

nobody knew what it was he wrote; but what he did, was in Bengal language: Whilst the said Raddachund was writing, one Coja Joseph Abdul Mooseph asked him what he was writing, to which he replied he was writing nothing: Mrs. Matruse likewise asked him, to whom he returned the same answer: Whilst Raddachund Mettre was writing, Padre Kyton came into the room, and asked him what he was writing, and he made the same answer to him which he had done to the former persons: that he (Raddachund) put the paper in his pocket, and went away; that no person was acquainted with what he wrote. After this, the evidence went to Mr. Morris's house, who told him Raddachund Mettre had a paper in his hands, given him by Coja Solomon, for six thousand Arcot rupees; to which the evidence replied it was a false paper: that neither the evidence, or others, asked Raddachund any thing, nor did Raddachund ask them any thing, or shewed them any paper. When they carried the will of the deceased Solomon to the mayor's court to have it proved, and the probat was granted, Mr. Magee then produced the said paper for six thousand rupees, and began to read: At the same time the executors made a proclamation that the paper was a false one. The court compared the will and Raddachund Mettre's paper, and left them that day without further enquiry. They went again the ensuing court day, and carried with them the witnesses, who saw Raddachund write the paper, but were obliged to go home again, as there was no court held that day. The next time they went to court, the attorney informed them that Raddachund Mettre had taken away the paper out of court. The executors then told the prisoner to bring the paper and prove it, and that they would pay the money; but if he could not prove it, to give them the paper, for what had he to do with a false one? There was a bond that Raddachund had executed for 10,000 rupees, which they demanded to be paid them; but he refused them; and they sued him in the mayor's court for the money, which he has not yet paid. The evidence went to John Burdett Esquire, magistrate, about the said paper of 6000 rupees:

rupees: Raddachund appeared, and said he had torn it; upon which he was confined. The night before last, and last night, Raddachund's father, accompanied by Monpetaud, came to the evidence, and begged he would forgive him: The evidence answered, he could not, as it was now in the hands of a justice: And further the deponent says not.

Jury. The evidence says Raddachund was writing something, but they did not know what; he then says it was in the Bengal language: how does he know it was in the Bengal language?

Evidence. Raddachund was seen writing something in the Bengal language, but the substance of it was not known.

Jury. Was the paper, Raddachund was seen to write at Coja Solomon's, the same that was produced at the mayor's court by Mr. Magee, and how he knows it?

Evidence. He does not know whether it was the same, as he only saw that which was produced at the mayor's court; but he was informed by those who had seen him write the paper at Coja Solomon's, and who afterwards saw it at the mayor's court, that it was the same paper. *

Jury. Do you when the paper was wrote?

Evidence. I don't recollect the immediate day of the month that it happened, but it was the same on which Coja Solomon died.

The prisoner being now asked if he had any questions to put to the evidence, interrogated him as follows:

Prisoner. Was you at Coja Solomon's the day he died?

Evidence. No, not that day, but the day before he died.

Prisoner. Do you know of yourself what was done in Coja Solomon's house, or is it only from hearsay?

Evidence. No, I don't know it myself, only from hearsay.

Prisoner.

Prisoner. Who prevented me from going in the house of Coja Solomon when he was dead?

Evidence. Joseph Abdell Moseph told me he had prevented you.

Court. Do you know what the court said with regard to the paper that was brought them, and do you understand English?

Evidence. No.

Coja Assen, being sworn evidence for the King, deposes as follows: That he has known the prisoner at the bar four or five years; that he (the evidence) used to stay with Coja Solomon during his illness; and that, about three days before he died, the doctor gave orders for nobody to go near him: Three days after Raddachund Mettre went to Coja Solomon's house, and he prevented his entering the house: whilst the evidence was setting out, the prisoner came and sat by him; in the mean time Mrs. Matruse came in, upon which the evidence opened the perdar for her to go in, and that Raddachund took the opportunity of going in with her; the evidence seeing Raddachund go in, followed him, and took up a fan to fan the deceased; that Raddachund asked a slave boy of Coja Solomon's for paper; the boy brought some, which Raddachund said was dark, and returned it: the prisoner ordered his own boy to be called, who brought him a small bundle, out of which he took a piece of white paper, and began to write; whilst he was writing, Coja Solomon turned himself about in his bed, so that his back was to the prisoner: After this, Raddachund and Mrs. Matruse went both out of the room; the evidence let down the musquetta curtains of Coja Solomon's bed, and went and sat at the outside of the perdar. This happened about twelve at noon. He sat there a short time, and went home about a quarter after twelve, having first ordered the servants to let no one come in, and, upon any particular emergency, to call him directly. About two o'clock some of Coja Solomon's servants came and called him in great haste; he went to Solomon's house, and found him dead, in the

the same posture he had left him, &c. Further the deponent saith not.

Court. When Raddachund Mettre was writing, did you ask him what it was he wrote?

Evidence. I did, and the prisoner said it was nothing of consequence, and put it in his pocket. Raddachund had been at Coja Solomon's some days before, when Coja Solomon asked him for some oranges to moisten his mouth with, for he was extremely thirsty. Raddachund said, he would try to get some: when Raddachund came to Coja Solomon's this last time, not having brought the oranges, I imagined the paper he was writing might be to somebody for oranges, and on this account little notice was taken of the paper.

Jury. Do you recollect the day that Coja Solomon died?

Evidence. To the best of my knowledge it was about three months ago, but I do not recollect the particular day.

Court. Did Coja Solomon sign any paper when Raddachund was there?

Evidence. He neither did, nor was able to sign any.

Jury. Do you know Conjubeharry Bofs and Sebonkeffno Poromonick?

Evidence. No.

Court. Did any one accompany Raddachund when he went into the room?

Evidence. Only his servant, who came in with the bundle, and went out directly on his master's taking out what he wanted.

Court. Do you know Coja Solomon's hand-writing?

Evidence. Yes.

The court then produced the paper in question, and asked him whether it was Coja Solomon's signing? to which the evidence said, it was not only none of Coja Solomon's hand-writing, but the name was wrong spelt.

Court.

Court. When Raddachund went there three days before Solomon died, did you see or hear of his signing any paper?

Evidence. I was not in the room the whole time of Raddachund's being there.

Jury. When Raddachund went to Coja Solomon's house three days before he died, did any person accompany him?

Evidence. Nobody.

Jury. At the time Raddachund was writing in Coja Solomon's house, did anybody else take notice of it by asking him what he was writing?

Evidence. I did not take notice.

Prisoner. Who were present when I was writing the paper?

Evidence. I do not recollect any other person but Mrs. Matruse.

Prisoner. When I and Mrs. Matruse went out of the room, did we likewise leave the house?

Evidence. You both went together out of the room, and when I came out I saw neither.

Court. Did Raddachund return after that?

Evidence. No.

Maria Matruse being sworn evidence for the King, deposes as follows : That she has known the prisoner at the bar since the day she saw him at Coja Solomon's house ; she went to see Coja Solomon a short time before he died, at which time she saw Raddachund Mettre and two or three persons more sitting ; and when the rest of the company went out, she and Raddachund remained in the room ; he asked a boy for paper, and the boy brought Bengal paper ; Raddachund asked, if there was no white paper ? the boy went and brought a bundle, out of which Raddachund took a piece of paper and wrote something. She asked him what he was writing ? he returned her no answer, but pointed at Coja Solomon. Coja Solomon was not in his senses at that time, and that on her return to her house she heard Solomon

Solomon was dead; and further the deponent saith not.

Court. Did you come out before Raddachund Mettre, or did you come out at the same time?

Evidence. Before Raddachund.

Court. When you went into Solomon's room, did you find Raddachund there, or did he come afterwards?

Evidence. I saw him sitting there, and he did not come in with me.

Prisoner. Did not I tell you that Coja Solomon had desired me to ask you to go out, for that he wanted to sleep?

Evidence. You did tell me so, but I did not hear Solomon say so himself, for he was speechless.

Prisoner. Was Coja Assem (the last evidence) in the room at the time you was, and when I wrote the paper?

Evidence. No, he was not there.

Court. Did you see Solomon sign to any paper?

Evidence. No.

The prisoner being put upon his defence, desires Padre Dionysius may be called in as evidence for him, who, being duly sworn, was interrogated as follows:

Prisoner. How long did you know Coja Solomon before he died?

Evidence. About fifteen years.

Prisoner. Was you acquainted with the characters the deceased used in signing his name?

Evidence. Yes.

The paper, which was supposed to be forged, was then produced, and his opinion asked, to which he replied:

Evidence. I think there is some resemblance; but that his illness has contributed to making it a little different from his usual writing when in good health, and that it appears as if it was wrote in bed, or on a pillow.

pillow. This being the whole of his evidence, the prisoner now desires the boy, mentioned in the former part of the trial, may be called as evidence, who being duly sworn, was asked the following questions:

Prisoner. Did not Solomon, the morning of the day on which he died, occasionally ask you for several necessaries that he wanted, and at the same time did not you understand him and bring them to him?

Evidence. He did, and I understood him.

Court. What things did Solomon ask for?

Evidence. Broth.

Prisoner. Did not I take a Bengal Banyan along with me into the room the day that Coja Solomon died?

Evidence. No, not a Banyan, but a doctor.

Prisoner. Did you see the doctor any other day?

Evidence. I saw the man go in twice altogether.

A Bengal man being brought into the Court, the Evidence was asked, if that was the person he had seen go into Solomon's chamber with Raddachund Mettre? to which he answered, no: another person being produced, the Evidence said he was the man that he had seen go into the room with the prisoner, to which Raddachund says he never did go into the room with that person.

The Court asked him again, if that was the man he had seen go into Solomon's room with Raddachund? to which he answered positively, yes.

Court. Did Raddachund go into Solomon's room with Mrs. Matruse?

Evidence. Raddachund was sitting in the hall when Mrs. Matruse came into the House, and upon her going into Solomon's room, the prisoner took the opportunity of going in with her.

Court. Did Raddachund ask you for any paper?

Evidence. He did ask me for paper, upon which I brought Bengal paper; but Raddachund refused it, and took some out of a bundle he had, and sat down by the side of Solomon's bed and began to write: I left him writing

writing and went into the cook room, and upon my return I found Raddachund was gone.

Court. Was Coja Useph in the room at the time you delivered the paper to Raddachund Mettre?

Evidence. He was not; he was walking in the hall.

Prisoner. What length of time was it from your going into the cook room to your return?

Evidence. About five minutes.

Jury. What day did Solomon die?

Evidence. About the 22d November I believe.

Jury. What did you do with the broth that you went to the cook room for?

Evidence. My master drank a little of it.

Jury. Was your master in his senses?

Evidence. He was not in his senses, and could speak but very little.

