davies came to state his reasons in an official document, no wonder I described then as "trumpery."
6th February 1872. J. D. G.

4. It was this seeming approval on the Judge's part that threw me off my guard, and so gave cause for the censure which has been passed upon me, but which, with my repeated assurance that I had not any intention of disobeying the Civil Courts' order, I earnestly trust the Honourable the Judges of the High Court will now allow themselves to see, was not deserved.

5. I could say more in my defence, but I shrink from troubling the High Court further, and I have made this appeal only because I feel I have been misrepresented.

No. 7.

IN THE PRINCIPAL SUDDER AMIN'S COURT OF MADURA.

ORIGINAL SUIT NO 23 OF 1872.

Between

H. F. Mutukisna, Esq., … … … … *Plaintiff.*
J. D. Goldingham, Esq., … … … … *Defendant.*

Interrogatories for the examination of the Honourable J. D. Sim, Member of Council, Madras, Plaintiff's 23rd witness.

1. You are Senior Member of Council?

2. Do you know the Defendant, Mr. Goldingham, and how long you have known him?

3. What sort of a character does he bear for integrity?

4. Do you recollect saying to any one that his (Defendant's) character was so bad that you had never broken bread with him and never shall?

2nd May 1872. (Signed) H. F. MUTUKISNA,
Plaintiff.

7th May 1872. (Signed) A. P. SHREENIVASSA,
Principal Sudder Amin.

No. 56. ORDER THEREON, 24th June 1872, No. 868.

These papers will be referred to Mr. Snaith, and to Captain Guthrie, for such explanation as they may wish to submit to Government.

(True Extract.)

Acting Under Secy. to Govt.

To J. F. Snaith, Esq., Madura.
" Captain T. K. Guthrie, Madura.

[illegible] as that time [illegible]

[illegible] with Newport [illegible]

[illegible] C. D. [illegible]

[illegible] to [illegible] many things

my public letter which is

[illegible] which was condemned

[illegible] day and one of the [illegible] interfered

[illegible] further than [illegible] obtained

[illegible] Captain Guthrie [illegible]

[illegible] the [illegible] documents [illegible]

[illegible] concerned in it. Instead

[illegible] quite [illegible] that Captain

[illegible] alone has [illegible] any [illegible]

[illegible] with [illegible] on the subject

[illegible] certain matter

[illegible] which I submit the

[illegible] called upon him to explain

[illegible] in the most emphatic manner

[illegible] participated in [illegible] desire

[illegible] removal from the district

[illegible] public than private grounds.

[illegible] my information [illegible]

[illegible] made [illegible]

[illegible] believe [illegible]

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Madura. 31 May/72

My dear Mr. Ellis

I write you a line to let the Govt. know that the suit agst. me has commenced — I was in the witness box 14 hours — and we consider our case proved already — But the trial will extend over a week & it will take some time before the Judge can write his judgment. It is simply scandalous the whole thing for reasons which will

Madura - 3rd June/6

My dear Mr Ellis

This abominable case is progressing slowly but I think I have elicited the fact that Capt Guthrie is at the bottom of this conspiracy. Mr [illegible] is taking a very active part agt. me in the case but his examination has to come on today. I must however report at once that Mr [illegible] has thought fit to prefer a criminal charge agt. [illegible] under Sec 411 for being in dishonest possession of a pamphlet written by him & printed & distributed

to Lord Napier — I can't help
his bringing the charge ~~&~~ but
I fail to see how in law I
am to blame for detaining
the pamphlet — and using it
in this suit as evidence in
particular facts — but that
I will put the Govr: in possession
of the whole facts — this pamphlet
I do not know whether you saw
or not — but it was the original
pamphlet that Mr: McClukeson
showed to Lord Napier and
upon which his Lordship asked
if he had any charges agt:
me to make them officially —
In fact it was a libel agst me
& was professedly printed for
private use — In Aug. last year

it was shown to me by a certain
person & I asked if I could
keep it — He said he had to
return it to the party who showed
it him so I caused a copy to
be made of it & returned it.
Some ~~little~~ time after this
it was again given me & I was
told I could keep it as there
were plenty ~~of~~ of them — I
kept it closely from the reason
that it bore on a statement
in Mr. Ms hand writing sub:
=mitted by me to his Ex: the
Govr: at a private and confi:
=dential interview — May 29/1671
Being a libel agt me ~~as~~ I
understand the law I had a
perfect right to detain, des:
=troy or do what I pleased

with it — In some loose con-
:versation I may myself have said
"some rascal must have taken
it out of Mr's desk" and this
loose conversation must have been
conveyed to Mr. Ka— by somebody
& that somebody is Capt! —
Mrs. Guthrie
Since I gave my evidence I have
learnt that the identical
pamphlet was being publicly
read out in the Bramin
Street and that several copies
of it have been distributed
I have no criminal reports
in my library as they are seldom
~~[illegible]~~ required now that the
Bench work is so lack of capita-
:tions & therefore [illegible]

2.

