

CONFIDENTIAL - GO

Spec. I (I)-L-10,006-7-10-70.

(1) Number of pages 30
(2) Date of repair _____
(3) Initials of the Referencer _____

TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

JUDL DEPARTMENT

CONFIDENTIAL - GO

G.O. No.	1351	~~Pres~~
B.P. No.		Mis.
Dated 27-6-1887		197

Not to be folded or roughly handled

259

In the Court of the District Magistrate
of Malabar in Calicut.

The Duram Express versus
Henry Thomas Ross.

Complaint.

The complaint states as follows:
That on the 1st day of July 1877 complainant was lawfully married by the Revd. Warlow at St. Stephen's Church, Patacamund, to Mary Augusta Morgan, his present wife, and that complainant and his said wife afterwards lived together at Patacamund, Coimbatore, Manantoddy in W. C. C., Calicut and lastly at Patacamund.

2. That during complainant's absence in the period between the 25th day of December 1884 and the 16th day of February 1885, the above named accused Henry Thomas Ross C. S. committed adultery with the said Mary Augusta Morgan, complainant's said wife, on distinct occasions.

well knowing that the said
angusta morgan was complainant's
lawful wife, and thereby com-
mitted an offence punishable
under Section 197 of the Indian Penal
Code.

That complainant discovered
only on the 11th day of April 1887 that
such offence had been committed,
and on the 17th day of May 1887 placed
the matter in his solicitor's hands. The
interval between the 11th of April
and the 17th of May 1887 having been
employed by complainant in
obtaining further evidence.

The complainant prays the
Court to deal with the accused
according to law.

Signed Rhodri morgan

Dated 13th June 1887
Calicut

True copy,

Whiggen

D. in t. m. m. m.

To letter 7222 June 1887 R. A.

The Complainant's name - Henry Rhodri
Watson Morgan
Father's name - Henry Rhodri Morgan.
Residence - at present at Calicut.
Age - 35 years.
Profession - Deputy Dy. Conservator
of Forests.

On solemn affirmation says:-

I cannot give the exact dates
of the six acts of adultery charged,
but they all occurred within the
dates mentioned in my complaint.
I have no personal knowledge of the
facts complained of. I propose to prove
them by the evidence of witnesses and
by documentary evidence. The first
act of adultery, according to the evidence
I have obtained, took place in a
bullock coach between Calicut
Club and Florican House. The second
act to the best of my belief occurred in
a bullock coach between Calicut and
Florican. I have made a mistake
as regards the first act of adultery;
it was completed before Florican was
reached. Florican House was our
residence in Calicut. The third act was
committed in the bed room next the

on the 28th December 1884 to take
charge of the Head Quarters of the
District during my absence in the
Lac Erud Saluk while engaged in
suppressing the Mappilla outbreak
of December 27th, 28th & 29th 1884 and
he remained in Calicut till the
end of the year and for some time
afterwards on the above mentioned
duty.

4. The complainant was
during the same time (with the
exception of a day or two, I think)
absent under my orders in Orund
busily engaged with the Forest
Settlement Officer, and his wife
resided by herself in their house of
Florican at Calicut.

5. Some at least of the various
acts of adultery alleged to have
been committed at Florican or on
the road thither are said to have
taken place while the accused
was a guest in my house at East
Hill and it will be, looking at
the relative official positions of

as above explained, extremely vexing
to me (to use a mild expression)
if it should be proved that such
an intrigue was carried on while
the accused was a guest in my
house and while the complainant's
wife was a frequent visitor there.

6. Moreover, the complainant
has shown me the papers on
which he relies to prove his case
and I find that he proposes to
file a letter of mine in order
to prove a correlative fact,
and it is possible that I may be
cited by one or other of the parties
as a witness to prove other
correlative facts.

7. It appears that some of the
witnesses are at Ootacamund
and some at Calicut, and the
complainant has informed me
that it would be equally con-
venient for him to have the case
tried at Coimbatore.