Jury. Could Coja Useph, when he was walking in the hall, see what was doing in the room?

Evidence. Yes.

Jury. Was the Perdar up at the time Coja Useph was in the hall?

Evidence. Yes.

Court. Was Raddachund ever hindered or forbid by Coja Useph from going into the room?

Evidence. Yes.

Conjubaharry Bofs, one of the witnesses to the paper in question, being called in as evidence for the prisoner, was duly sworn in and interrogated.

Court. What kind of paper did you sign to? was it Bengal, Persian, or Europe?

Evidence. Europe.

Court. Had any body else signed before you?

Evidence. No.

Court. Was there any other writing upon the paper besides Bengal?

Evidence. There was nothing but Bengal writing when I signed it.

[C.]

Court.

Court. Was any person in the room with Raddachund?

Evidence. There was a Gentoo that Raddachund had brought with him.

Court. Did Coja Solomon desire you to sign the paper as well as Raddachund Mettre?

Evidence. He did.

Court. Was the name Coja Solomon signed upon the paper at the time that Raddachund desired him to sign it, or whether Coja Solomon signed it in his (the Evidence's) presence?

Evidence. I recollect some part of the name being wrote, but do not remember that the whole was; and I did not myself see Coja Solomon write any thing of it.

Jury. What time of the day did Solomon desire you to sign it?

Evidence. About eleven o'clock in the morning.

Court. Was any person present when you signed the paper in the room, and who they were?

Evidence. Nobody was in the room; but as I was going out, a black man was coming in.

Court. Did Coja Solomon talk with you, or any person whilst you was in the room?

Evidence. He did not speak to anybody, only when he was asked to sign the paper, answered, Yes.

This being the whole of the evidence on both sides, and the prisoner having nothing more to say in his defence,

The court summed up the evidence to the petit jury, and they withdrew.

Swore in Smith, constable, to keep the petit jury.

The petit jury came into court, and returned the following verdict:

That Raddachund Mettre is guilty of the forgery laid to his charge.

The

The prisoner being set to the bar,
The chairman pronounced the sentence of death on
him in the usual form.

Ordered him into the condemned hole.

The business of the present sessions being over, dismissed both juries with thanks for their services; and adjourned the sessions till the 27th day of May upon a fresh summons.

(A true copy.)

EDW^d BABER,
Clerk of the peace.

No. 3.

*Extract of Bengal General Consultations, the 11th
March 1765.*

THE principal black inhabitants of the place send in the following petition in favour of Raddachund Mettre, under sentence of death for forgery, soliciting we would defer the execution of the same, and recommend the delinquent to his Majesty for mercy.

To the Honourable John Spencer, Esq; president, &c.
council at Fort William, Bengal.

The humble petition of the native inhabitants of Calcutta, together with the merchants, Banians, and others, whose estates, interests, or habitations are in any part of the kingdoms of Bengal, Bahar, and Orixia, within the jurisdiction of the English,

Sheweth,

That your petitioners being informed of the condemnation to death of Raddachund Mettre, grandson of Gobinram Mittur, formerly Zemindar of Calcutta, and faithful servant of the English, for having been instrumental in writing a paper to procure him a sum of

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money

money from Coja Solomon deceased, being under the most inexpressible affliction and grief, beg leave to throw themselves at your feet, to intreat you will shew mercy to the unhappy delinquent, by using whatever means may occur to your goodness and humanity to save his life.

Your petitioners humbly represent, that the unhappy delinquent is of one of the best families in the place, who have filled considerable employs in the Honourable Company's service, with fidelity to the Honourable Company and credit to themselves; that this family is numerous and connected with many considerable families in the country; that such an ignominious punishment as that to which the delinquent is now sentenced being inflicted upon him, will draw ruin on all connected with him by the disgrace it will bring upon them, and there is the greatest reason to apprehend the most dreadful consequence to them from the despair which from the maxims of our religion they must be thrown into; so that in truth the punishment will not fall heavier on the delinquent than on all his friends and relatives.

Your petitioners further beg leave to remonstrate, that although the delinquent has been convicted of a great crime, *yet such punishment was never known to have been inflicted for an offence of that nature in this settlement before.* According to the laws of our country, his crime is never punished with death, but with a *fine*. The delinquent was therefore ignorant of the heinousness of the offence. Having been brought up in the religion and opinions of Hindoos, he could form no other notions of things but from their maxims and customs; these rendered his offence not mortal; and no instance had before occurred to inform him of the severity of the English law, of the tenor and form of which the delinquent was so totally ignorant, that he did not avail himself of circumstances which your petitioners are informed would have made greatly in his favour.

Your petitioners therefore humbly entreat, that this Honourable Board will take the unhappy case of the delinquent into a merciful consideration; and that they

will intercede for the delinquent with his Majesty the king of Great Britain, respiting the execution of the sentence until his Majesty's gracious pleasure is known.

And your petitioners shall ever pray.

Huzzurry Mull,	Ramnidy Baraja,
Neemoychurn Seat,	Joy Kissno Surma,
Coffinaut,	Dorponown,
Mohunperfaut,	Samchuckerbetty,
Kissencondafs,	Diararm Muckerja,
Kirparamgose,	Kundoo Goffaul,
Ramsunker Dutt,	Diachund,
Heeraloil,	Chaundholdar,
Monickesfund,	Benodebehary Seat,
Ramnadetagore,	Petomber Seat,
Kissenchurn,	Bissuaram Fagore,
Sookdeb Mullick,	Kelerampaul,
Keleram Roy,	Badabohonbyfack,
Ramcondgose,	Luckicondore,
Kissenchurn Dutt,	Gocullkissore Seat,
Modendutt,	Diaramlagore,
Samchundutt,	Gunniesbofe,
Soberam Byfack,	Doorgaram Seen,
Petember Seat,	Ramamburn,
Goarchurn Seat,	Keindargose,
Nillmoney,	Mundram Sean,
Rosebehary Seat,	Churamonydutt,
Ramullperfaut,	Anderam Dafs,
Bungnaut,	Woodachund Coherah,
Harrakissen Mullick,	Raunkissen Cohnat,
Doorgaram Dutt,	Kirtychurnd Cotmah,
Sunkerholdar,	Bindabundafs,
Beejaram,	Diararmgose,
Radachurn Mullick,	Kabullram,
Gocullgore,	Bullrambiscoafs,
Joy Kissendafs,	Woodaram Surma,
Ramkeffore,	Goverden Metre,
Radacond Surma,	Kamdebdafe,
Ramnidee Surma,	Ramchurn Roy,
Ramnaut Surma,	Hurry Kissenlagore,
Diararm Surma,	Monoshur Muckerja,
	Czooderam,

Ozooderam,	Gocull Metre,
Nubkissen Monfie,	Doorgaramlagore,
Govindram,	Ramfunkerbofe 1ft,
Kirparam Mittre,	Kabullramlagore,
Sam Muffedar,	Toterambofe,
Monickdutt,	Ramnarain Sean,
Hurrykiffendutt,	Harakiffnodutt,
Radakiffen,	Ramsunder Metre,
Nittanund,	Gongaram Metre,
Ramkiffen Mullick,	Ramfankerbofe,
Purmanund Byfack,	Mohadedafs.

No. 4.

IN order to give these people the fullest conviction of our lenity as well as justice, and in hopes that this man's condemnation will alone be a sufficient example to deter others from the commission of the like offence, which is not held so heinous in their eyes,

It is agreed to comply with their application, and that he be accordingly respited till the King's pleasure is known.

Ordered therefore, that the secretary do require from the clerk of the peace a copy of the proceedings of the sessions, and transmit the same, together with a copy of the petition of the inhabitants, in order to be laid before his Majesty.

No. 5.

Extract of a general Letter from Bengal, dated
11th March, 1765.

SUPPLEMENT.

1. 34. **T**HE principal black inhabitants of the place have this day preferred a petition to us in favour of Rudachurn Metre, under sentence of death for

for forgery, and soliciting we would defer the execution of the same, and recommend the delinquent to his Majesty for mercy. In order to give these people the fullest conviction of our lenity as well as justice, and in hopes that his very condemnation will be a sufficient example to deter others from the committing of the like offence, which is not held so infamous in their eyes, we have agreed to comply with their application; and he is accordingly respited till the King's pleasure is known.

A copy of the proceedings of the sessions, as well as of the petition of the inhabitants, is therefore transmitted in the packet, in order to be laid before his Majesty.

N. B. The pardon was sent out inclosed in a letter of the Court of Directors, dated 19th February 1766, which letter was part of Sir E. L.'s speech. Vide Speech.

No. 6.

Extract of Bengal General Consultation,
22d Aug. 1766.

THE Board are now met to read and consider such parts of the general letters received from Europe by the ships of this season as relate to the public department, the same having been separated from those that come under the consideration of the Select Committee, pursuant to a minute of the 4th instant.

General letter, dated 19th February 1766,
per Lord Camden.

Par. 100. Ordered, that his Majesty's free pardon for Radachurn Metre be delivered to the clerk of the peace, to be published at the next quarter session.

No. 7.

TRANSLATION of Nundocomar's Petition, which was laid before the Governor General and Council by Sir John Clavering, in August 1775.

To the Governor General and Council.

WITHIN these three Soubahs of Bengal, Bahar, and Orissa, from the manner in which I have lived, and the honour and credit which I have * Something possessed *: formerly the Nazims of all wanting here to these Soubahs afforded attention and aid complete the sense. to my good name; and from the presence of the King of Hindostan I received a Munsh of five thousand, and from the beginning of the Company's administration, in consideration of my good wishes to the King, the gentlemen who had the direction of affairs of this place, and at this time the governor, Mr. Hastings, who is at the head of affairs, did hold, and do hold me in respect; never did any loss to the state, or oppression of the Ryots proceed from me: at this time, for the fault of representing a just fact, which, for the interest of the King, and the relief of the people, I in a small degree made known, many English gentlemen have become my enemies: and having no other means to conceal their own actions, deeming my destruction of the utmost expediency for themselves, revived an old affair of Mohun Persaud, which had formerly been repeatedly found to be false; and the Governor knowing Mohun Persaud to be a notorious liar, turned him out of his house; and themselves becoming his aiders and abettors, and Lord Impey and the other Justices have tried me by the English laws, which are contrary to the customs of this country, in which there was never any such administration of justice before, and, taking the evidence of my enemies in proof of my crime, have condemned me to death: but by
my

my death the King's justice will let the actions of no person remain concealed.—And now, that the hour of death approaches, I shall not, for the sake of this world, be regardless of the next, but represent the truth to the gentlemen of the Council. The forgery of the bond of which I am accused never proceeded from me. Many principal people of this country, who were acquainted with my honesty, frequently requested of the judges to suspend my execution till the King's pleasure should be known; but this they refused, and unjustly take away my life. For God's sake, gentlemen of the Council, you who are just, and whose words are truth, let not me undergo this injury, but wait for the King's pleasure. If I am unjustly put to death, I will, with my family, demand justice in the next life. They put me to death out of enmity and partiality to the gentlemen who have betrayed their trust; and, in this case, the thread of life being cut, I in my last moment again request, that you, gentlemen, will write my case particularly to the just King of England. I suffer, but my innocence will certainly be made known to him.

