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MEMORIAL
OF
JAMES JOSEPH McCANN

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MEMORIAL
OF
JAMES JOSEPH McCANN

The following memorial to the Honorable the Court of Directors and to the Governor-General of India, together with extracts (so far as relates to my case) from the report of the Commissioners of enquiry into the state of the Calcutta Police in 1849, which led to my removal from the appointment of Deputy Superintendent of Police, after a period of 31 years in that Department, and 40 years in the Service of the Honorable East India Company, is printed, to enable my friends more readily to judge of the injustice which I have suffered and the grounds of my Appeal to the Honorable Court for redress..

J. J. McCANN.

Calcutta, August, 1850.

TO THE HONORABLE

THE COURT OF DIRECTORS

OF THE

Company of Merchants, Trading to the East Indies.

The humble Memorial of James Joseph
McCann, late Officiating Superin-
tendent of the Calcutta Police,

RESPECTFULLY SHEWETH,

That your memorialist having been dismissed from his said late office after the investigations into the affairs of the Calcutta Police in the year 1849, with the details and results of which your Honorable Court must be well acquainted, and feeling deeply aggrieved thereby presented a Memorial thereon to the Most Noble the Marquis Dalhousie, Governor-General of India, whilst in Calcutta, in the month of March, 1850, a copy whereof is annexed hereto in the Appendix marked with the letter A., to which your memorialist earnestly and respectfully entreats the attention of your Honorable Court. / •

2nd. That your memorialist has so amply set forth the length and nature of his Services in your Honorable Employ, and his acquisition of the ap-

probation of all those under whom he was placed during a long course of Service, together with the testimonials in his favor of many Gentlemen of the highest distinction in India during that period, and your memorialist has so fully stated and argued upon the circumstances of his Case, so far as the information then in his possession enabled him to do so up to the date of presenting his memorial, that it would be a waste of the time of your Honorable Court to do more than refer to such memorial on such parts of his Case with an humble but earnest prayer, that your Honorable Court will with patience peruse it and give that weight and consideration to its contents which its importance to the happiness, and future comfort of an old and hitherto respected Servant would call for, from those whom he does not hesitate to say, he has for 40 years zealously and industriously served with integrity and with honor.

3d. That on the first day of April, 1850, the memorial was returned to your memorialist with the following endorsement on it by Mr. Courtenay the private Secretary to the most noble the Governor-General.

“The proceedings of the Government of Bengal as regards Mr. McCann have had the full approbation of the Governor-General; and his lordship declines to re-open the Case.”

By order,

F. S. COURTENAY,

Wrongly
inverted
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4th. That your memorialist believes, and has strong reason for such belief, that the most noble the Governor-General did not read, if he opened, the memorial. He probably considered that as he did not intend to interfere with the Acts of the Government of Bengal, it would be a superfluous waste of the short time he had to devote to business whilst in Calcutta, to read and consider it, and his mind was probably made up according to the impressions of the Committee, without examination of, whether there was evidence to justify your memorialist's dismissal and consequent deprivation of a Pension (to which 40 years of laborious Service had entitled him) on the very eve of its enjoyment: but your memorialist respectfully submits that the humblest individual in your honorable Service, has a claim for at least a hearing and consideration of his Case by the head of the local Government of India (when competent to entertain it) before being compelled to resort to your Honorable Court for the redress which he seeks. Your memorialist, however, appeals with increased confidence to your Honorable Court in not having to contend against the seeming weight, which might be attached to a decision having been passed on his claims by the Governor-General of India, after a patient consideration of the circumstances of his Case. . . .

5th. About the middle of April, 1850, your memorialist received from the Secretary to the Government of Bengal, a letter bearing date the

11 of April, 1850, together with the papers therein referred to, which said letter of the Secretary of the Government of Bengal to your memorialist purported to be in reply to his letter of the 13th October, 1849, in the 11th paragraph of his said memorial to the Governor-General of India hereto annexed referred to and was as follows :

No. 601.

From the Secretary to the Government of Bengal,

To Mr. J. J. McCANN,

Dated Fort William, 11th April, 1850.

SIR,—Your application of the 13th of October last, repeated on the 11th of February, to be supplied with a copy of such parts as relate to yourself of the Report of the Commissioners who were appointed to enquire into the state of the Calcutta Police, having been laid before the Deputy Governor of Bengal, His Honor is pleased to authorize your being supplied with the accompanying Extracts from that Report, and from a letter this day addressed to the Chief Magistrate by His Honor's Command

I have the honor to be,

Sir,

Your most obedient servant,

(Signed) J. P. GRANT

Secretary to the Government of Bengal.

6th. That the Extracts from the letter addressed to the Chief Magistrate of Calcutta by Command of the Honorable the Deputy Governor of Bengal

in the letter of the Secretary of the Bengal Government of the 11th April, 1850, lastly set forth (being paras. 7, 8, 9, 10, 11, 12, and 13 of such letter to the Chief Magistrate) purporting to state the grounds on which your memorialist was removed from his appointment, are set forth in the body of this his memorial, for more easy, and as being of frequent reference; but the extracts from the report of the Police Commissioners being voluminous and of less frequent reference (though essential in maintenance of the statements in the letter from His Honor the said Governor of Bengal, or for reference thereto to shew that such statements are founded in error and are not supported by evidence, but are mere suppositions and assumptions without proof) are set forth in the Appendix hereto annexed marked with the letter . with which your memorialist feels constrained, though reluctantly, to encumber his memorial although he was well aware that the whole of the papers relating to the Police Enquiries, must have been transmitted to your Honorable Court, and are now amongst the records of the East India House in London. He is not entitled to rely on, or refer to anything, but what has been furnished to him as the grounds whereon such decision of His Honor the Deputy Governor of Bengal rested, nor would your memorialist have the means of referring to anything else.

7th. The papers referred to, in and by the letter of the Secretary of the Government of Bengal, as

containing the extracts from the letter of His Honor the Deputy Governor of Bengal to the Chief Magistrate of Calcutta, were and are as follows—the several paragraphs being headed as herein set forth, that is to say,

“Extract from a letter from the Secretary to the Government of Bengal to the Chief Magistrate of Calcutta, dated the 11th of April, 1850.

Par. 7. The Deputy Governor thought it necessary to remove Mr. McCann the Deputy superintendent of Police on being informed of his resuming charge after expiry of his leave on sick certificate.

Par. 8. In the case of the sale of the Puttel-dangah Thannah to Mutty Loll Seal, effected by Mr. McCann without authority, or at least without authority regularly obtained, the fact was not reported by Mr. McCann for about three years, during all which time he pretended that the money had been lying by him forgotten. The Committee report on very sufficient grounds that they are quite unable to credit Mr. McCann's account of the affair; that his conduct and statement shew an important dereliction of duty and *a subsequent discreditable attempt to mislead Government*, and that every part of the transaction is discreditable to him.

Par. 9. In letting two other Thannahs to Mutty Loll Seal for which the rent was never demanded, the Committee think that there may be reason to presume that Mr. McCann acted without superior authority.