8. Looking at the position of the
parties and the nature of the case,

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living room of Florican House.
The fourth act was committed in
the upstairs spare room of the detached
building of Florican House. The fifth
act was committed in the cantina
jungle of the compound of Florican
House. The sixth and last act was
committed in a bullock coach
between Mr Leggatto's house in Calicut
and the Calicut Church. I believe
that to be the sequence in which
these acts occurred.

By complainant's Counsel, Mr Leggatto.

I include my wife among the
witnesses. My information is
derived from the written admission
of my wife in part, written in her
own handwriting and voluntarily
delivered to me.

Signed Rhodso Morgan

Taken down by me this 16th day of
June 1887 at Calicut.

Signed W. Logan
District Magistrate

/ True copy /

Whiggus
Dated

W.A.

Malabar District Magistrate's Office
Calicut 22^d June 1887.

From

W. Logan, Esquire,
District Magistrate of
Malabar.

To

The Hon'ble H. E. Stokes,
Asst. Chief Secretary to Govt.
Pootacamunk.

Sir,

Mr Rhodso Morgan of the
Forest Department has lodged before
me a complaint charging Mr H. S.
Rosa C. S. at present Registrar of the
High Court with six acts of adultery
alleged to have been committed
at Calicut between 25th December 1884
and 16th February 1885 with the com-
plainant's wife.

2. Between the dates mentioned
the complainant was under my
orders as District Forest Officer in
charge of Wynad and Palghat, and
the accused was also under my
orders as Sub Collector of this District.

3. The accused came to Calicut

which should go to any of my
subordinates for inquiry and
trial.

9. And it is equally clear to me
for reasons above given that I
cannot try the case myself.

10. I have the honor therefore
to request that the Government
will be pleased to direct the
Advocate General to move the
High Court under section 526
clauses (d) and (e) of the Criminal
Procedure Code to transfer the case
to the District Magistrate of Coimbatore
for disposal. Mr E. B. Powell, the
Government Pleader, has, I gather
from a telegram received from
him, been retained by the accused
to act for him.

11. The case is a warrant case
and the accused cannot be released
for his defence until the evidence
for the prosecution has been taken
and the charge framed. Under the
peculiar circumstances of the case

5 138/5
and am furnishing to both parties
copies of this letter as notice of the
motion which I trust the Govern-
ment will be pleased to allow
the Advocate General to make on
my behalf in the High Court.

12. I enclose copies of the com-
plaint and of the complainant's
statement made before me.

I have the honor to be,
Sir,

Your most obedt. servant,

Whynes
District Magistrate.

Judicial Department

For orders: — with C.
No. 2608.

H.L.

Mr. from will be out of Coim-
bator before the 4th July. It is
not known whether Mr. Sturrock
will relieve him, but if the
transfer is effected, Mr. S. will
probably be the officer to deal
with the case.

I thought Mr. Sturrock had been
forgot. If there is really any
doubt about ^{his} transfer I
like to know who will be the man
if it is not Sturrock. I don't
order a motion for a transfer of
the case to anyone but a senior
man.

The point that it will not be
pleasant for Logan to try the
case is not sufficient but
he will be wanted to prove his
own letter & Coimbatore is said
to be more handy. The adv. for
alone can apply without an affidavit.
He may be instructed to do so.

17/7/37
25 June

From
The District Magte.
of Malabar
To
The Chief Secretary
to Government
Ootacamund

Dated 22nd June 1887.
Recd.

Encls. 2.

Requests that the complaint
preferred by Mr. Rhodes
Morgan against Mr. H. S. for
having committed
an offence under Sec. 147 of the
may be ordered to be
transferred to the District
Magte. Coimbatore for
disposal.

135/8

FC		2608		7 135/8	
INDIAN TELEGRAPH		Local No.		1129	
To (Person)		From (Person)		Station	
Ootacamund		Calicut			
Words	Day	Hour	Minute	OFFICIAL INSTRUCTIONS	
32	23	19	55	defd.	
To (Person)		From (Person)		Station	
Chief Secretary		Rhodes			
To Government		Morgan			
What letter?					
Referring Malabar District Magistrates letter of yesterday I respectfully beg government will pass orders as early as possible delay highly prejudicial my interests					
J. M. Lee					
RECD. FROM		L. N.		SENT TO	
AT	Hrs.	Mts.	By	AT	Hrs.
Date				Mts. By	
OOTACAMUND 23-6-37					
Telegraph Master.					