I request you to refer the particular facts to the Gov: Law Officers that I may put the [illegible] an appearance in the hands of my [illegible]. In one case I remember a man whose photograph & his wife's was exhibited as "beauty & the beast" in the photographer's shop window & I think he was held justified in smashing the window and tearing them up. The particular point I required the pamphlet for is to show that I could not possibly have been aware of its existence when I

proposed what I consider was
a most injudicious letter
of Mr. McMahon's & it
is on this & this alone as far as he goes that
he tries to set up I acted
in bad faith. —
As far as the merits of the
particular case go, neither
myself nor any unprejudiced
person have a doubt that
it must be thrown out —
in fact the more it collapses
the more vindictive & abusive
& insulting the Pl. is —
I don't know when it will be
finished. Pl. has only examined
4 witnesses & it is upon

Capt. Guthrie's own evidence they
& convict him of being the
prime mover in this conspiracy.
~~We cannot ask~~ I will give
the Govr. the key to unlock
it — Capt. Guthrie & Mr.
Twills have endeavoured
but failed to make the Col.
quarrel with me on the
subject of Mr. Davies — they
both desire most cordially
my removal from the district,
& to effect this Capt. Guthrie
has set up Pl. to bring this
suit & supplied him with
information because he
thinks in the High Ct. under
things in a prima facie case

kept me. — Then if they are
Practise fails they hope the
next Judge will be moved
into the Jenkins, & that they
~~should~~ will get my house as a
Cheap [illegible] —
Plt. let this drop in an un-
guarded moment he said
"the ~~usual~~ real issue to
be determined in this case
~~is~~ whether Plt. or Deft.
has to leave the district."
[illegible] we pressed to have
the expression recorded, he
said he made it in the
heat of passion — In my
cross examination by which
recalled my memory to

Madura – 8th June/72

My dear Mr. Ellis

I heard a report that you were going home. I do hope it is not the case at present for you are the only member of the Govt. that has any personal knowledge of things in Madura –

Mr. Muttoo Kisna has been taken violently ill & spitting blood &c I suppose from the re: [illegible] of his business & so the suit can't be proceeded with at present – he hopes to be able to go on on Tuesday. If I have completely [illegible] every word [illegible] in the matter or rather P.C. has proved it for me by his own evidence, & the P.S.A threw out a hint that he was able to pronounce judgment now, that is, what nobody could have doubted namely that the suit would be dismissed —

I shall not however delay submitting an official report on Capt Guthrie & Mr Snaith. The former is at the bottom of this suit & if you ask Mr Waters he will tell you so. as he knows it —

Snaith is simply a maniac for enquiries I have made I have learnt that Mootoosawmy Chetty the late P.S.A — has persuaded him that I take bribes & I am told Snaith has been spreading a report to that effect in Madras — I am making enquiries & if I hear any thing definite I will let you know.

I should also shew ~~how~~ Mootoosawmy Chetty has identified himself with Matakisna —

One more thing I must mention when Mootoo went to Madras the other day in Feb — he went up to spread more libels & in order to enable him to substantiate our charge Capt Guthrie I am credibly informant made an enquiry for him through one of his police constables - I will allude to it in my report - I never came across such diabolical treachery in my life - But you will be able to see through his evidence without my commenting upon it - the ridiculous part of the case is that none of these gentlemen that Pl. has put in the box have the slightest knowledge of anything relating to the cause of action -

I remain

Yrs Sincly

J. D. Goldingham

PS.
My court adjourns on 15th July & we are coming up to Ooty and I propose to bring up the whole record.