Par. 10. "The Committee report that it has been established to their satisfaction that Mr. McCann allowed open gambling to prevail unchecked under the lead of one Gouffoor Khansamah in the Dhurumtollah Bazaar, a property in which Mutty Loll Seal has a principal interest, and it seems impossible to question the correctness of the conclusion they have arrived at,

Par. 11. The Committee again report it to be their opinion that Mr. McCann must be held to have been unduly influenced by Mutty Loll Seal in what is called the Champatollah case : they consider that the removal of Inspector Lancaster from one Section to another in connection with that case, for which removal there was no good reason, had every appearance of having had for its object the saving of Mutty Loll Seal's credit with his neighbourhood. It is indeed difficult to account for the Inspector's removal on any other hypothesis.

Par. 12. "The Committee report again against Mr. McCann in connection with the forgery case. In that case one Sibchunder Mullick against whom a warrant had been issued at the instance of the Bank of Bengal, by the late Mr. Robison in February, 1846, appeared at the Police Office and received in a very irregular manner a discharge from Major Birch in January, 1849. He was permitted to live for six months subsequently in Calcutta without concealment and without the warrant being put in force against him, al-

though it was in full force never having been cancelled or recalled. The Committee sum up their opinion of Mr. McCann's conduct in this case in the following terms. ' But that he (Mr. McCann) long connived at Sibchunder Mullick's escape from the Law for the due enforcement of which he was specially responsible we cannot see any valid reason to doubt. The most favorable supposition for Mr. McCann is, that having become aware of the irregular proceedings in Major Birch's Office respecting Sibchunder Mullick's discharge, he did not in his subordinate capacity choose to expose them by active interference on his part, unless forced to do so by circumstances. Even this supposition however would require us to record our opinion of a very gross breach of duty on Mr. McCann's part.

Par. 13. One of the most serious and systematic mal-practices that have been reported, namely, the misappropriation of property coming into the custody of the Police, is brought home to Mr. McCann who had uncontrolled charge of all such property. The Committee report ' Mr. McCann conducted all transactions connected with the receipt of property coming into his official custody in a manner, which if it was not intended must have had the certain effect of affording the greatest facilities for fraud. He kept no lists of articles or money received, took no account of articles in store at any period, and gave no receipt for articles brought to him. The key of the chest

in which valuables were kept remained exclusively with Mr. McCann. Mr. Law when he took charge of the Office of superintendent found no accounts in it of any kind whatever ;' that there was misappropriation, His Honor observes is certain."

True Extract,
(Signed) J. W. DALRYMPLE,
Under Secy. to the Govt. of Bengal.

8th. It will not fail to be observed by your Honorable Court that the Honorable the Governor of Bengal in paragraph 7th, states to the effect that he found it necessary to remove your memorialist from his Office on being informed that he had resumed charge on the expiry of his leave on sick certificate. Your memorialist respectfully submits that this is not the fact although it probably arises from mere careless drafting by the Secretary to the Bengal Government, it is calculated to raise an erroneous and disadvantageous impression as to your memorialist, namely, that his leave on sick certificate had expired when your memorialist returned to Calcutta, and that on his resuming Office on such expiration of his sick-leave from necessity he was at once removed from his situation, and that the contents of the report formed the justification for converting the removal into dismissal.

9th. Your memorialist returned to Calcutta on the 29th of August, 1849, before his sick-leave which was for 3 months had expired ; at a time

when he was still in a very infirm state of mind and body, and he returned from no other motive whatever than an anxious desire to meet as soon as he was in any thing approaching a state which could authorize his return, the statements or rather insinuations which malice and envy were apparently dictating to the prejudice of your memorialist, and with the determination (and a conscious feeling of his perfect rectitude of conduct) to present himself at the earliest possible moment to the Commissioners of the Police Enquiry for examination on any subject either with reference to himself or the Police in general whereon they might wish for enquiry or explanation.

10th. That your memorialist was not in the first instance immediately on his return to Calcutta (or on again resuming charge of his Office which he did on the 13th September) removed, and upon the report coming in, dismissed, is easily established by a mere reference to the letter of the Secretary of Government to the Chief Magistrate of Calcutta, of the 6th October, and the letter of the Chief Magistrate to the Superintendent of Police of the 18th October, 1849, in the 10th paragraph of your memorialist's appeal to the Governor-General hereto annexed, Appendix A. set forth. That the report of the Commissioners alone and the erroneous impressions and conclusions which they had imbibed and surmised alone caused your memorialist's dismissal, there cannot be a shadow of doubt ; and although your memorialist, when

his memorial was prepared, and had no clue to unravel the mystery of a report, which could warrant a dismissal of your memorialist on a charge of having been guilty of "extreme official malversation," yet from what had passed before the Commissioners, your memorialist could but have a general idea of what appeared most to influence them, and the result has shewn that your memorialist was not greatly erroneous in the opinion he formed, for although the extracts from the letter of his Honor the Deputy Governor of Bengal to the Chief Magistrate of the 11th April, 1850, lessens the causes of the dismissal to five only, yet the observations of the Commissioners on the other points of the case forbid your memorialist's removal or alteration of any part of his memorial as presented to the most noble the Governor-General, and he therefore has thought it best to forward it to your Honorable Court unaltered and entire as originally framed and presented.

11th. The several points whereon the Deputy Governor is represented as grounding the dismissal of your memorialist are now reduced to the five following, namely,

First. The sale of the Putteldangah Thannah, and it would even seem that it is intended by His Honor the Deputy Governor to add or at least to consolidate with it (the sale of the Putteldangah Thannah,) the letting to Mutty Loll Seal of two other Thannahs.* These form the subjects alluded to in paragraphs 8 and 9 of the letter to

Second. Allowing gambling unchecked in the Dhurumtollah Bazaar again to favor Mutty Loll Seal.

Third. Being unduly influenced by Mutty Loll Seal in the Champatollah case, paragraph 11th.

Fourth. What is termed the Forgery case relating to Sibchunder Mullick forming the subject of paragraph 12th.

Fifth. That which, as your memorialist respectfully submits to, and of which he trusts to satisfy your Honorable Court, is most erroneously termed a serious and systematic practice of the misappropriation of property coming into the possession of the Police, described as “brought home” to your memorialist. This forms the subject of the 13th or last paragraph of the letter to the Chief Magistrate.

12th. It will be necessary although your memorialist intends to rely chiefly on the arguments of his former memorial to add comments on and an examination of each of these charges in this his memorial; before doing so, however, your memorialist takes leave to continue his narrative of the events which have led him to apply to your Honorable Court for justice and redress.

13th. Your memorialist after perusal of the papers of the 11th April, 1850, was still as much in the dark as to the views and intention of Government on the subject of his Pension (which had been one of the points whereon he solicited information for his guidance from His Lordship the

Governor-General, but relative to which the endorsement herein before set forth by order of the Governor-General was entirely silent,) and your memorialist being still wholly at a loss to understand whether it was intended by the Government that his dismissal was to operate as a forfeiture of his pension (whereto by 40 years service he was entitled at the time of his dismissal) on the 9th of May, 1850, addressed a letter to the Honorable the Deputy Governor of Bengal enquiring whether such was the intention and understanding of Government, whereto your memorialist on or about the 19th of May received the following letter from Mr. Dalrymple then the Under Secretary of the Government of Bengal.