No. 8.

EXTRACTS of Bengal Secret Consultations,
14th and 16th August 1775, relative to
Nundocomar.

EXTRACT of Bengal Secret Consultations, the 14th
August 1775.

GENERAL CLAVERING—I beg leave to inform the Board, that, on the 4th of this month, a person came to my house, who called himself a servant of Nundocomar, who sent in an open paper to me; *as I imagined that the paper might contain some request that I should take*

take some steps to intercede for him, and being resolved not to make any application whatever in his favour, I left the paper on my table until the 6th, which was the day after his execution, when I ordered it to be translated by my interpreter. As it appears to me that this paper contains several circumstances which it may be proper for the Court of Directors, and his Majesty's Ministers, to be acquainted with, I have brought it with me here, and desire that the Board will instruct what I have to do with it: the title of it is, "A Representation from "Mahah Rajah Nundcomar to the General and "Gentlemen of Council."

Mr. Francis—As the General informs the Board, that the paper contains several circumstances which he thinks it may be proper for the Court of Directors, and his Majesty's Ministers, to be acquainted with, I would request that he lay it before the Board.

Mr. Barwell—I really do not understand the tendency of this question, or by what authority the General thinks he may keep back or bring before the Board a paper addressed to them, or how this address came to be translated for the particular information of the General before it was presented here. If the General thinks himself authorised to suppress a paper addressed to the Gentlemen of Council, he is the only judge of that authority; for my part, I confess myself to be equally astonished at the mysterious air with which this paper is brought before us, and the manner in which it came to the General's possession, as likewise at the particular explanation of every part of it before it was brought to the Board. If the General has a particular commission to retain this paper from the knowledge of those to whom it is addressed, he alone is the proper judge how he ought to act: when the paper comes before me I shall judge of it.

General Clavering—If Mr. Barwell will be pleased to recur to the introduction of my Minute, he will observe that I mentioned having put the paper into the hands of my Persian translator; consequently could
not

not know the contents of it, or to whom it was addressed, till it was translated. I brought it with me to the Council the first day which they met, after I knew its contents; but the Board not having gone that day into the Secret Department, I did not think it proper at that time to introduce it. Nobody can be answerable for the papers they may receive. All that I can say is, that this paper had the seal and signature of Rajah Nundocomar to it; and I bring it to the Board just in the form I received it, that is to say, open.

Colonel Monson—As this paper is said to contain circumstances with which the Court of Directors, and his Majesty's Ministers, should be acquainted, I think the General should lay it before the Board.

The Governor General—I do not understand this mystery: If there can be a doubt whether the paper be not already before the Board, by the terms of the General's first minute upon it, I do myself insist that it be produced, if it be only to give me an opportunity of knowing the contents of an address to the superior council of India, excluding the first member in the title of it, and conferring that title on General Clavering; and I give it as my opinion, that it ought to be produced.

General Clavering—I am sorry to observe, that the Governor General should have mistaken the title of this address to the Board, by calling it an address to me as Governor General, when the title of it had been so recently mentioned, by my saying it was addressed to the General and the Gentlemen of Council; which, in my opinion, does not express, either by words or by inference, that ever that title is such as the Governor General has mentioned. At all events, I am no more answerable for the title of the paper than I am for its contents.

The Governor General—I did not say that the address gave the General the title of Governor General, but meant only to imply that it conferred that title on him, by mentioning him particularly, and the rest of the Council collectively.

Resolved,

Resolved, That the paper delivered by the servant of Nundocomar to General Clavering be produced and read.

The General is accordingly requested to produce it, and it is read.

N. B. This paper is ordered to be expunged from the records, by a resolution of the Board taken at the subsequent consultation on the sixteenth instant.

EXTRACT of Bengal Secret Consultations, the
16th August 1775.

The Persian translator sends in a corrected translation of the Petition of the late Maha Rajah Nundocomar, delivered in by General Clavering, and entered in consultation the 14th instant; in which the Board remark, that the address is made in the usual form to the Governor General and Council, and not as was understood from the first translation of it laid before the Board.

The Governor General moves, That, as this petition contains expressions reflecting upon the characters of the Chief Justice and Judges of the Supreme Court, a copy of it may be sent to them.

Mr. Francis—I think that our sending a copy of the Rajah Nundocomar's address to this Board to the Chief Justice and the Judges would be giving it much more weight than it deserves. I consider the insinuations contained in it against them, as wholly unsupported and of a libellous nature: and, if I am not irregular in this place, I would move, that orders should be given to the sheriff to cause the original to be burned publicly by the hands of the common hangman.

Mr. Barwell—I have no objections to the paper being burned by the hands of the common hangman; but I would deliver it to the judges, agreeable to the Governor's proposition.

Colonel

Colonel Monson—I differ with Mr. Barwell in opinion. *I think this Board cannot communicate the letter to the Judges; if they did, I think they might be liable to a prosecution for a libel. The paper I deem to have a libellous tendency, and the assertions contained in it are unsupported. I agree with Mr. Francis in opinion, that the paper should be burned, under the inspection of the sheriff, by the hands of the common hangman.*

General Clavering—I totally disapprove of sending to the Judges the paper, agreeably to the Governor General's proposition, because I think it might make the members of the Board who sent it liable to a prosecution; and therefore agree with Mr. Francis, that it should be delivered to the sheriff, to be burned by the hands of the common hangman.

The Governor General—I should have no objection to any act which should publish to the world the sense which this Board entertain of the paper in question; but it does not appear to me that such an effect will be produced by Mr. Francis's motion. The inhabitants of this settlement form but a very small part of that collective body commonly understood by that expression of The World. The petition itself stands upon our records, through which *it will find its way to the Court of Directors, to his Majesty's Ministers, and in all probability will become public to the whole people of Britain.* I do not, however, object to the motion of its being burnt.

The Board do not agree to the Governor General's motion for sending a copy of the address of Maha Rajah Nundocomar to the Judges; but resolve, That orders be sent to the sheriffs, with the original letter, *to cause it to be burned publicly, by the hands of the common hangman, in a proper place for that purpose, on Monday next, declaring it to be a libel.*

Mr. Francis—I beg leave to observe, that by the same channel through which the Court of Directors, and his Majesty's Ministers, or the nation, might be informed of the contents of the paper in question, they must also be informed

informed of the reception it had met with, and the sentence passed upon it by this Board; I therefore hope, by its being destroyed in the manner proposed, will be sufficient to clear the characters of the Judges, so far as they appear to be attacked in that paper; and, to prevent any possibility of the imputations indirectly thrown on the Judges, from extending beyond this Board, I move, That the entry of the address from Rajah Nundocomar, entered on our proceedings of Monday last, be expunged.

Agreed, That it be expunged accordingly, and that the translations be destroyed.

No. 9.

Extracts of Bengal Secret Consultations, 30th August, and 4th and 11th September, 1775.

EXTRACT of Bengal Secret Consultations, 30th August 1775.

THE Sheriff reports having burnt the Persian paper sent him by the Board's order of the 16th instant, as follows :

To John Stewart Esq.

Sir,

I beg leave to inform you, that in obedience to the commands of the Honourable the Governor General and Council, signified to me by your letter dated the 16th instant, I have this day caused the Persian paper, enclosed to me in your letter, to be destroyed in the manner therein directed.

Calcutta,

21st August 1775.

I am, &c. &c.

(Signed) ALEX^r MACRABIE, Sheriff.

*EXTRACT of Bengal Secret Consultations, the 4th
September 1775.*

The Supreme Court of Judicature send in the following letter :

Honourable Sir and Sirs,

A paper containing a false, scandalous, and malicious charge against the Judges of the Supreme Court, produced at your Board, having been by you declared a libel, and ordered to be burnt by the hands of the common hangman, we return you our thanks for having shewn so due a sense of this outrage to public justice; but as we must be interested, as well in the minutes introducing and condemning the paper, as in the paper itself, we find ourselves obliged to desire that you will furnish us with a copy of the libel, and of such minutes which relate to it as stand on your Consultations, and must therefore be conveyed to England, that we may judge whether they contain any matters necessary for us to take notice of. Knowing the satisfaction his Majesty and his Ministers, as well as the honourable East India Company, who are deeply interested in the due administration of justice, must receive from the high reputation which the Supreme Court has acquired in this country, we thought we owed it to ourselves and the State, to transmit to you the inclosed papers, that they may stand recorded on your Consultations, which we think peculiarly proper at this time, as by promulging the universal sense of this settlement in relation to our conduct, they are a direct and public refutation of the libel, and corroborate such of your minutes as tend to vindicate our reputations.

The paper inclosed were the addresses, which vide post.

28th August 1775. We are, &c.

E. IMPEY,
ROBT CHAMBERS,
S. C. LEMAISTRE,
JOHN HYDE.

The Governor General.—Objections having been stated to the entry of the inclosures in the above letter, I move that the opinion of the Board may be taken, whether the said inclosures shall be entered.

Mr. Francis.—I object to the entry of the papers enclosed in the letter of the Judges on our records, because *the libel*, to which these papers are said to contain a direct and public refutation, has been expunged, the original burnt, and *I do not believe that any copy of it now exists*: if the Judges think it necessary that his Majesty, his Ministers, and the Honourable East India Company, should be informed of the high reputation which the Supreme Court has acquired in this country, they are at liberty to communicate such information directly from themselves; they have already addressed the Court of Directors upon points in which they thought themselves interested, and may continue to do so; but I see no reason that we should load our consultations with copies of papers which do not come authenticated to us, and which appear to refer to facts of which we have no direct knowledge.

Mr. Barwell.—I am of opinion that the request made by the Judges should be complied with, and the papers they think it necessary to communicate to the Company through this Board be entered upon the records.

The honourable George Monson.—I think it unnecessary to introduce on our proceedings the papers inclosed in the Judges letter, as it is said to be for the purpose of refuting a libel, which does not appear on our proceedings, and as the papers are not properly authenticated; and as a member of this Board, I am unacquainted by what means these addresses were procured; and as I think they contain circumstances, the facts of which I very much doubt, for I, as a Justice of Peace, have never issued a *blank warrant*, nor have ever heard of any Justice having done it.

Vide Addresses and Answers, by which it will clearly appear blank warrants meant blank subpoenas.

