

also insulted him; but Stubborn replied to him rather tartly, and the insult was not repeated. The great Mufti cross-questioned Stubborn very cautiously, taking good care not to ask Stubborn if he thought he would make and tell a cracker. Stubborn purposely shaped some of his answers so as to induce the Mufti to ask him if he thought he would make a cracker, intending, if he put such a question, to remind him of some five or six point blank crackers he had not only manufactured, but vended them—telling them off. But the Mufti was on his guard. It was self-evident to all present, that Stubborn was perfectly satisfied that the Mufti had deliberately made a first-rate cracker with the intent to injure Tom. Stubborn has repeatedly been heard to say that he looked upon the conduct and assertions of the Mufti on that occasion as most indecorous and blasphemous, calling upon God to bear witness to a cracker as being true. Tom was so overcome at the sight that he became dumb and almost speechless, knowing as he did that every word the Mufti said in the matter was nothing but a whole batch of crackers, and knowing, also, that if the District Mufti had not deceived him, he would have proved the Mufti's guilt, and put a stop to his progress in cracker making to the injury of innocent men.

Now, any judicious body of men, uninfluenced by the clap-trap popularity of the Mufti, would have pronounced him guilty of making a cracker, or at least have given him credit for it in the rendering of their verdict. For, according to the established and known principles of jurisprudence, the statement of one party being flatly contradicted by the other party, leaves the matter in dispute between them, as though nothing had been said by either. But when there is a preponderance of evidence in favour of one of the parties in controversy, that party has lawful right to a verdict in his favour. In this case the great Mufti's statement was contradicted by Tom, and so far they were legally even; and Tom's case was sustained by the independent evidence of Stubborn. Although Stubborn's evidence was only circumstantial, yet it was that kind of circumstantial evidence which could not be mistaken. And, although the affidavit of the Local Mufti was not received, Tom was, nevertheless, according to usage and law, entitled to a verdict in his favour.

The case involved higher interests than mere legal, technical quibbling about evidence. It involved the highest interests of society, next to life itself. The moral and religious characters of the parties were at stake; one a minister of religion of high pretensions, and looked upon by *his party* as almost immaculate; the other a layman of irreproachable character, by those who best knew him. The case then should have undergone the closest scrutiny; the said affidavit should have been read, for it was the affidavit of a man of good standing in the community where he resided; he was, in fact, a minister of religion, although in a local capacity. This information being obtained, the entire proceedings should have been held in suspense until Tom had time given to produce the person of the Local Mufti; and Tom should have been allowed to continue his action against the Mufti, until a full and impartial investigation could be had. The cause of God and truth required it. But instead of that, the avenues by which the whole truth could be legally brought to bear on the case were closed up, and what truth had been given in evidence was rejected, and an untruthful decision given. Tom was, as a matter of course, found guilty, and required to make an apology to the Mufti, on pain of excommunication from the congregation of the faithful. In plain truth, it was demanded of him to dishonor himself by telling a lie, in order to save harmless the man he had justly and truthfully complained of.

Judge Simple was scribe upon the occasion, and, in drawing up the important decision—and right in the face of what is here recorded, and of every other fact before the committee—he introduced language to this effect, namely, "That the committee, in inquiring into the complaint against Tom, had *incidentally* inquired into the nature of Tom's complaint against the great Mufti, and had found it to be utterly without foundation." These may not be the exact words of that part of that important document, but they are identically the same in meaning—and positively untrue—for Tom's complaint against the Mufti was the foundation and gist of the whole proceeding; and, instead of its being *incidentally* inquired into, the Mufti, in stating his case, made Tom's complaint