Madras - 9

My dear M

In reference to

yesterday I en

letter I received

this morning

is so important

myself but to

large I do n

in sending it

is so difficult

can send it if

I have draft

report & I ho

will go: by

Yrs

J.D.

sible for Canbe

there is the fact

a man who

e in doubt of

is speaking

ted silence as I li

ributes permissi

ome in the

Dundigul
8 June /72.

My dear Goldingham

Yours of yesterday reached me this morning in just the time to catch me before starting for Madras.

I certainly have heard the rumours you allude to, & have taken prompt measures to stop them. As those repeating the false stories in my hearing, have on my refutation of the lies, made the amende honorable I can not allow their names to appear in print or indeed at all.

So far as I am personally concerned you have my permission to use my own name — but I should warn you that I am prejudiced agst. Mr. Snaith, that I think he is a most mischievous man to have in this or any other district, as an official; as a private individual & unconnected with Gov:, he would be a nuisance from his rash, unguarded & very manner of speaking of people, damning characters on insufficient grounds or evidence & by his generally iniquitous & [illegible] given behaviour

As a Govt Official I think he is positively dangerous, that is situated as our Government is in India — indeed I feel convinced that had he not openly and (irascibly) declared that [illegible] the Indigo & the recognised bona Official & Social of district society were guilty of bribery & corruption, the great scandal of the trial in Madras would never have occurred.

I have the confidence of a number of natives within this district & they are of the same way of thinking —

x x x

then follows what has no bearing on the matter & signature

(E. Campbell)

true extract —

/ O. Tolleigh

Madras 10 June/78

My dear Mr Elliot

I thank you for your letter of the 1st instant & extract and your thanks to the title in 2 days [illegible] & send it to [illegible] & by that time I hope the [illegible] will be in a deal.

I must defend the [illegible] the position he was placed in was most delicate & you will find the [illegible] & [illegible] in [illegible] with [illegible] but the [illegible] had the greatest difficulty in keeping the [illegible] neither [illegible] both conduct-of Mutukisna in conducting his own case — I will make this the subject of an other communication as I do not understand the H. C. allowing Plff to remain an advocate after seeing the records — the Plff was suspended for a time after trial of that Mutukisna then [illegible] to declare he was not getting a fair trial & he would carry the case to his own [illegible] to the Privy Council & then he used to wind up by saying the objections of my [illegible] were only raised to exhaust him. the Plff was placed in a very unpleasant position — It does not harass me now half so much as you would think because I have never done anything that would not bear the light of day & I have great happiness in my home circle — the anxiety however has retarded my wife's recovery after her confinement — For a few days my business was stopped but I had a light lapse & regained my position — Many thanks for your kind letter — I am quite sure of course that that pamphlet of yours doubled its means as ready for confirmation of my impressions — It was valuable to my case to show that whatever feelings I may have had now towards Plff, I had none when I passed the order & none until I received a copy of his memorials — As he wanted to make out I passed the order because of that pamphlet, the cor-documents on it in his handwriting became most material to show that I could not have known of it previous to its submission to the Nabien — the irrelevant matter was to be accepted because Plt. placed it there, but the P. T. O. has rejected most of it except in one instance this also you will see noted in my first report.

The great deal of irrelevant matter I accept at the next testimony in rebuttal, the Pltff. never stated my case & he is building it up in rebuttal by rebuttals &c. so really don't know what to meet. The P.T.O. was in fault there certainly — he in- stance made Plt. state what-

he was going to produce [illegible]
what witnesses — Not one of
his documents have any bearing
on the case, & of course we shall
move to have them rejected.
Our case can't come on till
this is over, but as I said
my bona fides is proved
absolutely by the witnesses —
& the public documents I put
in during my examination. —
We are interested in examining
a few witnesses as to the character
in mitigation of damages
though — if our case is proved
it will be useless & it would
perhaps be better to reserve
this for a departmental enquiry
as I certainly shall have

to address Honble Govt on the
subject — at once —
judgment was given the 15th July
& I hope to be at Ooty
by the 17th. I will send
copies of the record as soon
as judgment is delivered
and they can be prepared
— & when I get to Ooty I
should be happy to wait
upon the Govr. and explain
anything to the Commissioner:
till this business —
I remain
Yours Sincly
J. D Goldingham