The supreme Court of Judicature have commenced a correspondence with the Court of Directors; if they think it necessary for establishing their reputation, that these

these addresses should be known to the Court of Directors, they have the option of transmitting them, but it is unnecessary to swell our proceedings with extraneous subjects, that in no manner relate to the Company's concerns.

General Clavering.—I think it would be very improper to introduce upon our proceedings the enclosed papers in the letter just received from the Judges, because they mention that their reason for having sent them to us was to refute *a libel which does not exist*. I have besides many other objections to their standing upon our records:—1st. Because one of the papers seemed to authorize an imputation upon the manner in which justice has been exercised, I mean the declaration that *blank warrants* had been issued, which I believe to be both false and malicious, and only intended to impose upon the Court of Directors and the English nation, as if those warrants had been issued either by the Judges themselves, or by some of the members of this Board acting as justices of the peace: 2dly, Because the papers themselves are not authenticated; and if they were, I see some names affixed to them, which I think would discredit any testimony of approbation which the Judges have supposed has been given to their conduct in the administration of justice: I see the names of people who have been dismissed from the Company's service, the names of several delinquents amongst the Banyans who have been particularly stigmatized by this government for being the instrument of that corruption and venality, of the particulars of which we have transmitted to the Court of Directors so circumstantial an account.

The words
Blank warrant
are used in the
Armenian ad-
drefs instead of
Subpoena.

The Governor General.—I am of opinion, that the enclosure in the letter from the Chief Justice and Judges of the supreme court cannot be rejected without disrespect to the court. With respect to the *blank warrant*, which expression has been objected to as being contrary to fact, I conceive that its meaning is very evident, and very different from the sense in which it has been under-

[D]

derstood

derstood in two of the preceding minutes.—In the address from the free merchants they are called *blank subpoena*s for the attendance of witnesses; in the address from the Armenians they are styled *blank warrants* for summoning any persons from all parts of the provinces, which I conceive can mean only *subpoena*s; in both it is expressed, that an attempt had been made to introduce it into practice, but had been opposed and frustrated by the Judges of the Supreme Court: this I believe to be a fact of notoriety: For the rest I shall wave in this place any further arguments upon the question, as it has been determined that the enclosures shall not be entered.

General Clavering.—As the Governor General seems to suppose that the *blank subpoena*s and *blank warrants* alluded to are synonymous terms, and that they mean to express only *blank subpoena*s, I must beg leave to declare, that I never heard that any of the former had been applied for till the assizes were over, as I believe that none of the other members did. The Governor and Council have not interfered in the proceedings relating to the trial of Rajah Nundcomar; but as I cannot suppose that the Judges would have admitted the *law term* (*warrant*) in so public a paper to stand for a *subpoena*, without some observations upon it, I confess I should be glad to see whether they made any remarks upon it in their reply to the Armenians address, in order to form my judgment, whether they understood the terms (*warrant* and *subpoena*) to have the same signification.

This is explained in the Answer to the Armenian address to mean *subpoena*.

Resolved, That the enclosures in the letter from the Supreme Court be not inserted on the records of this Board.

Question—Whether the Judges shall be furnished with copies of the minutes upon *the libel*, agreeable to their request?

Mr. Francis.—No.

Mr. Barwell.—Yes.

Mr. Monson.—No.

General Clavering.—We have already told the Judges several times, that we never give copies of our minutes
to

to any body, that they are reserved only for the Court of Directors; for which reason I am surprized they should again apply for them, and must now object once more to them.

Governor General.—My sentiments upon this question appear very fully upon our records already; it is unnecessary to repeat them, but to declare I am for the question.

Resolved, That the judges be not furnished with copies of the minutes upon the libel.

Mr. Francis.—I propose the following heads of a letter to the Judges, in answer to theirs:

To acknowledge the receipt of their letter;—to request that they will be pleased to inform us from whom they received the information which they seem to have obtained, on this and other occasions, of the proceedings of this Board in our secret department;—that we do not think ourselves at liberty to communicate to them the minutes which may have passed on the present subject, as such minutes are drawn up solely for the information of our superiors.

That we cannot furnish them with a copy of the libel in question, having ordered the original and translation of it, to be destroyed, and no copy kept of either.

That, as the libel is expunged from our records, we do not think it proper or necessary to enter those papers enclosed in the letter which has, they say, contained a direct, public refutation of it.

That, if they deem it necessary to inform his Majesty and his Ministers, as well as the Honourable East India Company, of the high reputation which the Supreme Court has acquired in this country, we leave it to them to follow the method they have already adopted in other instances, of addressing themselves immediately to the Court of Directors; and that we send them back the enclosures.

Ordered, That a draft be prepared accordingly, to lie for consideration.

*EXTRACT of Bengal Secret Consultations, the 11th
September 1775.*

The draft of a letter to the Supreme Court of Judicature having been prepared agreeable to the minutes of the 4th instant, it was circulated for approval and dispatched, as follows :

To Sir Elijah Impey, Chief Justice, &c. &c.

Honourable Sir and Sirs,

We have been favoured with your letter of the 28th ultimo, thanking us for the sense we had shewn of a paper, which you say contained a false, scandalous, and malicious charge against you, in ordering it to be burnt for a libel ; and desiring to be furnished with a copy of that paper, and such of our minutes upon the occasion as related to it, in which you apprehend you must be interested ; also inclosing some papers to be recorded in our consultations.

We shall be much obliged to you if you will be pleased to acquaint us from whom you receive the imperfect information which appears to have been conveyed to you, on this and other occasions, of the proceedings of this Board in our Secret Department : such communications cannot regularly be made to you but by the authority of the Board, nor can they be obtained without a breach of trust in some of our officers, which we are persuaded you would not encourage.

We do not think ourselves at liberty to communicate to you the minutes which may have passed on the present subject, as such minutes are drawn up solely for the information of our superiors. With respect to the libel, it is not possible for us to furnish you with a copy of that paper, having ordered the original translations to be destroyed, and no copy to be kept of either ; the libel being expunged from our consultations, we do not think it necessary to enter those papers upon our records which you sent us for that purpose, and which you say contain a direct and public refutation of it.

If you deem it necessary to apprise his Majesty and his Ministers, as well as the Honourable East India Company,

Company, of the high reputation which you inform us the Supreme Court of Judicature has acquired in this country, we must leave it to you to follow the method which you have already adopted in other instances, of addressing yourselves immediately to the Court of Directors. We beg leave to return you the papers inclosed in your letter to us.

We are, &c.

I disapprove of the draft, because *I do not think the information imperfect* which was received by the Judges, because it appears to me *an inconsistency to speak of a paper which was expunged from the records, and ordered to be publicly burnt by the common hangman, as a secret of state which it was a breach of trust to divulge*, and because the letter is written in a strain of insinuation, equally unbecoming the dignity of the Board, and deficient in the respect which is due to the Judges of the court to whom it is addressed.

Signed, W. H.

I concur in the Governor General's opinion.

Signed, R. B.

I do not see any words in the proposed draft which *express that the libel was a secret of state*. At the same time, as the Judges were not informed by the Board of the contents of the paper, I think we are entitled to ask them on what authority they call it a false, scandalous, and malicious libel against themselves; and how they know that any minutes have passed on the subject in our secret department. I am at a loss to comprehend what part of the draft the Governor General refers to, when he says it is written in an unbecoming strain of insinuation.

Signed, P. F.

No. 10.

These addressees were inclosed in the letter, which was wrote merely to convey them; that letter is in the Appendix of the Committee, to which the petition of Touchet and others was referred. References to No. 3—No. 4; but the Addressees themselves are omitted.

COPIES of the Addressees, and other Inclosures in the Letter from the Judges of the Supreme Court to the Court of Directors, dated the 9th September 1775.

To the Honourable Sir Elijah Impey, Knight, Chief Justice of the Supreme Court of Judicature.

My Lord,

WE, the grand jury for the town and districts of Calcutta, beg leave, before we separate, to offer in a body, through your Lordship, our sincere acknowledgments to the court for the great attention they have been pleased to shew us, through the whole course of an unusually tedious sessions, in accommodating our business as much as possible to our convenience, and in affording us every remission from it of which the nature of our service would admit.

Allow us further, my Lord, to express on this occasion the satisfaction we feel in possessing in your Lordship a chief justice, from whose abilities, candour, and moderation, we promise ourselves all the advantages which can be expected from the institution of the Supreme Court.

May you long continue at the head of the court, to add to that esteem for your character which your conduct has already acquired.

Town Hall,

July 14th 1775.

(Signed)

G. Hurst.
Cha. Bently.
Alex^r Van Rextel.
B. G. Wright.
J. Stewart.
J. J. Keighley.
Will^m Pawson.
Sam^l Charters.
John Champain.
M. Gunning.
Will^m Paxton.
David Kellican.

Cudbert Thornhill.
Page Keble.
Tho^s Morris.
Rob^t Holford.
H. Grant.
Jos. Price.
Rob^t Dobinson.
J. Hannay.
Cha^s Grant.
John Carmichael.
Tho^s Burges.

No. II.

To the Honourable Sir Elijah Impey, Knight, Chief Justice of the Supreme Court.

My Lord,

WE, the free merchants, free mariners, and other inhabitants of the town of Calcutta, deeply affected with a sense of the manifold benefits which are derived to this settlement from the institution of the Supreme Court of Judicature, beg leave to wait on your Lordship to testify before you, in this public manner, our gratitude to our most gracious sovereign, and to the legislature of Great Britain, for the inestimable obligation they have thus conferred upon us. Far distant from the mother country, and necessarily deprived of a constitutional protection, which other colonists enjoy in the assembly of the people, we were also left under a feeble and incomplete administration of the laws of England till your arrival in Bengal; we then had the happiness to see the power of the law firmly established above all other powers, and an equal measure of justice distributed to all men.

At the same time, my Lord, that we address our warmest expressions of thanks to your Lordship for the security to our persons and properties, which we enjoy under the protection of the court, it is with unfeigned acknowledgments we do justice to the merits, integrity, and abilities of your brethren. The eminent station to which your sovereign has been pleased to call you, puts you in a point of view more exposed to the observation of the people, and renders your talents and virtues more conspicuous. We have all of us had occasion, many of us as jurymen, to observe, through the course of the full exercise of the various jurisdictions vested in your court, the candour, wisdom, and moderation, with which you have conducted all their proceedings. It is not alone that intimate acquaintance with the laws, which you display on these occasions, that attracts our admiration, or that superior sagacity in detecting the sophisms which are advanced under their colour; but the steady unshaken conduct

which you pursue in maintaining the dignity and independency of the king's-court, unawed by opposition of any sort, in impartially granting to every man under all circumstances the protection to which he is legally entitled, and in repressing the spirit of litigiousness, and the chicanery and quirks of practitioners.