No. 838.

From the Under Secy. to the Govt. of Bengal,

To MR. J. J. McCANN,

Dated Fort William, 13th May, 1850.

SIR,—In reply to your letter of the 9th instant enquiring whether your dismissal from the Office of Deputy Superintendent of the Calcutta Police lately held by you, disentitles you to the pensionary support of Government, I am directed by the Deputy Governor of Bengal to inform you that a dismissed Officer has no claim to a pension.

I have the honor to be,

Sir,

Your most obedient servant,

(Signed) J. W. DALRYMPLE,

Under Secy. to the Govt. of Bengal.

14th. If your memorialist had succeeded in obtaining his pension, to which he cannot but strongly feel that his long services clearly entitle him, it was his intention, in his present state of health and at his time of life, not to have troubled your Honorable Court with any memorial, but to have taken his pension and to have addressed a letter to the members thereof (which he would have published and circulated amongst the many honorable and distinguished persons from whom he has had the honor to receive high and much valued testimonials of character and conduct, and whose good opinion as well as that of your Honorable Court your memorialist is most anxious to preserve) exculpatory of his character from all those charges against him, which your memorialist is bold to say are, though believed by the Commissioners of Police Office enquiry, entirely without any real foundation, and wholly unsupported by any evidence. Your memorialist conceives that they rest merely on the prejudices and surmises or presumptions of the Commissioners, and in some instances on the misconception of His Honor the Deputy Governor of Bengal, or of the person who drafted the letter to the Chief Magistrate, of the real nature and contents of the report itself. The rejection, however, upon mere belief founded on surmises, suspicions and presumptions, of his claim to a pension after his lengthened services during which he defies the whole world, and his bitterest enemies to *prove*

one instance of wilful misconduct on his part towards those whom he had the honor to serve, leaves him no alternative, but to cast himself at the feet of your Honorable Court, and to implore that patient hearing and consideration of his case, and if necessary the opportunity of meeting definite charges of misconduct which he has in vain sought for at the hands of the local Government, and finally that justice to which he has no doubt such an opportunity will enable him to prove that he is fully entitled. No officer or soldier in your Honorable service has ever yet been cashiered or dismissed upon the report of a Committee of enquiry, however strong the suspicions, however rife the surmises, however potent the belief of those who composed it. • They may all found grounds for specific charges for the decision of a competent court to decide upon, when proved in evidence, but no case can be adduced wherein an accused person has been dismissed and deprived of a hard-earned pension after 40 years' service, who was ready and willing to stand the ordeal of a higher and duly constituted Court. Your memorialist is so willing—He pleads not guilty to every loose charge, to every charge contained in the letter to the Chief Magistrate assigning the reason for his dismissal.

15th. Your memorialist to avoid all chance of misconception of his feelings and motives is anxious to repeat a statement in his memorial to the Governor-General. He does not for one mo-

ment dispute the absolute right of your Honorable Court (nor of your Government in India subject to the approbation of the home authorities) to dismiss any of its servants on mere suspicion or surmise, but he does dispute the moral right to dismiss, without proof, any member of its service, if punishment is to accompany that dismissal. And what punishment he would ask can be more severe, or less justifiable, if the offence merely rests upon suspicion, than to deprive a servant after 40 years of laborious servitude, during which not one act of wrong can be *proved*, of the provision for sickness and old age to which the rules of the service would entitle him.

16th. Your memorialist proceeds to examine the grounds on which the supposed charges against him rest.

First. The sale of the Putteldangah Thannah.

This circumstance forms the subject of the 24th paragraph of your memorialist's appeal to the Governor-General annexed hereto marked A., to which your memorialist begs to refer your Honorable Court. He has little to add to what is there contained upon that subject, but what little he has to add is not unimportant, and he has somewhat to explain as to the last statement in that paragraph. Further reflection upon the circumstance of that case since his memorial to the Governor-General was prepared, has brought to his recollection, the fact in support of his argument therein, that he would not have presumed to sell,



and nobody would have bought from him without authority, any property belonging to Government. Your memorialist never did sell the Putteldangah Thannah. It was agreed by Mr. Patton himself with Mutty Loll Seal to be sold, to the latter ; and after it was so agreed to be sold, Mr. Patton came down with Mutty Loll Seal to the room of your memorialist on the ground floor, and in coming down your memorialist met them on the stairs and returned with them to his room : when they all met on the stairs, a Baboo wholly unknown to your memorialist but whom he now believes was Denonauth Sein, who was on his way to Mr. Patton, to whom the Baboo delivered a note which Mr. Patton read and then said to the Baboo you are too late "it is sold to Mutty Loll Seal," and then proceeded to your memorialist's room and there informed him that the Putteldangah Thannah was sold to Mutty Loll Seal for 1350 Rupees, and desired your memorialist on Mutty Loll Seal paying the price to put him into possession thereof. Your memorialist therefore must explain, that so far as to having seen a Baboo, whom he now believes to be Denonauth Sein, on that occasion, the latter part of the 24th paragraph of your memorialist's former memorial must be considered as modified, but your memorialist reiterates that "of the bid of Denonauth Sein and all relating or subsequent to or consequent on it," save as to his having come to the Police, and your memorialist having in consequence of this information, and

occasion, your memorialist was in thorough ignorance, and that the whole transaction related to an office with which he had no official connection, and that your memorialist only received the price thereof under the express direction of the Chief Magistrate for safe custody, which as he has already stated was put on its receipt into the iron chest kept by your memorialist for property coming into possession of the Police; and the whole amount of such payment, however the notes may have been changed in the manner in his former memorial, paragraph 24th explained, (your memorialist does not know that they were nor what were the notes originally paid in) remained in the iron chest and at no time in the personal possession of your memorialist. The Commissioners say they are "unable to give credit to your memorialist's report of his proceedings" and that they "are unable to say with certainty what the truth is about the notes, but do not believe that they were paid into the Police chest, and kept for about 3 years as professed by him," and they therefore regard his conduct and statement as "shewing an important dereliction of duty and a subsequent discreditable attempt to mislead the Government." What dereliction of duty and what subsequent discreditable or other attempt to mislead the Government the Commissioners do not state or explain, and your memorialist solemnly declares that he cannot imagine what it is that the Commissioners intend to charge him

with as a “dereliction of duty” or “attempt to mislead the Government.” Because the Commissioners cannot believe your memorialist’s report of his proceedings, it does not necessarily follow that his statement is incorrect, and your memorialist most solemnly reasserts what is stated in paragraph 24th, of his said memorial to the Governor-General, “that the amount of the money paid for the Putteldangah Thannah remained in the iron chest from the moment when your memorialist received it, that whether the same or other notes the precise sum there remained up to, and until the time of your memorialist being about to leave Calcutta in June, 1849, when he paid it over into Mr. Patton’s office in the original envelope in which the money had been paid with the original endorsement on it, nor was any part thereof otherwise than in the iron chest in deposit at any time in your memorialist’s possession, and that he never directly or indirectly received or expected from any human being, benefit or advantage from the sale of the Putteldangah Thannah or from the purchase money paid for it. This appears to have been considered by the Commissioners at least, if not more than, the full amount of its fair value—it indisputably was a full value. This appears to your memorialist to be the only fair question for consideration “did your memorialist benefit or expect to benefit by the sale of the Putteldangah Thannah or by the possession of the purchase money in deposit for 2 years?”