Malvern - 24th June 72

My dear Mrs Ellis

To prevent your wondering what is going on [illegible] today the case is adjourned & I was in hopes that L. J. would give judgment to day. On Saturday however the PP. represented he would require 2 days to address the Court in (which is absolute nonsense) & accordingly the further hearing is fixed for Wednesday. Thursday to Friday — I am getting the records copied as quickly as I could take — I am afraid I shall not be able to bring it all before Gov. before the end of the first week in July, as it will take two days preparing & copying the formal judgment — I will communicate the result as soon as it is known, but of course it must be in my favor entirely

By the way I want to know what the Gov. wish

about printing copies of the papers — the application has been made — both by the Times & [illegible] — I told my vakeel to suggest to the Court that copies of the Judgment not be permitted to be communicated the fact to Gov. & until Gov. had the entire record before them — of course the papers are anxious to have them & if the Court or my vakeels withhold them, they will get them from P.O. The Hurkaru sent a young man a Mr. Guest here to pick up information, but they permit not to make any comments till the case was decided. I suppose you saw the article in the Times of the 18th. This is incorrect in part, but substantially true according to my view of the matter.

Believe me

Yrs. Sincerely

J. D. Gottingham

Most Respected Sir,

I respectfully beg to acknowledge the receipt of your honor's kind letter and to state that I have given strict instructions to the Servants of the Principal Sudr Amin's Court to prepare correctly the records which are to be submitted to Government. I think it will take a week or ten days for these to be sent. They are under preparation. The Judgment has yesterday been fully completed and a yadasht is put for copies. It will soon appear in print. The Principal Sudr Amin attends the Court regularly 3 times a week and I will see the records sent to Government soon. I am unable at present to give your honor a correct and complete information regarding the pamphlet owing to the Nazir's absence. I got it from him at the Court House and gave it to your honor. He will be here about the 15th of next month when I shall obtain the necessary information from him and inform the same to your goodness.-

What Nazir Kristniengar told S; Soobromoniah Iyer as far as I can learn from the latter is this. One Coopoosami Iyengar was a Gomastah under Mutookisna from about the end of August or beginning of September until the 20th of October. The Copy of the pamphlet in Court with other Copies were left in a table drawer used by him with Mutukisna's knowledge. This Copy was seen by Nazir Kristniengar in his neighbour Renga Row's house, pro:=bably in the hands of Renga Row. He took it from him read it brought it to the Court and had it several days with him and lent it to others for to read.-

Coopoosami Iyengar has written Mutu=Kisna's name on the pamphlet. He used to borrow books from Mutukisna and left Mutukisna with a good conduct Certificate.

S; Soobromoniah Iyer tells me that the following persons are likely to give some evidence or other in regard to the pamphlet. 1 Coopoosami Iyengar, 2 Ringa Row, 3 Renga Row, 4 G: Kristniengar Nazir's brother, 5 K; Kristniengar Nazir, 6 A, Streenivassa Row Gomastah of our Court, 7 C, Ram Row Tahsildar of Nellore and 8 Vencatachellam Pillai a Gomastah of the Principal Sudr Amin's Court who is said to have been in possession of another Copy. When Nazir Kristniengar comes I will ascertain from him if all this is correct and whether he knows more and let your honor know.

Mr Scott is ansciously looking out for the speeches as soon as he learns that they are not to be printed he will get a Copy and give it to me. Mr

Scott has not seen Colonel Roberts, but he has seen Mr. McQuhae and hopes the article in the Mail will be corrected as he has taken steps to have it done.

The rumours here about Mr. Smith are very various. Ceylon, Pulney, Madras and Benares are mentioned but Ooty is suspected. I am told that his public letters are all kept here by his Sheristadar and his private letters by Doctor Gamack.

I beg to send for your honor's Signatures and return Statement of Fees & Fines, Contingent Quarterly Statements, and Precept for Assessors. I have not as yet received the Magistrate's Quarterly Return.

With due respect
I beg to remain
Most Respected Sir
Your most obedient and very
humble Servant and dependant
J. Atkinson

Madura
24th July 1852

My dear Mr. Elli

I received from Ma
some of the remaining pape
of the Dacoi case -
also the records of the Cri
showing him that object
took leave & for what purp
& for what time -
also a private letter fro
[illegible] [illegible], though
cause you can't act upon
it will get you
where the Govt can get fu
ther information to be
have indirectly by Mr.
Smith & Capt. Pathre

Abergeldie
6th June /72

My dear Ellis

I entirely agree in your view on the subject of Coldingham's note which you sent me yesterday & which I return. He must get the legal opinion himself if he wants.