We particularly felt our breasts glow with the warmest sentiments of gratitude when we heard you, from the highest seat of justice, supported by the unanimous voice of your brethren, reprobate with every just mark of indignation, the insidious attempt to introduce into practice the granting of blank subpoenas for the attendance of witnesses; so detestable an instrument of oppression, in the hands of wicked or powerful men, might have produced the full effects of the edicts of the inquisition, or the *lettres de cachet*, the most arbitrary state. Our reputations, our fortunes, and perhaps our lives, would have been in that case left at the mercy of every profligate informer, who might have been detached into the country, loaded with blank subpoenas, to fish for evidence in any suit or prosecution, among an abject and timid people, ignorant of the nature of these writs, who would have considered them merely as mandates from authority, to swear as they were directed, and being ready to sacrifice truth, honour, and religion, to the dread of power.

We cannot also refrain from declaring how much we esteem ourselves indebted to the pains you bestowed during the course of the late tedious and important trial, in patiently investigating the evidence, and tracing the truth throughout all the intricacies of perjury and prevarication, and in finally detecting and putting in the way of condign punishment the cloud of false witnesses, who seem to have acted from concert, and to have had hopes of introducing into the court, under the shelter of an unknown tongue, and concealed forms of oath, a general system of false swearing, to the total subversion of all reliance on evidence, and to the utmost danger to the life and property of every man in these provinces.

Permit

Permit us then, for our own sakes, and for the sake of all his Majesty's subjects in Bengal, to express our most hearty and sincere wishes for your health and prosperity, and that you may long continue among us to fill that chair where you now sit, with much lustre, and so much to our advantage, and to that of the whole settlement.

Before we withdraw from your presence, we have one suit to prefer, which we hope in kindness will not be denied us: we request your Lordship, that you would be pleased to sit for your portrait at full length, to the painter whom we shall appoint to draw it; we propose to put it up in the town hall, or some other public room, merely as a gratification to our own sentiments of esteem and respect for you, well knowing that your virtues, and the services you render to the public, will erect a much more durable monument to your name and character in the memories of the latest posterity.

C. S. Playdell.
John Robinson.
Jo^s Price.
Rob^t Holford.
John Ferguson.
H. Grant.
Cudbert Thornhill.
R^t Dobinson.
Tho^s Morris.
J. Montaigut.
John Prinsep.
John Millet.
R. Parks.
Jacob Rider.
Edward Tiretta.
L. D'Coffa.
T. L'Herondell.
F. L'Blanc.
Charles Short.
Jos^a Nixon.
Rob^t Watson.

W^m Richardson.
W^m Cummings.
J. Bayne.
James Willet.
B. Glover.
Mont Burman.
T. Thomas.
John Burrell.
Alex^r Smart.
Tho^s Gill.
Alex^r Ratray.
James Stuart Hall.
Jo^s Jerm^y Irwin.
Edw^d Mac Intosh.
Jos^a Aug^t Hicky.
Thomas Shiells.
Rob^t Donald.
Thom^s Downs Wilmot.
Arthur Adie.
W^m Barrington.
T. S. Hancock.

Rob ^t Sanderfon.	W ^m Alderige.
Thom ^s Craigie.	Matt ^w Wilmot.
W ^m Swallow.	Sam ^l Fielder.
John Debeil.	Tho ^s Adams.
Tho ^s Smith.	B. Meffink.
L. Oliver.	Edw ^d Brightman.
Edw ^d Scott.	Rob ^t Brown.
Alex ^r Murray.	Moses Connor.
R ^t Macfarlane.	Rob ^t Strakam.
Rob ^t James Goold.	James Ogden.
Cha ^s Weston.	James Bracey.
John Belli.	W. Bondfield.
Ralph Spencer.	Thomas Peele.
John Rich.	Edw ^d Willman.
Sam ^l Weller.	Alex ^r Faikner.
Alex ^r Mac Neil.	Jo ^h Collifs.
Tho ^s Evans.	John Eilkinet.
Tilly Kettle.	John Hearn.
Jn ^o Williams.	John Taylor.
W ^m Haig.	J. Clements.
W ^m Briggs.	Geo. Nodes.

A true copy.

No. 12.

To the Honourable Sir Elijah Impey, Knight, Lord Chief Justice of the Supreme Court of Judicature, and the Judges thereof.

My Lords,

WE the Armineans of Calcutta, in full conviction of many salutary effects already resulting from the administration of English laws in this settlement, and in certain expectation of still more advantageous consequences, beg leave to express our warmest sentiments of gratitude to that power by whose interposition they were introduced, and to those hands by which we see them so impartially executed.

Ever mindful of the abilities and of the candour displayed by all the members of the bench, we think it
our

our duty to signify our thankful sense of them to your Lordship, as the president, and through you to the rest of your brethren; who, as they have uniformly exerted themselves for the public good, are also entitled to a share in our respectful acknowledgments.

We must confess our fears, upon the introduction of English laws into this country, to have been neither light nor groundless; where our fortunes, our lives, our honour, and our religion, might be at stake, we could not but shudder at the consequences of justice distributed in an unknown language, and upon principles of which we were totally ignorant. It is to you, my Lords, that we owe the obligation, not only of a release from those terrors, but of a comfort and satisfaction proportionably more solid, as our causes of uneasiness had been substantial.

We are now convinced that chicanery, subornation of evidence, perjury, and forgery, will never, by any particularity of circumstance, or exertion of influence, escape with impunity; and severe warnings, which have been given to all offences so injurious to society, are most ample pledges for the protection of the peaceable subject in his property, his person, and his reputation.

We are also told, that by your timely interposition, an attempt to introduce *blank warrants* for summoning any persons from all parts of the provinces, has been most effectually precluded. By this step your Lordships have probably rescued an extensive kingdom from absolute destruction; for what man, independent either in his fortunes or his principles, would have resided one moment in a country where he was perpetually liable to be harassed by vexatious and expensive journeys, and by a painful attendance upon a court of justice, at the folly, the pique, or the caprice, of every litigious individual?

We have now experienced, within the space of a few months, a total removal of every serious solicitude, and the most comfortable assurances of security in the possession of all we hold valuable, in these striking specimens of the excellence of the British law, and the impartiality of its administration; we are therefore

Vide Minute of the 11th Sept. 1775. This word observed on; the sense of the passage shows that it was not meant a warrant to apprehend.

very earnest in our wishes, that its salutary influence may be yet wider extended, and its establishments (if possible) more effectually secured. Calculated as it is for a people whose climate, whose religion, manners, and dispositions, differ totally from those of India, there must necessarily be many parts of it which materially clash with our sentiments and our prejudices, though we have the most exalted opinion of its general advantages.

Give us leave, then, my Lords, to hope, that it may hereafter be so modified and blended with the immediately national and constitutional peculiarities of this country, as to leave us no possibility of apprehension from its most extensive exertion, or excuse for undervaluing the obligations we receive from it—that so our gratitude may be still more warmly excited towards our most gracious monarch, who, in this first exercise of his authority, has given us so wonderful an instance of the wisdom of his government, and so respectable a representative of the British legislature.

We must heartily unite in wishing, that your Lordships may long continue to preside in that court from whence all our future security is to be derived; and that we may have the satisfaction of knowing that our fortunes, our lives, and our reputations, equally unexposed to attacks of private artifices, and the fluctuation of arbitrary authority, stand inviolate upon the unalterable principles of equity.

Petruse Arratoon.	Arratoon Sarkis.
Minas Ellias.	Gregory Simoone.
Owenjohn Thomas.	Sarkis Johannis.
Joseph Enien.	Vissent Gregory.
Zechariah Cojamall.	Stephen Mirsa.
Gabriel Johannees.	Astwsatoor Gregory.
Karapet Thomas.	Arrakeel Anthon.
Catchatoor Owenjohn.	Torrofs Gregory.
Astwsatoor Gregory.	Catchiek Sarkis.
Arratoon Johannis.	Gregory Sarkis.
Phanuse Boggram.	Abraham Pogofs.
Johannis Milluhset.	Malaky Michael.
Jacob Martiroose.	Catchiek Arrakeel.

Malcas Isaac.	Arratoon Petrus.
Sattoor Ellias.	Baban Phanus.
Barsut Karaput.	Michael Agabab.
Arratoon Peirroose.	Moses Emin.
Guzar Mooratcawn.	Araduk Jacob.
Arait Satoor.	Petrus Garrack.
David Stephen.	Catchatoor Isaac.
Petrus Isaac.	Phanus Jacob.
Satur Mooraud Khawn.	

A true copy of the translate delivered with the original address, which is in Arminean.

No. 13.

To the Honourable Sir Elijah Impey, Lord Chief Justice of the Honourable the Supreme Court of Judicature, and the Judges thereof.

My Lords,

THE King of England regarding with an indulgent eye on the subjects of this kingdom, formed a new law; and conferring on you, gentlemen, the administration of justice, sent you to this country. When we heard this news, our hearts were filled with various doubts concerning the manner in which the new law would operate; but some months have now elapsed since your arrival in Calcutta, during which, in all such causes as have come before the Court, you, gentlemen, in every way attentive to the welfare of this country, by receiving complaints, by forming regulations for issuing warrants, by weighing the representations of the plaintiff and defendant, by investigating the evidence on both sides, by distinguishing the characters of the witnesses, and in every way by a complete examination, have established the new law: upon this, doubts which we before entertained being removed, confidence and joy sprang up in our hearts, and we are thoroughly convinced that the country will prosper, the bad be punished, and the good be cherished. May the
God

God of Gods ever preserve you in health, and may you long continue to administer justice in this country!

The law of you, gentlemen, may differ in sundry points from the usages of this country, the Shaster, and the Bebhar (or religious customs). We will examine into these points, and represent them; and our prayer is, that in the usages of this country, the Shaster, and the Bebhar, and in giving and receiving (i. e. in matters of property), it may be so ordered, that our welfare may in every respect be promoted, and our religion preserved.