Again your memorialist defies proof “ of his having the slightest interest or feeling therein or the slightest benefit or expectation of benefit from the sale, which was not his sale but that of the Chief Magistrate, and one which not a Surveyor in Calcutta would have said was otherwise than what he should have been desirous to ensure for the Government—nor indicative of favor or affection in any one towards Mutty Loll Seal. Be that as it may, it was no sale of your memorialist, nor one in which he had any interest or feeling for himself or any other person. And your memorialist solemnly protests against receiving any measure of punishment upon any suspicions of the Commissioners or their inability to credit your memorialist’s explanation.

17th. Your memorialist can hardly conceive that the reason assigned in the 9th paragraph of the letter to the Chief Magistrate that “ *the committee think that there may be reason to presume that Mr. McCann acted without superior authority in letting two other Thannahs to Mutty Loll Seal,*” can have weighed with His Honor the Deputy Governor in removing your memorialist. This forms no subject upon which he considered it necessary to comment in his memorial to the Governor-General. He never conceived it possible that blame could have been attached to him respecting this. He is still at a loss to understand whether it forms a substantive charge relied on in the letter to the Chief Magistrate. That the

two old Thannahs in question (Kubberdangah and Burra Bazar) were occupied under an arrangement verbally sanctioned by Mr. Patton with Mutty Loll Seal (that he should rent the Thannahs keeping them in repair and pay 10 Rupees a month as rent to Government, which was the full agreement though not exactly stated by the Commissioners) is stated to have rested, before the Commissioners, on the assertion of the said Mutty Loll Seal and of your memorialist against (if it can be said to be opposed to such assertion) the statement of Mr. Patton, or rather his non-recollection of it. Of Mr. Patton's memory (the Commissioners observe) "On points of official detail it has been seen by us in the course of our enquiries to be by no means ready or certain." With this comment upon the goodness of his memory, all the opposition to the positive assertion of Mutty Loll Seal and your memorialist, (upon which in this most unimportant, very trumpery case, they are to be convicted of falsehood without any adequate motive) is Mr. Patton's statement that "he has not the slightest recollection of his even having been spoken to on the subject." The fact is that on the Thannahs ceasing to be occupied by the Police, and on becoming vacant, they were soon used for all sorts of purposes, and became a nuisance to their neighbourhood. It was with this view alone, that Mutty Loll Seal wanted to rent them until sold, to get rid of the nuisance, for although Mutty Loll

Seal did not himself live in the immediate neighbourhood, many of his friends and relatives did, for whom your memorialist imagines he was in fact acting. This was an equal object with the Police. That Mr. Patton with a memory "on official details by no means ready or certain" should not recollect his assent to a matter to which no one ever attached much importance is not extraordinary, but that he did give his ready assent to Mutty Loll Seal's proposition is a fact to which your memorialist is ready to make Oath, and to prove by the deposition of Mutty Loll Seal; and that the Chief Magistrate considered it at the time, as your memorialist certainly did, an advantageous offer for the Police. Your memorialist did not then and does not now doubt, nor can he conceive that the Commissioners ever intended to place Mr. Patton's non-recollection of a fact as a proof of its not having occurred against the positive Statement of two persons that it did actually take place. Your memorialist begs to mention that the Thannahs are still let and he believes at the same rent, but to other parties. That no bills should be presented for the monthly rent of those Thannahs by the Police, whilst Mutty Loll Seal had each succeeding month a much heavier claim upon the Police for the rent of the stables occupied by the Police, your memorialist cannot think wanted any other justification than the statement of that fact, and the admission of its correctness so far as related to the existence of the counter-

claim. Mr. Patton's requiring satisfactory Report as to the organization of the mounted Police before he asked the Government to sanction the payment of rent for their stables was nothing to the owner of the stables; the rent of which was equally due, whether the mounted Police were in a state of satisfactory or unsatisfactory organization, had not Mutty Loll Seal and the Chief Magistrate been on very friendly terms the former probably would not have acquiesced in such a mode of answer to his claim; but had a Bill for 10 *Rupees Rent* of the Thannahs, been presented when the presenter or his employers owed one for 100 Rupees for Rent of Stables, it is not probable that very ready payment would have been accorded. The Commissioners say "the leave to use the Thannahs may or may not have been an act of undue favour to Mutty Loll Seal." An act of undue favour by whom? If it were done with the sanction of the Chief Magistrate, it was an undue favour (if undue favour it was to allow a man of opulence to prevent two old Thannahs from being made a nuisance to the neighbourhood and to pay a rent for them of 10 Rupees per month to Government) by the Chief Magistrate and *not by your memorialist*. Mutty Loll Seal and your momōrialist *assert* that the Chief Magistrate did give his sanction, as it was most reasonable he should do, to such a benefit to the neighbourhood. Mr. Patton says he "does not recollect it." The fact is it was to no favor to Mutty Loll Seal

but rather to the Police. It was an accommodation (as your memorialist has shewn) to the neighbourhood and consequently to the public. The Commissioners conclude the 20th paragraph of their report as follows :

“ At the least the circumstances connected with the suspension of claim for their (the Thannahs) rent, give evidence of much want of order in the business of the Police Office though we would not attach the blame due on that account to Mr. McCann further than as from what we have first stated, *there may be reason to presume that he acted without proper reference to superior authority in the matter.*” Your memorialist confidently submits to your Honorable Court, that he is in no way whatever accountable, nor can any blame by possibility attach to him, for any want of order in the business of the Police ; save and except it were found that he had in any way departed from the rules prescribed for the transaction of it, in his own department by his Superior and Guide the Chief Magistrate, whom he was bound to obey. Your memorialist had no regulating or administrative power in any department of the Police, but merely to control and govern the Executive Police, under the directions of the Chief or other Magistrates. But the fair inference which your memorialist would draw from the last sentence of the 20th paragraph of the Commissioners’ Report, and the general nature of the rest of the paragraph is, not as the 9th paragraph of the letter, to the Chief