Judicial DEPARTMENT.

Telegram

From

Rhodes Morgan Lye.

No.

Dated 23rd
Received 24th } June 27.

Enclosures

SUBJECT.

Boys Govt. will pass early
order on Malabar Collector's
letter of yesterday.

The letter referred to
has not yet been re-
ceived.

25/6

14 Judicial Department. 135/1

Ag. Chief Secretary.

W. L. S. L.

CONFIDENTIAL

THE HONORABLE MR. HUTCHINS.

Mr. Hutchins

is in action & R.P.

Repts that the Governor

has been visited. Will not
J.P. 29/6/18/187

SERVICE.
(Morgan - Lye affair)

RE. Mr. H. L. S. L. 25/6/18/187

Glenn Hotel

Concord

25th June 87.

Confidential

My dear Mr. Stokes,

The Government
is aware, from Mr. Logan's
letter of the 22nd inst on the
subject, that Mr. Rhodes Morgan
has instituted criminal pro-
ceedings against me for acts of
shultery said to have been
committed as far back as
Decr 1884 and Jan'y 1885. There

of my innocence which I
am proved guilty.

Yours sincerely,

[Signature]

Toronto

Mr Ross spoke to me about this last
week. I advised him as soon as he
heard for certain that such a proce-
dure had been instituted to write or
begin to the Chief Justice - I may have
said to you also. as he asserts
innocence I think it clear that for
it is a mistake. Hadn't the C.J. objects
he will examine his post and write.
MRR
26 June



COOTACAMUND,

27 June 1897.

My dear Ross

I am directed to
acknowledge the receipt of
your letter of the 25th inst in
the subject of the proceedings
instituted against you by Mr.
Rhodes Morgan. I in reply
to say that Govt will not inter-
fere as ~~the~~ ^{the} ~~stages~~ ^{present}.

Yours sincerely
J.E. Stokes

charges made are
absolutely false, and
I am fully prepared to meet
them. My object in writing
now, however, is to place my
self at once in the hands
of Government lest, for any
reason, it sh^d. be deemed
desirable that I sh^d. not
resume my duties as Registrar
of the High Ct. while such
a criminal charge is pending
against me. I shall be

out on Monday and
away, saying with the

21XV
Sates and am ready to
make any personal explana-
tion which Government may
desire. I have by this
post also reported the matter
to the Chief Justice, having
only received copies yesterday
of the papers. In the
absence of orders to the con-
trary, I propose returning to
duty as usual on the re-open-
ing of the Court, trusting that
Government will spare me
any prohibition which might
be construed into a doubt

Ind

14

Judicial Department. 175/14

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following

From the Dist Magistrate Malabar
22 June 1887 L.O. A.

Telegram from Rhodes Morgan Esq.
dated 23 June 1887.

Order 27 June 1887. No 1387.

On the grounds that Mr. Logan
is likely to be summoned as
a witness in the case and
that the convenience of the
parties ^{& witnesses} will be consulted
by a transfer of the case to
Coimbatore, the Hon. the Adm.
Cust. General will be instructed
to move the High Court to
order such transfer.

The Hon. the Adv. General }
Dist. Magistrate, Malabar } 27/6/87

2. The Dist Magistrate Malabar
will be informed by telegraph

To go out by this
afternoon's post.

When they go to the Hon. Mr.

Justice, Malabar. The Hon. Mr. Justice

[Signature]

seen 28/6

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[7]

ORDINARY, MS.

<i>Judicial</i> DEPARTMENT.
G. O. DATED <i>27 June 1887</i>
No. <i>1357</i>

136
1887

When given for copying 27/6

[Despatch Abstract.]

Ross - Rhodes & Morgan case

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By