(Signed)	Maha Rajah Nubkissen, of	-	Calcutta
	Rajah Huzroo Mull, of	-	ditto
	Rajah Ramlochun, of	-	ditto
	Gokul Gofaul	-	ditto
	Bekary Pahlet	-	ditto
	Kishen Cantoo Baboo	-	ditto
	Santeram Sing	-	ditto
	Bulram Majumdar	-	ditto
	Diaram Chatterjee	-	ditto
	Harrykissen Taukoor	-	ditto
	Rada Mohun Kutmah	-	ditto
	Rada Kishen Sircar	-	ditto
	Boohrun Haldah	-	ditto
	Jaga Mohun Bysack	-	ditto
	Subahram Pahlut	-	ditto
	Kishen Cunt Mokerjee, of	-	Is gloypore
	Ooderam Chowdry, of	-	Calcutta
	Chuny Lol Baboo	-	ditto
	Naran Dofs Baboo	-	ditto
	Rahadar Sing Baboo	-	ditto
	Jay Sing Baboo	-	ditto
	Sheboo Sing Baboo	-	ditto
	Seram Micher	-	ditto
	Santosh Sing	-	ditto
	Jaggah Ram Haldah	-	ditto
	Ramrutten Taukur	-	ditto
	Davy Churn Meter	-	ditto
	Radakissen Soor	-	ditto
	Bowany Churn Chowdry	-	ditto

Ramjay Sikdah, of	-	Calcutta
Rada Kishen Sircar	-	ditto
Ramkunie Taukur	-	ditto
Ramsunker Sikdah	-	ditto
Hurry Mohun Boysak	-	ditto
Nara Hurry Boysak	-	ditto
Pally Chund Sing	-	ditto
Rumachund Mokerjee	-	ditto
Ram Cunt Ghose	-	ditto
Ruboonaut Meter	-	ditto
Bancheram Rudah	-	ditto
Ramchurn Taukur	-	ditto
Manik Ram Mokerjee	-	ditto
Jeba Hurry Boysack	-	ditto
Ramniddy Taukoor,	-	ditto
Neelmuny Taukoor	-	ditto
Doorgau Churn Metre	-	ditto
Kissen Churn Byfack	-	ditto
Ramchundre Haldau	-	ditto
Bunderabun Byfack	-	ditto
Jagernaut Chaterjee	-	ditto
Hoody Ram Mockerjee	-	ditto
Coolly Persaud Dutt	-	ditto
Aamindram Dofs	-	ditto
Monohur Mokerjee	-	ditto
Colly Churn Pahlet	-	ditto
Ramperfaud Meter	-	ditto
Ramchunder Seyn	-	ditto
Bulram Ghose	-	ditto
Jaggernaut Ghose	-	ditto
Byftun Churn Sircar	-	ditto
Ramperfaud Sekdah	-	ditto
Kishen Caunt Mokerjee	-	ditto
Jubal Kishen Seyn	-	ditto
Mokleram Meter	-	ditto
Gowry Chunkah Meter	-	ditto
Griedah Set	-	ditto
Hurry Set	-	ditto
Ram Churn Chukerbutty	-	ditto
Samfoonder Chaterjee	-	ditto
Ramlochun Taukur	-	ditto

Ramsunder Meter, of	-	Calcutta
Ramsunder Ghose	-	ditto
Kawulram Nandi	-	ditto*
Ramhurry Rucket	-	ditto
Rada Mohun Munshi	-	ditto
Beerbull Paul	-	ditto
Doogaran Seyn	-	ditto
Bendrabun Mokerjee	-	ditto
Beja Ram Ghose	-	ditto
Samsunder Taukur	-	ditto
Ramsunder Taukur	-	ditto
Nundakithoor Koonah	-	ditto
Jaymunni Seyn Phodah	-	ditto
Gocul Chund Ghose	-	ditto
Ramchund Mullick	-	ditto
Keshoor Kishen Sunder	-	ditto
Hidehram Mokerjee	-	ditto
Juggut Ram Ghose	-	ditto
Birjee Kishore Sircar	-	ditto
Ram Ram Misser	-	ditto
Ramnarain Mokerjee	-	ditto
Poorboo Ram Taukur	-	ditto
Govindram Boysack	-	ditto
Ramkishen Seyn	-	ditto
Diaram Phodah	-	ditto
Bharut Churn Ghose	-	ditto
Aunund Chund Dutt	-	ditto
Dautah Ram Turbdah	-	ditto
Garam Birjee	-	ditto
Buncheram Chuchebutty	-	ditto
Neel Munie Chatterjee	-	ditto
Ramnarain Soor	-	ditto
Ramchurry Mokerjee	-	ditto
Ramhurry Ghose	-	ditto
Ram Kinai Taukur	-	ditto
Rada Kishen Taukur	-	ditto
Juggernaut Kungaily	-	ditto
Sookdep Sircar	-	ditto
Ramchurn Mokerjee	-	ditto
Hurry Kishen Chatterjee	-	ditto
Ramkishoor Roy	-	ditto

	Calcutta
Binode Ram Chatterjee, of	
Ragoonaut Holdah -	ditto
Manick Chund Kungoly -	ditto
Kishen Chund Sikdah -	ditto
Janoky Ram Sircar -	ditto
Jugul Kishore Bofe -	ditto
Ruckter Sing Kittree -	ditto
Ramfunker Bhofe -	ditto
Gya Ram Ghofe -	ditto
Undy Ram Sircar -	ditto
Undy Ghofe -	ditto
Sufram Ghofe -	ditto
Nyan Chun Taukur -	ditto
Nayan Nusken -	ditto
Gokul Bhudda -	ditto
Ram Cunt -	ditto
Mooktah Ram Seyn -	ditto
Bowany Churn Dey -	ditto
Kishen Churn Taukur -	ditto
Davy Churn Ghofe -	ditto
Loll Baharry Ghofe -	ditto
Kishen Dunn Dutt -	ditto
Bajai Ram Dey -	ditto
Ram Gopal Ghofe -	ditto
Sam Chunder Chattergee -	ditto
Befaram Dutt -	ditto
Berjee Kishoor Sircar -	ditto
Ramchunka Dofs -	ditto
Kunna Ram Ghofe -	ditto
Sam Chunder Shal -	ditto
Kundee Loll Kitteree -	ditto
Bowanny Churn Bhofe -	ditto
Hoakool Soor -	ditto
Kaunoo Ram Chowdry -	ditto
Jankyrarn Taukur -	ditto
Juggut Ram Sircar -	ditto
Loll Kishoor Mokerjee -	ditto
Ramnudy Bhalajee -	ditto
Bulram Seet -	ditto
Birjeehaut Boysack -	ditto
Ramchund Bensaut -	ditto

Nurida Dulol Bofauk, of	Calcutta
Rambehary Mokerjee -	ditto
Ram Ram Roy -	ditto
Diaram Chaterjee -	ditto
Ram Ram Ghose -	ditto
Ramnarain Ghose -	ditto
Rajah Ram Mokerjee -	ditto
Ramchunder Sikdah -	ditto
Ramperfaud Taukur -	ditto
Buncharam Taukur -	ditto
Shubaram Taukur -	ditto
Cartie Ghose -	ditto
Ram Dulol Ghose -	ditto
Juggut Ram Dofs -	ditto
Telug Ram Khofaud -	ditto
Ram Narain Rubby Rauch	ditto
Sufram Bhofe -	ditto
Bujeram Meter -	ditto
Ram Gopaul Seyn -	ditto
Ram Narain Seyn -	ditto
Ramchurn Dutt -	ditto
Chenarum Seyn -	ditto
Fuckerchund Saa -	ditto
Ramperfaud Saa -	ditto
Ramlochun Chund -	ditto
Gopee Cund Roy -	ditto
Dyaram Dey -	ditto
Neam Narrain Ghose -	ditto
Radah Mohun Pohdah	ditto
Kishen Chund Chatterjee	ditto
Gopee Churn Sircar -	ditto
Radah Kishen Ghose -	ditto
Gowry Chunker -	Burdwan.
Ram Narrain Sing -	Currapurrah.
Gunga Daut Taukur	Nuddea.
Barcha Ram Meter	Hurreah Daha.
Gowry Churn Ghose,	Morah Goffah.
Nyan Soor Sircar -	Duabafen.
Durgaram Dofs -	of Ntagore.
Ramperfaud Dofs -	Sumrah.
Radakishen Nundee	Santipore.

Indenattain Ghose	Nuddea.
Monuhur Ghose -	Attyaghur.
Nundikishore Ghose -	Jeffore.
Sheb Jeebon Roy -	Burdwan.
Bharut Churn Mleter	Calcutta.
Ramdulol Ghose -	Calcutta.
Ramchunder Surmah	Bochshey ditto
Ramnidy Pall	Schoomder Ghur.
Berjou Kishore Mockerjee	Bankey Bazar.

A true copy of the translate delivered together with the original Hindoo address, which is in the Bengallee language, on the 27th July 1775.

No. 14.

TRANSLATIONS of the Answers of the Four Pundits, referred to in the Letter from Sir Elijah Impey to the Governor General and Council of Bengal, dated the 9th May 1775.

EXTRACT of Bengal Secret Consultations, 9th May 1775.

TRANSLATION of the Question put to the Pundits, by Sir Elijah Impey, Mr. Justice Chambers, and Mr. Justice Le Maître, at Sir Elijah Impey's House.

IF a Brahmin be confined in a prison, and a Mussulman or Englishman likewise is confined in the same prison, and eats and drinks there, but the Brahmin who is confined under the roof of the prison is in a separate room from them, and eats and drinks in his own room, does the Brahmin lose his cast or not?

Answer—under the signatures of Kissen Jewan Surmah, Bannifsee Surmah, Kissen Gopal Surmah, and Gowree Caunt Surmah, Pundits.

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This was an inclosure in the above mentioned letter; the letter is in the Appendix to the Committee to which the petition of Touchet and others were referred; References to No. 3.—22: but it is itself omitted.

In

In the case above stated the Brahmin does not lose his cast; but if in consequence of the orders of government he remains in confinement, and eats and drinks, prauschit or penance is necessary. If he is confined in a place not under the same roof, and eats and drinks, his cast shall not be lost, but a trifling prauschit will be necessary.

TRANSLATION of the Questions put to the Pundits at the Gaol, after they had been shewn every Part of the Place in which Rajah Nundcomar is confined.

If a Brahmin, being in the place where you have seen Rajah Nundcomar, eats and drinks, and sleeps, does he lose his cast or not?

Answer.—Mussulmans and others live under the same roof in a separate room, and a Brahmin cannot perform his ablutions, or eat and drink, in the same room; but if he does perform his ablutions, and eat and drink, he will not lose his cast, but prauschit must be performed.

Question.—Can Maha Rajah' Nundcomar perform his ablutions, &c. in the room in which he is confined, or not; if he does perform those ceremonies will he lose his cast?

Answer.—It is not proper for Rajah Nundcomar to eat in the room in which he is confined; if he does eat, his cast will not be lost, but he will be obliged to perform prauschit.

No. 15.

(C O P Y.)

LETTER from the Judges of the Supreme Court of Judicature at Fort William in Bengal, to the Governor General and Council, dated the 7th January 1777, applying to have Pundits appointed to attend the said Court; and also the Answer of the said Governor General and Council thereto.

EXTRACT of Bengal Public Consultations, the 13th January 1777.

READ the following letter from the Supreme Court of Judicature.

To the Honourable the Governor General, and
Gentlemen of the Council.