Magistrate states, "*that in letting two other Thanahs to Mutty Loll Seal the Committee think there may be reason to presume that Mr. McCann acted without proper reference to superior authority,*" but rather, from the words of the Commissioners, "*there may be reason to presume that he acted without proper reference to superior authority in the matter,*" that the Commissioners thought there may be reason to presume that your memorialist had not referred to superior authority for orders not to send in the Rent Bills for the Stables ; which they comment on your memorialist's explanation, and the *improbability* of Mr. Patton's forgetting such a special reason given for holding over the demand for them. This of course cannot be more than conjecture and belief on the part of the Commissioners. Your memorialist, however, is bound to admit that what the Commissioners "*think there may be reason to presume in the matter,*" is most vague and obscure. The person who drafted the letter to the Chief Magistrate has put into the mouth of His Honor the Deputy Governor of Bengal an interpretation as his which your memorialist respectfully insists *cannot* be the correct interpretation ; and if the whole of that paragraph will not (as your memorialist submits) support that interpretation, whatever weight if any may have been attached to that portion of the charges against your memorialist must fall to the ground as formed on an erroneous view of the report of the Commissioners. Your

memorialist cannot but believe that His Honor the Deputy Governor when he allowed *any* consideration or weight to the circumstances attending the letting of these two Thannahs as prejudicial to your memorialist, must have been under the impression, created probably by the report, that your memorialist ought to have made out the Bills and collected the rents of the Thannahs, 10 Rupees a month, and that the performance of a duty which his consideration for Mutty Loll Seal made him abstain from, ought to have performed. Your memorialist begs to inform your Honorable Court that *he* had nothing whatever to do with the making out or omitting to make out the bills. The matter lay altogether in Mr. Patton's department; if blame attaches to any one, it is to him and not to your memorialist. If the bills had been made out for it, they would have been made out under the direction of Mr. Patton *by the Accountant*, they would never have been brought into your memorialist's office, they would have been drawn by the Accountant and signed by Mr. Patton and collected by a Sircar in the Accountant's department, and all this without your memorialist's being aware, except he had learnt by accident that the transaction had taken place. It is somewhat galling to find a matter reported in a way which imputes misconduct which if imputable at all to any one, (which your memorialist is far from thinking it is) is cast upon one in no degree answerable for it. It speaks

however volumes as to the unjust prejudice to your memorialist, with which this report is drawn up.

18th. Your memorialist cannot however quit this charge without appealing to your Honorable Court for your deliberate decision whether any act or acts upon which an old and hitherto commended servant of the Honorable Company is to be deprived of the reward of 40 years service ought in any degree to rest on no better foundation than a finding so uncertain, so vague, and so wholly undefined, as that “there *may* be reason to *presume* that he acted without proper reference to superior authority *in the matter* ?” How, when, in what respect, or particular, “in the matter,” or what “superior authority,” was not referred to, which ought to have been so referred to is nowhere shewn. Whatever “may be presumed” is only hesitatingly, hypothetically put. Your memorialist trusts to be forgiven by your Honorable Court if he adds the five different senses or meaning which Dr. Johnson in his smaller edition of his Dictionary gives to the verb “presume.”

1st. To suppose ; to believe previously without examination.

2d. To suppose ; to affirm without immediate proof.

3d. To venture without positive leave.

4th. To form confident or arrogant opinions.

5th. To make confident or arrogant attempts.

Your memorialist knows not in which of these

senses the word is intended to be used by the Commissioners in their report; but he ventures to say that it will be about the first instance wherein the word has been used in any Judicial proceeding, to express the establishment of a charge against a party whereon his punishment is to follow. Respect for your Honorable Court and consequently for those who act in authority under it, alone enables your memorialist to suppress those feelings of indignation which almost force themselves into utterance, when he thinks how, after toiling for all the better years of his life in this country, having by honest industry and attention to his duties, acquired the respect and good will of his superiors, and of the public; and by systematic and unremitting frugality denying himself every luxury (except in the article of a good education to his children) acquiring some little property, to find himself at the moment when, exhausted in health, he was about to retire on his pension, exposed to suspicions of misconduct, those suspicions ripened into belief by the breath of malevolence and falsehood in his absence, the belief fostered into presumptions upon prejudices without proof imbibed in secret. Every explanation of your memorialist disbelieved, every forgetfulness by others of facts favorable to him taken to amount to denial of the facts themselves, and a character of 40 years standing and respectability, destroyed by the fiat of authority, and the hard gained bread, of nearly half a century's

earning, taken out of his mouth at the moment when he was expecting to obtain the fruits of his labour and his frugality. And as an additional proof of the prejudiced feeling which the Commissioners entertained towards your memorialist he must call to the notice of your Honorable Court that these two Thannahs are mentioned in the report as if they stood alone and formed a particular instance of favoritism to Mutty Loll Seal, (this your memorialist trusts he has already fully rebutted) but the fact is, there were about 40 old Thannahs in different parts of the Town of Calcutta, which all became equal nuisances to their respective neighbourhoods. The Police would have been exceedingly glad if they could have let every one upon the like terms as the Burra Bazar and Kubberdangah Thannahs were let to Mutty Loll Seal, namely, that of repair and abatement of the nuisance and at the same time some rent. A complaint was lodged at the Police by Mr. Biddell the attorney, of the Waterloo Thannah as an excessive nuisance to the neighbourhood. Mr. Paxton of the adjoining premises offered to take that Thannah at a rent of 10 Rupees, and has since occupied it under such tenancy without any conditions of repair. Your memorialist until Mr. Patton's consent to the arrangement was obtained, did not put Mr. Paxton in possession of the Thannah. After which he regularly paid the rent, not to your memorialist but (as your memorialist) believes on receipts of the Chief Magistrate. If

the receipts for the rent of the Waterloo Street Thannah were regularly sent in, there must have been some reason for Mr. Patton (though he may have forgotten it) not to have presented the Bills of the Burra Bazar and Kubberdangah Thannahs, these three Thannahs so let are now in repair. Two of them are still let. The remainder of the Thannahs which could not be let are fast falling to ruin. If your memorialist is justly chargeable with favoritism to Mutty Loll Seal for the two Thannahs, he would be equally liable to the accusation of favoring Mr. Paxton; but that would have lessened the inference of peculiar favor to Mutty Loll Seal, therefore no mention of another Thannah having been let, nor any of the strong motives which there was on public grounds to let all the Thannahs, was made by the Commissioners. Your memorialist hopes he wrongs the Commissioners in the belief that the suppression of this part of the case, *for* your memorialist was not purely accidental.

19th. The next charge against your memorialist is of his having allowed unchecked the prevalence of gambling in the Dhurumtollah Bazar. This forms the substance of the 20th paragraph of the letter to the Chief Magistrate and the 21st of the Report of the Commissioners, and chiefly rests on a supposed conversation between your memorialist and Mr. Hume the Magistrate, about a year or year and a half before he (Mr. Hume) was examined. Your memorialist again distinctly de-

nies that such conversation on the subject of Gambling in the Dhurruamtollah Bazar, or any conversation on the subject of Gambling there ever took place between himself and Mr. Hume, until such time as mentioned by me before the Commissioners. Doubtless Mr. Hume thinks he had such conversation, or conversations : Mr. Hume is not very distinct, which, nor is he more precise as to where and when this conversation, or these conversations arose or took place. "Gambling cases" says Mr. Hume, "have also come before me, and on my speaking to Mr. McCann," &c. is the only way, in which Mr. Hume defines or describes the conversation, or conversations. Circumstances satisfy your memorialist that his memory is not at fault. The conversation or conversations must have taken place with some other officer of the Police ; and your memorialist has strong suspicions as to the person with whom it, or they, did take place, but it is enough to say that none such did take place with your memorialist. On the supposition, however, that it did take place, your memorialist asks your Honorable Court to determine what it *proves* against him ; Mr. Hume states that it created an impression in his mind that the excuse (supposed to be of your memorialist) was evasive. He seems, in your memorialist's absence to have inoculated the Commissioners with the same impression. The impression does not prove the fact, that it was evasive, nor that your memorialist had neglected his duty. For the