We can do nothing evidently & accept the decision which has gone so far.

I dare say you will

have learnt before
this reaches you, that
I am called away
suddenly & to Scotland
in consequence of Ruth's
dangerous illness.
It is very bad for I fear
from my wife's telegram
that the danger must
be great.
I go by this afternoon
train.

Yours very sincerely

A. J. Arbuthnot

Madura
3rd June 1872

My dear Mr Ellis

The criminal charge of which I wrote yesterday is in abeyance for the present. Mootookeina has not given his deposition on oath nor can he do so while this suit is before the Principal Sudder Ameen & I think it is likely to last many days. So far as I am informed all the facts are admitted. A pamphlet of some kind against Goldingham & addressed to Lord Napier was brought to Goldingham by some one and he kept it & filed it in Court & we shall

take care that this
charge is not allowed
to become such a scandal as
the suit in the Civil Court has been
I was examined in the suit and
it appeared I had been brought
there very much on speculation
Mr. Mootookisna asked Goldingham
- Do you know that the Collector
considers you a shallow knave
and a Liar ?
When I was examined Goldingham
Pleader proposed to ask me
whether I had ever said anything
of the kind - Mootookisna
objected to the question & after
argument I was not allowed
to answer the question

All this sort of thing produces the worst effect upon the natives Mr. Smith deposed that he participated in Plaintiff's wish to get Defendant removed from the District. I consider it essential that Govt. should see those depositions

If the servants of Government have any distinct charges to make against Goldingham's public character I conceive they should make them to Government If it turns out that they know nothing definite or serious and that they want Goldingham removed merely because he is generally unpopular, then I think

This is the 'fons et origo' of the matter [illegible] [illegible] [illegible] [illegible] [illegible] any

Madura
2nd. June. 72.

My dear Mr. Ellis

I think I ought to report to you that the State of this District will soon require the serious consideration of Government. When Davies was removed Lord Napier wrote to me that Govt. insisted upon harmony between the District Officers. Mr Mr. Innault the Small Cause Court Judge and Captain Guthrie the Supt. of Police do not live in harmony with

the Judge and the
extent to which this ill feeling
has grown is matter of public
scandal & renders the life of
other people miserable
I should mention that Captain
Guthrie has sworn in Court that
he entertains no hostile feelings
towards the Judge but only
pity - However that may be
Mr Snaith has not been on
speaking terms with the Judge
since I came to the District
and though Captain Guthrie
has sometimes been on friendly
terms with the Judge such

friendship has been only a dangerous truce. A suit is now being tried by the Principal Sudder Ameen between Muttukissna & the Judge which has given rise to great public scandal the question of Goldingham's character having been imported into it to a considerable extent though this is not material to the issue - I think that Goldingham must lay the whole of that suit before Government and I know very little about it having purposely kept away from Court. In fact I am a witness though what they cannot say that I rendered my evidence unavailable. The enquiry I refer to is the preliminary to the issue of any process. It is impossible to issue a Criminal process against the Judge of a District while he remains on the Bench and if we conclude that he has committed a Criminal Offence I think we ought to submit the depositions to Govt. before putting the Criminal law in force. Any other course would cause

Great public scandal which is I fancy much desired by the parties preferring the Complaint – The charge is merely that Goldingham caused a paper which he had filed in Court to be removed from Mutthukisnai's box. The paper is said to contain a libel against Goldingham but I have not seen it. It does not appear to me at present that any criminal act will be established sufficient to warrant the issue of any process against Goldingham. The witnesses are Guthrie Smith Davies, myself & some others. Mutthukisna said he wanted me to speak to a conversation which took place I think in the presence of Bliss Goldingham & two Ladies. None of these persons being on speaking terms with Mutthukisna the question arises how did such a conversation reach him?

Neither Blossom I could have
mentioned it to any one except
perhaps some English Gentlemen
at the Station and if it be
shown that Captain Guthrie
has been comforting & assisting
Mutter Kesna giving him
information & egging him on
then I beg to state that
Captain Guthrie & the Judge
cannot retain their present
Official positions in this District
They cannot serve together
I have asked Mr. Thornhill just
to mention to you the present state
of things here I have been a great
deal away from Madura & am not
in possession of many facts and yet

Yrs sincerely
Wm Luker