Honourable Sir, and Sirs,

Having experienced great delays and obstructions to justice, from the want of clearly understanding the several petitions presented to us by the natives (both in the languages commonly used by them in this country, and in the unintelligible translations of Portuguese writers), and from the multiplicity of them, and the variety of matters which they contain; and not being able to select those who complain of grievances, to which we can apply redress, nor to enquire into the truth of the facts stated; and many of the petitioners being, in consequence of the injuries complained of, or from other causes, in extreme poverty, and totally unable to support the expence of a suit; and the number of such poor suitors being so great that the attornies of the court cannot transact their business without fees; and finding we cannot, without much difficulty, execute our trusts without having regular

This proves Mr. Tolfrey mistook when he said, (vide his evidence) that he believed the Pundits examined concerning Nundocomar were officers of the Court; the Court not having such officers till 3d Feb. 1777, as appears by these Consultations.

and official advice in questions arising on the Hindoo and Mahomedan law, which must in many cases lead or rule our determinations;—we have, on full consideration, thought it absolutely necessary, to answer the purposes of justice, and fulfil the intention of the act of parliament, and of his Majesty's charter, to appoint the following officers in the Supreme Court:

First.—A reporter and examiner of petitions, to translate, digest, and select such petitions as shall contain matter of sufficient consequence, and of a nature fit for the interposition of the Court; to enquire summarily into the truth of the facts stated, and to make his report to the Judges.

Secondly.—An advocate and attorney, to prosecute and manage such suits for paupers as the Judges shall direct.

Thirdly.—Two learned Moulavies, to whom the Court may officially refer questions arising on the Mahomedan law.

Fourthly.—Two Pundits, to whom the Court may in like manner refer questions arising on the Hindoo law.

We take this opportunity of representing to you the difficulties we labour under, in procuring intelligent and faithful assistant interpreters for the Persian, Hindostany, Bengaley, and Portuguese languages:—The salaries of those assistants, who are two in number, are so low, that without some augmentation of their income, we shall not be able to retain those we have, their labour being very great, from the continual and daily attendance they are obliged to give on the business of the Court; and we have great reason to believe we could not supply their places with persons on whom we can depend, for their present salaries.

The very great inconveniences suffered by the suitors, from their having no known offices to which they can apply, and from the several officers of the Court dwelling in quarters of this town greatly distant one from the other, compel us to remind you of a

letter sent to your Board many months ago, and not yet answered; by which we addressed you to appoint proper and convenient offices, according to your instructions from the Court of Directors.—At the late sessions of oyer and terminer, the business was almost at a stand, the clerk of the crown and clerk of indictments having no known offices; the only room we could appropriate to the grand jury not only deprived the judges of their retiring room, but is so situated, that the records of the court are inaccessible during the time that the jury are met.

If the common jury deliberate on their verdict, we have no room to which they can be sent to consider of it.

These are inconveniences which we have repeatedly represented, and which we yet do not despair will be attended to, in order that justice may be more expeditiously and commodiously administered.

At every session of oyer and terminer, the gentlemen of the grand inquest have found themselves in want of a clerk and an interpreter, officers who are so requisite on such occasions, that we have, from time to time, at the instance of the jury, requested the attendance in those employments of persons who have received no compensation of any kind for their time and trouble; such gratuitous assistance cannot be always expected, nor will you think it fit that we should be obliged to solicit it: we therefore hope, that you will admit the reasonableness and necessity of our desiring to add to the before-mentioned officers—

Fifthly.—A clerk to attend the grand jury at every session of oyer and terminer.

Sixthly.—An interpreter to attend the grand jury and clerk of indictments at every session of oyer and terminer.

We have the honour to enclose the names of the officers, with their salaries, as likewise a small addition

tion to the table of fees, for your approbation and allowance.

We have the honour to be, &c. &c.

(Signed) { E. IMPEY,
ROBT CHAMBERS,
S. C. LEMAISTRE,
JOHN HYDE.

Fort William,
7th January 1777.

Officers of the Supreme Court.

	per Menssem.
An examiner and reporter of petitions, Mr. William Chambers — —	A. R ^s 400
An advocate for pauper suitors, Mr. Christian Frederick Brix — —	600
An attorney for pauper suitors, Mr. William Johnson — —	400
Two learned Moulavies { Deanut Oolla	200
Loofst Oolla	200
Two learned Pundits { Ramchurn Bidda	200
Baucush Puttee	200
Shaum Baucush Puttee	200
A clerk to attend the grand jury at every session of oyer and terminer, Mr. George Wroughton — —	35
An interpreter to attend the grand jury and clerk of indictments at every ses- sion of oyer and terminer, Mr. Pogoze Mirza — —	35
Additional salary to the assistant inter- preter, Mr. Nicholas Jebb — —	100
Additional salary to the assistant inter- preter, Mr. Robert Gunfiam Dofs — —	100

Addition to Table of Fees.

	A. Rupees.
Translator to the Court, fee on written translation, per sheet of ninety Eng- lish words — — —	1

To the Examiner and reporter of petitions, for each petition, not of a pauper — — —

A. Rupees,

2

EXTRACT of Bengal Public Consultations, the 3d February 1777.

Resolved, That the following letter be written to the Supreme Court :

To Sir Elijah Impey, Knight, Chief Justice, &c. Judges of the Supreme Court of Judicature.

Honourable Sirs,

We have been honoured by the receipt of your letter of the 7th ultimo.

Being convinced of the expediency of the new establishment of the officers which you have thought it necessary for the better administration of justice to appoint, we have the pleasure to signify our concurrence in your recommendation of them, and our approbation both of the list of salaries you have proposed to annex to their stations, and of the addition to the table of fees, which is also contained in the same list.

In consequence of the necessity which you have represented to us, of having proper offices for the purposes described in your letter, we have ordered the Buxey to rent a house, with suitable accommodations, for offices of the Court, and as contiguous as possible to the present court house.

We are, &c. &c.

Fort William,
3d February 1777.

No. 16.

SIR,

WE give you full power and permission to print and publish, if you think proper, the trial of Maha Rajah Nundocomar, as authentic from the copy which has been delivered to you.

We are, Sir,

Your most humble servants,

E. IMPEY,
ROBERT CHAMBERS,
S. C. LEMAISTRE,
JOHN HYDE.

Fort William,
August 10, 1775.

To Alexander Elliot, Esq.

No. 17.

SIR,

WHEN I quitted Bengal, Sir Elijah Impey, the Chief Justice of Bengal, authorised me to say that the trial of Maha Rajah Nundocomar was drawn up from his and the other Judges notes.

I am, Sir, &c.

ALEX^R ELLIOT.

London,
May 3d, 1776.

To Mr. Cadell, bookseller, in the Strand.

An ACCOUNT of the several Persons who have been prosecuted in the Court of Quarter Sessions in Calcutta, for Criminal Offences, according to the Laws of England, from the 1st of January 1762, to the 1st of October 1774; specifying the Names and Crimes of such Persons, together with the Dates of such Prosecutions respectively, and which of the said Persons were convicted, and the Sentences pronounced on such Convictions.

Date of Prosecution.	Names of Persons tried.	Crimes	Verdict.	Sentence.
1762.				
August 27th	Loll Khan —	Privately stealing	Not guilty.	
Nov. 27th	Sook Deb, and Diaram —	Murder —	D ^o	
30th	Enasse Gofaul —	Felony —	{ Guilty of an af- fault, but not of the felony }	{ To be flogged at the cart's tail every Monday for a month with a cat of nine tails.
	Owen John Soorkeas — Kirporam Mollay —	{ Burglary —	Not Guilty.	
Dec. 1 st	Brijo Hazerah —	Felony —	{ Guilty steal- ing value 10d — }	D ^o .
	L. Granidier —	Murder —	Not guilty.	
3 ^d	Allady —	{ Rape —	Guilty —	Death.
	Panche —			
17th	Ramram —	Murder —	Pleaded guilty.	D ^o .

Date of Prosecution.	Names of Persons tried.			Crime.	Verdict.	Sentence.
1762. Dec. 17th	Caville	—	—	Burglary	Guilty	Death.
1763. Feb. 28th	Ebarray	—	—	Burglary	Not guilty.	
	Droberage	—	—			
August 27th	Miguel Van Colsten	—	—	Murder	Not guilty.	Death. D ^o .
Sept. 1st	Jaffier	—	—	Burglary	Guilty	
	Golaum Hoffein	—	—		D ^o	
	Occoor	—	—		Acquitted.	
Nov. 29th	Mary D'Rofario	—	—	Murder	Not guilty.	To be whipped at the public market place four successive Mondays.
30th	Bernardo	—	—	Felony	Discharged, the prosecutor not appearing.	
	Diaram	—	—	Felony	Guilty stealing to the value of 10d	
Nov. 30th	Marshall Johnson	—	—	Affault	Guilty	To be imprisoned till next sessions, then left to the discretion of the Justices to release him, on finding sureties for his good behaviour.
	Bridjoo	—	—	Murder	Accessory to the murder	

1764.							
Feb. 28th	Collin Campbell	—	Assault	—	Pleaded guilty	{	Fined 100 <i>l.</i> to be imprisoned one month, and to find security for his good behaviour, himself in 100 <i>l.</i> and two sureties 50 <i>l.</i> each.
May 28th	Fra ^s Ruffell	—	Forgery	—	Guilty		{
Sept. 11th	Sufanna	—	Murder	—	Not guilty.	{	
12th	Robt Baker	—	Felony	—	{ Guilty of stealing to the value of 1 <i>cd.</i>		{
	Jean La Fineffe	—	Assault	—	Guilty	{	
Dec. 14th	Frederick Hinnings	—	Murder	—	Not guilty.		{
1765.							
Feb. 27th	Radachurn Metre	—	Forgery	—	Guilty	—	Death. Pardoned.
May 27th	Shake Sobdy	—	Felony	—	Guilty	—	Death.
Aug. 27th	Contou	—	Murder	—	D ^o	—	D ^o .
	Covil	—	{ Felony and murder	—	{ Pleaded guilty of the felony	{	Death.
	Mahomed Reza	—					
	Kedaine	—					
	Tittaoo Gauzee	—					
	Ariff	—					
	Babaaloo	—					
	Cotubbe Mcnalda	—					
	Anunderam	—					
	and						
	Noon Mahommed	—					

Date of Prosecution.	Names of Persons tried.		Crime.	Verdict.	Sentence.
1765.					
Nov. 27th	Nathan Freeman	—	Affault	Guilty	Fined 50 <i>l</i> . and to be confined until he find security for his good behaviour for twelve months.
1766.					
Feb. 27th	Bavauny	—	Murder	Not guilty.	Death.
	Lollchund	—	D ^o	Guilty	
	Netow	—	D ^o	Not guilty.	
May 27th	Lollbaharry	—	D ^o	D ^o .	Death. D ^o .
Aug. 27th	Dowahmerand	—	D ^o	Guilty	
	Rhomeney	—	D ^o	D ^o	
Nov. 27th	Manas Romken	—	Rape	Not guilty.	
1767.					
Feb. 27th	John Poole	—	Affault	Not guilty.	
	Robt Sherman	—			
	Laurence Murray	—			
May 27th	Betty	—	Murder	Guilty	Death.
	Anthonia De Costa	—	Affault	Pleaded guilty	Fined 20 <i>l</i> . and imprisoned one month.