rest there is nothing but hearsay evidence. “ Mr. Drew was told by the late Mr. Daunt” the Deputy Superintendent, as far as 18 months back, or even more, of the division “ not to interfere with the Dhurumtollah Bazar till he had spoken to Mr. McCann,” and the next morning the late Mr. Daunt is said to have *told* Mr. Drew *what Mr. McCann is supposed to have said* : this may be about two years ago or more, and Mr. Burnes says, he heard *Mr. Daunt so tell Mr. Drew*. The only thing which Mr. Drew and Mr. Ochme clearly prove, is that *they* allowed Gambling to go on openly before their eyes, in the Dhurumtollah Bazar in day light. They had therefore something to screen themselves from and a motive to say the Deputy Superintendent permitted it. They neither *prove* that your memorialist said it, or permitted it. Mr. Farrell, the Deputy Superintendent of the Division says, it is about 15 months, since he heard there was such an order as that mentioned by Mr. Drew ; and that he (Mr. Farrell) immediately countermanded it. It could not have been considered a very stringent order which a Deputy Superintendent took upon himself to countermand “ without proper reference to superior authority in the matter.” Mr. Daly, a person in whose personal integrity, the Commissioners with great reason, are disposed to place much confidence, says, that he never saw any partiality shewn to Mutty Loll Seal while he (Mr. Daly) was in the division ; that “ he had always a sharp native officer to look

after the Gambling, but the man never gave him information about Gambling in the Bazar, though he did about places outside." The Commissioners appear to think that Mr. Daly was in ignorance of any Gambling going on in the Bazar, but to ascribe the circumstance of Mr. Daly not having heard of the practice while he was in charge to other causes than to the absence of Gambling at that period. Admitting that the Gambling went on in the Bazar, and that Mr. Daly was in ignorance of it, your memorialist asks why it should be less capable of credit, that he was in like ignorance from similar causes, as well as Mr. Daly, whose duty lay in the immediate division where it was practised, your memorialist's duties only very occasionally leading him into the Dhurrum-tollah Bazar where he might have had opportunity of personal observation of it, if the Gamblers would have made such an ostentatious display of it as is represented. Your memorialist, however, need hardly observe that any of the European Superintendents of the Police (not known to sanction it as Mr. Drew and Mr. Ochme admit they did) and more especially your memorialist himself would be the last person before whom the native Gamblers would exercise their playing, all the ensignia of which consists of a mere tetotam and a small square piece of cloth marked as a chess-board which are removed in an instant upon any alarm being given, to secure which the gamblers always have persons on the watch. Mr. Drew

and Mr. Ochme may passibly be able to account for their having personally witnessed the prevalence of it in the Bazar, without having made any report of it to the Police, and ascertaining the real existence or non-existence of a supposed order which Mr. Farrell took upon himself immediately to countermand without superior authority. He does not say how such countermand was issued and whether in writing or not. The idea of such supposed order would hardly account for their not reporting the circumstance regularly to the Police, and receiving explicit instructions thereon. Your memorialist also would beg to draw the attention of your Honorable Court to the date assigned by Mr. Hume for the supposed conversation with your memorialist on the subject of Gambling in the Dhurruhtollah Bazar, which if it had taken place must have been very nearly about the time when Mr. Daly was Deputy Superintendent of that division, and says that he was in entire ignorance of Gambling being prevalent in the Bazar. How then was your memorialist to have acquired that knowledge which would be necessary to have enabled him to have carried on the conversation in question on that subject, when the Deputy Superintendent of the division was not aware that Gambling took place in the Bazar, or that any partiality was shewn to Mutty Loll Seal. If such an order had existed at that time would not the Deputy Superintendent of the division have been aware of it? With reference

to the evidence of Mr. N. Baillie on the subject, there may be other reasons than his being unconnected with the Police for his perfect acquaintance with all that was going on amongst the Gamblers which they would never have exhibited before any one connected with that department. It is quite correct as stated in the Report that to this charge your memorialist opposed a general denial on the subject of Gambling in the Bazar, as reported; (and no doubt believed to be called correctly reported,) by Mr. Hume, and of all knowledge on the subject until very lately. Your memorialist's statement is also correctly mentioned in the Report of the Commissioners. That denial and statement, your memorialist reiterates, notwithstanding the statement of the Commissioners that they "cannot see how his disclaimer of all acquaintance with the existence of the practice or of a thing so notorious as Guffoor Khan-samah's connection with it can be credited." Your memorialist, however, distinctly disputes that there is any direct testimony to the long continued prevalence of Gambling in the Bazar, or at least to "Mr. McCann's cognizance of it" as stated by the Commissioners. There was no direct evidence whatever of your memorialist's cognizance of it, and he submits that the Commissioners could not have credited Mr. Daly's ignorance of the prevalence of Gambling in the Bazar when he was Deputy Superintendent of the division and have found it impossible to credit your memorialist's

ignorance of it until lately, without having imbibed a very strong prejudice against your memorialist which he feels most unjust towards him,

20th. The Champatollah case forms the next ground of dismissal as stated in the 11th paragraph of the letter to the Chief Magistrate and the 22d paragraph of the Report of the Commissioners. Your memorialist certainly admits that he did think the conduct of Inspector Lancaster so far censurable that he thought the shooting of the dog and discharging the Pistol in that part of the Native Town an act of indiscretion: and so far, but not otherwise, he censured the act of the Inspector. Your memorialist would have thought that the evidence of Mr. Longueville Clarke the Barrister, which the Commissioners cite at length 22d paragraph of the Report, would have satisfied any person (who had not formed aforegone conclusion) that your memorialist could not have had any feeling of dissatisfaction with Lancaster, or any sinister motive in his removal. Lancaster certainly was a very excellent, active, energetic and daring Police Officer: it was this opinion of him which made your memorialist feel that it was more necessary to check what he thought an exuberance of energy, (though your memorialist had no intention in any way of punishing the Inspector) by his removal to the Colootollah division, which he did so as in no way to appear even as an act of punishment and not until the dog-shooting case was finally disposed of. The

Champatollah division is in the heart of the Native Town. The Colootollah division is a part of the Town where many European sailors resort ; and where it is necessary to have an Inspector of intelligence and energy. Your Memorialist did not think the Inspector employed in the Colootollah division was equal to the circumstances in which he was occasionally placed, which Inspector Lancaster would be. Your memorialist also thought that the removal of Inspector Lancaster from the Champatollah division was desirable in consequence of the excitement which had been created both in the Police, and in the inhabitants in that quarter, consequent on the disputes arising out of the Dog Case, and with this view amongst other reasons he removed Inspector Lancaster from the Champatollah to the Colootollah division as soon as the case was finally disposed of, lest the unjust prejudices which the natives had imbibed against him might lead to the ebullition of further excitement and disturbance. The Commissioners say in their report (about the 2d page of paragraph 22), “ we are *satisfied* that the matter was arranged and Inspector Lancaster transferred to another part of the Town with *some reference to the interference and interest of Mutty Loll Seal in the case.*” Of whatever the Commissioners may have been “satisfied,” whatever may have been passing in their minds as to the “some reference to the interference and interest of Mutty Loll Seal” a more groundless

“satisfaction,” a more ideal fancy of “the interference and interest of Mutty Loll Seal,” in any degree influencing your memorialist in the case, could not have been “presumed.” Mutty Loll Seal certainly interested himself very greatly on behalf of the natives of that neighbourhood, whom your memorialist believes to have been in some way related to and connected with him, and was very bitter and angry against the Police, and against Inspector Lancaster especially, but your memorialist only interested himself as far as he could with propriety for the Police, whom on the whole he considered to be very ill used, and in no degree took part against Inspector Lancaster, but quite the contrary. Mutty Loll Seal does not live any where in or in the neighbourhood of the Champatollah division, but interested himself merely for his friends in that Quarter. He lives in Colootollah division and not far from the Thannah. It would have been a somewhat extraordinary desire on the part of Mutty Loll Seal to have wished that the Police Inspector of the division in which he (Mutty Loll Seal) lived should have been one with whom he had been brought into personal and hostile contact. All persons, and especially natives, would rather be upon friendly than unfriendly terms with the Police Officer, at the head of their district, and yet it is assumed that your memorialist was guided in the removal of Inspector Lancaster from the Champatollah to the Colootollah division

by a desire to serve and please Mutty Loll Seal, and it is upon the ground of the Commissioners being so satisfied that the matter was arranged “with some reference to the interference and interest of Mutty Loll Seal” without shewing the mode in which the interference was exercised or how his interest was to be thereby promoted, that this is made, contrary to every probability, and to the express denial of your memorialist, one of the grounds on which he is deprived of his situation, his character and his hard-earned pension.

21st. The three prior cases are all founded upon the supposed influence exercised by Mutty Loll Seal on your memorialist. The Commissioners in the 18th paragraph of their report say: “It has not appeared to us that Mr. McCann was habitually subject to influence on the part of Mutty Loll Seal or of any other resident of the Town, on the contrary Mr. McCann’s favorite Officer was the Inspector Gunga Ram *whom Mutty Loll Seal was exceedingly anxious, but failed in his endeavours, to remove from employment.*” And yet with this declaration negating any habitual influence of Mutty Loll Seal over your memorialist the foregoing three charges against him are considered to have been established as effected by the “occasional” influence of Mutty Loll Seal upon such grounds as your memorialist has taken leave to examine, and comment upon, and which he trusts your Honorable Court will not think in any one

grounds for depriving a faithful servant of 40 years, of his character and his pension ; but your memorialist cannot quit this part of the subject without drawing the attention of your Honorable Court to the extraordinary situation in which he is placed by the Report of the Commissioners and his consequent dismissal from his appointment. It was considered that the Chief Magistrate and Major Birch were peculiarly open to the imputation of being under the influence of Mutty Loll Seal, and that a late Officer of the Police was also open to the like imputation, from being respectively largely in debt to and consequently so far in the power of Mutty Loll Seal. It was found on the Police investigation that the Chief Magistrate and Major Birch were so indebted, although in the Chief Magistrate's Case, at least, it was considered by the Commissioners that he did not allow his being in that situation to influence improperly his conduct to that person ; Major Birch lost his situation in the Police, but was allowed to return to his regiment. The Chief Magistrate was continued in his situation until the month of April 1850 last, when he was appointed Sessions Judge of Burdwan and consequently vacated his appointment as Chief Magistrate ; your memorialist mentions this not by any means regretting the results as to Mr. Patton or Major Birch, excepting it may be to express his regret that they should either have in any degree suffered. Your memorialist was shewn to be in no degree indebted or

in the personal power of Mutty Loll Seal or of any other person, he was wholly independent in pecuniary circumstances of every person in the world. The Commissioners Report that your memorialist was free from all "habitual" influence of Mutty Loll Seal. It is impossible as your memorialist has not been supplied with a copy of the Report further than as it relates to his own individual Case for him to state what has been the Report with reference to the Chief Magistrate and Major Birch upon this point, but he doubts whether any thing more favourable could have been reported of either of them, than that they were not "habitually subject to influence on the part of Mutty Loll Seal or any other resident of the Town." If your memorialist therefore is to be justly charged with undue favour or connivance towards Mutty Loll Seal, his favour and connivance would appear as far as the Report of the Commissioners is concerned gratuitous and without motive or inducement, and unless some unexpressed motive or inducement is supposed or "presumed" by the Commissioners militating with your memorialist's duty towards his employers your memorialist is at a loss to conceive upon what they must have come to the conclusion of this favour towards Mutty Loll Seal so capriciously exercised that your memorialist would assist him to the purchase of a Thannah at its full value, aid him in getting a lease of two old Thannahs at a full and

with Gamblers, remove a European Inspector with whom he had quarrelled from a district far removed from Mutty Loll Seal's residence to place him near his own residence, where the Inspector might interfere with Mutty Loll Seal or his dependents, and yet would stop short in gratifying his anxiety for the removal of the native Inspector. Your memorialist confesses to be unable to reconcile the conclusions formed on the most doubtful and improbable points relating to "particular instances" with the direct admission that he was not under the "habitual influence of Mutty Loll Seal" and of his opposition to him on a matter in which he was "exceedingly anxious." Your memorialist, however, finds himself the only Officer of Police after being so expressly acquitted or silently exonerated, dismissed from the employment of the Honorable East India Company, for, amongst other three charges, that of undue favor and connivance towards Mutty Loll Seal. Against this he was no alternative for Justice, except an appeal to the unbiassed judgment of your Honorable Court. He now proceeds to an examination of the two remaining charges each of which he cannot but consider as equally unsupported by evidence with those which have preceded and as resting solely on what the Commissioners in their Report "surmise" and "presume" or upon the misconception of the tenor and meaning of the Report by the person who drafted it under the direction of His Honor the Deputy Governor of

22nd. The fourth charge is, that of Sib Chunder Mullick, which forms the subject of the 12th paragraph of the letter to the Chief Magistrate and what your memorialist presumes to be the 23rd paragraph of the Report (but it is not numbered in the copy furnished to your memorialist). Upon this charge, which he anticipated, he has largely remarked in the 25th and 26th paragraphs of his memorial to the Governor General. The observations which will there be found on the gross improbability of his having been in any way concerned in screening Sib Chunder Mullick from any punishment to which he was obnoxious on the charge of the Bank of Bengal, are so full and your memorialist presumes to think so convincing that it would be inexcusable in your memorialist to repeat them here: he respectfully and earnestly solicits a reference to them, with a due consideration of their weight and value by your Honorable Court: but he cannot refrain from copying here (with some comments upon it) the following passage from the 12th paragraph of the letter to the Chief Magistrate. "The Committee sum up their opinion of Mr. McCann's conduct in this case in the following terms." "But that he (Mr. McCann) long connived at Sib Chunder Mullick's escape from the Law, for the due enforcement of which he was specially responsible, we cannot see any valid reason to doubt. The most favorable supposition for Mr. McCann is, that having been aware of the irregular proceed-

ings in Major Birch's office respecting Sib Chunder Mullick's discharge, he did not, in his subordinate capacity, choose to expose them by active interference on his part, unless forced to do so by circumstances. *Even this supposition however would require us to record our opinion of a very gross breach of duty on Mr. McCann's part."*