	Mark Mathewson	—	Felony	—	{ Guilty stealing, value 100.	{ Committed to the public gaol for 3 months; to be publicly whipped through the town twice, to receive each time 100 lashes on his bare back with a cat of nine tails; and afterwards to be committed to Bridewell to hard labour for 6 months.
Aug. 27th	Saml Farley	—	Affault	—	Not guilty.	
Nov. 27th	{ Mathw Callaghan Price Trumbull Walter Powells Ram Gose Sitteram —	{ — — — —	{ Felony Murder D ^o	{ — — —	{ Not guilty. D ^o . D ^o .	
1768. Feb. 27th	Emandy	—	Murder	—	Not guilty.	{ Fined 20 l. St ^g , and to find security for his good beha- viour for 12 months.
Nov. 27th	Wm Mackintosh	—	Affault	—	Guilty	

N. B. The preceding account is conformable to the order of the Honourable House, so far as the documents at the East India House will allow—the proceedings of the Court of Quarter Sessions at Calcutta for the year 1762 only commencing the 27th August of that year; and there has been no proceedings of the said Court received of a later date than the 27th Nov. 1768.

It cannot be ascertained, from any document in the Company's possession in Europe, which of the sentences have or have not been carried into execution, except that passed on Radachurn Metre, who was recommended for mercy, and afterwards pardoned by his Majesty.

R. HUDSON,

Pro Exmt of India
Correspondence.

East India House,
3d March 1788.

N^o 19.

(C O P Y.)

MINUTES and Letters of the Governor and Select Committee of Bengal, and of Colonel Richard Smith, Commander in Chief of the Army, in the Year 1768, relative to the Trial of Sepoys by Courts Martial.

Extract of Bengal Select Consultations, the 10th February 1768.

READ a Letter from Colonel Smith, under date the 20th ultimo, received since our last meeting, as entered hereafter.

The President delivers in the following Minute :

Gentlemen,

It was on the 12th ultimo that I last laid my correspondence with the Country powers before you, as has been done from time to time ever since my taking charge of the government. No circumstance of my conduct has been concealed, but openly and candidly left to your observance; and I flatter myself that neither circumspection, spirit, or attention therein, has fallen short of that system of policy, so happily adopted, and so successfully pursued by my predecessor; events prove it, but these may be deemed casual. The consideration of circumstances and time will more fully, on retrospection, justify the conduct I have preserved in the course of my correspondence, and the measures I have pursued. Conscious of their rectitude, I am bold in the desire that the most minute scrutiny be made therein; and if there is any part which requires an explanation, I shall most readily embrace the opportunity of giving it to you.

From the disposition of the King and Sujah Dowlah, their mutual jealousies, separate connections, and the impracticability of uniting them, it must ever be a delicate point in the address of a governor, so to steer
his

his way, as to preserve their confidence, interests, and good opinions, without the forfeiture of either.

You may remember, gentlemen, that Sujah Dowlah was, some time ago, desirous of paying me a visit at Calcutta: At the knowledge of his intention, I communicated it to Munerah ul Dowlah; and to prevent the king's entertaining any suspicions from the vizier's visit, requested Moneer ul Dowlah would also come hither; and they accordingly engaged to accompany each other. The former was prevented by a letter I wrote to him, recommending him to postpone his journey; but the latter, unmindful of his promise, left Allahabad and proceeded to Calcutta, without giving the other the least intimation of it. Sujah Dowlah expressed great uneasiness on the occasion, infomuch that I assured him he should have no cause to be dissatisfied at my conduct towards him; and in order to convince him of the sincerity of this assertion, I promised to communicate to him whatever passed between Munerah ul Dowlah and me at the presidency. With this he appeared highly satisfied. In consequence of this promise, I did communicate to his vakeel (a man of character and station, high in the confidence of his master, and who was permitted to reside here at Lord Clive's particular request) the purport of Munerah ul Dowlah's embassy, and the correspondence which passed between his majesty and me therein, in order that the same might by him be forwarded to the vizier.

I now lay before you, gentlemen, my country correspondence since the 12th January, and am sorry to be under the necessity of requesting your particular attention to a letter wherein is mentioned, that Sujah Dowlah, in the course of Colonel Smith's late conference, had communicated to him the correspondence regarding the embassy, which had been transmitted by his vakeel, that Colonel Smith obtained copies thereof, and on his return to Allahabad, sent them by the hands of Kellaram, his servant, into the royal presence.

What might have been the colonel's motives for a conduct which tends so apparently to increase the jea-

[F]

lously

lousy of the king, and to create disputes, which I have endeavoured to prevent, I will not pretend to say; but I must request of you, gentlemen, to annul the orders which were given him in his instructions when he left the presidency, which will in future prevent my meeting with any obstructions in a correspondence which the duty of my station requires of me to carry on. For if I am thus counteracted in the measures I have strenuously pursued since my accession to the government, to preserve the peace and tranquillity of these provinces, by conciliating the minds of the different powers, all my endeavours to effect so good a purpose must be frustrated.

I now lay before you an order issued by Colonel Smith to the army, on the 17th ultimo, which was delivered to me by the commanding officer of the first brigade, who, acting immediately under me at the presidency, thought it his duty to obtain my permission for his carrying it into execution. You will therein perceive, gentlemen, that it exacts an implicit obedience from all the black troops engaged in our service to the British laws; such an innovation of their privileges, particularly where the life of every one of them may be in question, without previously explaining to them the nature of our military service, and knowing if they are inclined to serve on such conditions, is a step too fatal in its consequences for Colonel Smith to have ventured upon without having first obtained my permission, or that of the select committee; and I cannot but deem the orders being transmitted to a brigade acting immediately under my directions, an encroachment upon a governor's authority. The regulation I approve, provided it could be established with the concurrence of those whom it immediately concerns; but I highly condemn the mode by which it was to be effected: I have therefore directed the colonel to revoke the order without delay, and now submit this matter to your consideration,

COPY of general orders issued at Allahabad.

Head Quarters, Emfor Lhhaam's Gardens,
Monday, January 11th, 1768.

The commander in chief has been pleased to appoint
Capt. Philip Delafield, aid du camp.

Head Quarters, Emfor Lhhaam's Gardens,
Sunday, January 17th, 1768.

It is highly necessary that the Indostan troops in the service of the Company should be made fully sensible, that all capital crimes will be judged by the British laws: Several murders have been committed by Sepoys on their women. Whatever may be the custom amongst the natives of Hindostan, in the English army wilful murder, in future, will be absolutely punished with death.

The commanding officers of brigades are desired to have this order fully explained to the native troops, so that it may prevent them from pursuing such an inhuman practice; and that it may point out to the members of Sepoy general court martials what is the punishment they must adjudge to a prisoner, when found guilty of wilful murder.

(Signed) J. FULLARTON,
Aid du Camp.

The committee having maturely weighed the subjects contained in the foregoing minute, are of opinion, First, That the king's being advised that copy of the correspondence between him and the president had been transmitted to Sujah Dowlah could be productive of no other consequence than inflaming the jealousy his master continually expresses at our connection with the vizier; and, Secondly, That the general orders issued by Colonel Smith, relating to the black troops, to all the brigades, and particularly to that acting immediately under the orders of the presidency, is an encroachment upon the select committee's and the president's authority, which merits our severest censure.

Ordered, That the following letter be wrote to the Colonel:

[F] 2

To

To Colonel Richard Smith, commander in chief under the presidency.

Sir,

We have been favoured with your letter of the 20th ultimo. The two Morattoe chiefs you therein mention probably repaired to Allahabad to perform their devotions, from a confidence in our invariable adherence to good faith and the laws of hospitality; we are glad to find you did not seize their persons, as such a proceeding must have been deemed a violation of both.

Our president informs us that he has received intelligence, that accounts of some material transactions regarding the king, during Munerah ul Dowlah's late embassy to the presidency, had been carried into the royal presence by Kellaram your servant; after your arrival from the conference with Sujah Dowlah, and before the return of Munerah ul Dowlah to Allahabad. We desire you will acquaint us with this circumstance, and with the reasons assigned for such a conduct.

The president has also communicated to us the orders you caused to be issued to all the brigades on the 17th ultimo, whereby the black troops are to be subjected to the British laws. Although we earnestly wish to effect a measure which must tend to the better regulation of our army, yet, where the life of every one of them is become forfeitable by laws he is quite a stranger to, we think some time is requisite to instruct them with the nature and consequences of them, ere it can be expected he will tamely submit to such an innovation: and as by far the greatest part of our military force is composed of those very persons who are thus compelled to our mode of government, the consequence of a refractory behaviour must be fatal, and all our endeavours hereafter to effect so good a purpose may be frustrated.

We therefore not only deem you highly culpable, in issuing a general order of such importance throughout the whole body of our forces, without previously obtaining our permission, or that of our president, but in transmitting the same down to the first brigade,
acting

acting under the immediate orders of the presidency. We must tell you, that had the Select Committee, for such your conduct, dismissed you the service, they would have but done their duty; but as they are willing to think that you did not premeditatedly design an insult upon their or the president's authority, they shall at present content themselves with directing you immediately to revoke the order issued on the 17th ultimo, in the same public manner as it was given out, and with assuring you, that a like behaviour on any future occasion will meet with their highest resentment.

Fort William, We are, Sir,
10th February 1768. Your most obedient
 humble servants.

*Extract of Bengal Select Consultations, the 18th
March 1768.*

READ two letters, received since our last meeting, from Colonel Smith, under dates the 2d and 4th instant, enclosing copies of Sepoys courts martial.

To the Honourable Harry Verelst, Esquire, President and Governor of Fort William, &c. &c. and to the gentlemen of the Select Committee.

Gentlemen,

I have received your letter of the 10th ultimo, to which I should have sooner replied, but that I have been in daily expectation of receiving your permission to proceed to the presidency.

It is my misfortune, that almost every letter which I receive from your Board contains either an accusation against, or a reflection upon my conduct: it is, however, my happiness, that I have hitherto been able to give such answers, as I make no kind of doubt but will fully exculpate me, supported by a conscious rectitude. I shall at all times, use my best endeavours to vindicate myself from unmerited censure.

Your letter of 10th contains a twofold accusation. I am accused of introducing, by the general order of