Your memorialist would respectfully submit that the question whether he long connived at Sib Chunder Mullick's escape from the Law, is not whether the Commissioners were unable "to see any valid reason to doubt," but whether they could see any valid reason, in the shape of evidence, to form a reasonable judgment that such was the case; your memorialist submits that there is *no evidence whatever reasonably* to support such an unfounded belief. He utterly repudiates "the most favorable supposition" which the Commissioners have formed for him. With whatever irregularity there might be in Major Birch's office respecting Sib Chunder Mullick's discharge, he has no possible concern: and assuredly he considers that in "his subordinate capacity" he would not have been justified (had any irregularities come to his notice) in interfering with what any Magistrate of the Police might have thought compatible with his duty in the discharge of any person brought before him upon any charge. What the Commissioners intend by the last sentence of that paragraph: "This supposition however would require us to record our opinion

of a very gross breach of duty on Mr. McCann's part." Your memorialist is at an utter loss to conceive what duty in the supposition of the Commissioners was imposed on your memorialist to perform? How could the warrant, although it had never been cancelled, or recalled, be considered in full force? after having been satisfied (although it was not executed) by the voluntary appearance under it, of Sib Chunder Mullick? The object of the warrant was to compel the appearance of Sib Chunder Mullick under a certain charge specified in the Warrant; he voluntarily appeared, after some time, to answer that charge, and was dismissed upon it by order of the Magistrate before whom the charge was then brought. With that part of the proceedings, your memorialist had no connection whatever, and had no knowledge of it; he was not present nor did his duty in any degree require that he should be present. A fresh charge might have been made, and a fresh warrant issued thereon against Sib Chunder Mullick at any time thereafter; but your memorialist submits, that no Police Officer would have been considered justified in arresting Sib Chunder Mullick on a warrant on which he had voluntarily appeared and had been discharged, although he had never been arrested under that warrant, but had satisfied it by voluntary appearance.

23rd. The final charge is the misappropriation of property, coming into your memorialist's possession in the Police; which forms the subject of

the 13th paragraph of the letter to the Chief Magistrate, and of the 24th of the Report of the Commissioners, and is also the subject to which the 27th and 28th clauses of your memorialist's former appeal (Appendix A) to the Governor-General relate.

The 13th paragraph of the letter to the Chief Magistrate commences :—“ One of the most serious and systematic mal-practices that have been reported, namely, the misappropriation of property coming into the custody of the Police is brought home to Mr. McCann.” Your memorialist begs respectfully to deny the correctness of this statement, he denies that either any “ most serious and systematic” or other “ mal-practices” “ or any misappropriation of property coming into the custody of the Police” is “ brought home to” your memorialist, or so reported by the Commissioners, and for this he refers to the Report itself. The letter to the Chief Magistrate concludes, “ that there was misappropriation, His Honor observes is certain. Your memorialist respectfully observes that there was *no evidence* before the Commissioners to support, and the Report of the Commissioners does not support the allegation of such “ certainty,” so far at least as your memorialist is concerned. Before observing on the general nature of the Report your memorialist would draw the attention of your Honorable Court to two passages of the 24th paragraph of the Report, which in his judg-

ment evince the eagerness with which the Commissioners adopt any notion, or seize upon any supposed fact, and state it without hesitation, which in their opinion would create a feeling prejudicial to your memorialist, or take away from the effect of evidence in his favor, or add weight to it if adverse to him. In the above mentioned paragraph of their Report is this sentence; “Mr. McCannah, *a near relative of Mr. McCann* ;” Mr. McCannah* is the half brother, by the same mother, of one of your memorialist’s son’s-in-law ;* but is in no way whatever related to your memorialist, nor was he upon terms of intimacy with Mr. McCannah: (although there was no disagreement between them) Mr. McCannah did not even visit at your memorialist’s, who was very little in the habit of visiting at all, and still less so with those who were employed in the Police. If Mr. McCannah was ever in the house of your memorialist; it was merely when matters of business might bring him there. The Commissioners again observe in the same paragraph. “Mr. McCannah’s statement as to the disappearance of a new Quadrant in a Mahogany case from Mr. McCann’s room is particularly to be noted, in consequence of his close connection with Mr. McCann.” His close connection with your memorialist, was as above stated, which is capable of ready proof, and he hopes that it will be “particularly noted” that it is so, by your Honorable Court in forming a judgment of the feeling which

the Commissioners allowed to get the better of their judgment as to your memorialist. Your memorialist again begs to refer to the Report itself for any proof whatever to be found reported of misappropriation, by *your memorialist* of any specific property or any property whatever. Whatever delinquency of which they may have mentally considered your memorialist to have been guilty, however they may think him responsible for what they considered a loose mode of conducting business respecting property coming into his possession in the Police, which the Commissioners observe, "appears to have existed from a period anterior to Mr. Patton's appointment to the Chief Magistracy." Although they think Mr. Patton "should have felt himself distinctly and specially responsible for the proper management of the business of every branch of the Executive Police," there is no charge, or pretence of charge, of such misappropriation by your memorialist. The only article clearly shewn "to be not forth-coming" is the *Quadrant*, which however taken away or removed is a misappropriation far from "brought home," or even reported to have been committed, by your memorialist. With this exception which was, and which your memorialist is prepared to prove to have been in your memorialist's room when he left on sick leave the 14th of June, 1849, there is nothing shewn not to be forth-coming. The mode of taking charge of, and keeping the property in

the Police, is the same which has prevailed with reference to such property, not only for a period anterior, but for many years anterior to the appointment of Mr. Patton. It existed at the time when a prior enquiry into the conduct of the Police duties was instituted by Government in the year 1830, when no more books were kept in the department of your memorialist, than has ever since been kept, up to the time of your memorialist being dismissed from his appointment. When the gentlemen appointed by Government that year instituted their enquiries into the conducting of the business of the Police, including your memorialist's office, they were perfectly satisfied (and so reported to the Government) as to the books which were then kept in the Police office. Your memorialist does not presume to object to the judgment of the present Commissioners disapproving of what they consider a loose mode on the part of your memorialist in conducting the business of his office, or to contend on that of the former Gentlemen approving it that your memorialist's management in that respect ought to have been considered satisfactory, it would be unbecoming him to do so, but your memorialist would respectfully submit to your Honorable Court, that it can hardly be surprising that what had been approved by the former Committee, and had gone on for years under Mr. McFarlane, an intelligent, a vigilant, and an attentive Magistrate, and that that mode of con-

ducting business which had been continued under Mr. Patton, (whom the Committee consider to have had full power to regulate and direct every department of the executive Police,) without any suggestion of fault, or desire for alteration, should have been considered by your memorialist sufficient and satisfactory. No writer in particular was allowed to your memorialist for keeping books or accounts ; which if to be kept in detail by your memorialist, would have occupied a considerable portion of his time, already laboriously and constantly occupied in more active duties. Under these circumstances no necessity for altering the old and accustomed course pursued for years without disapproval, occurred to your memorialist, knowing that, as far as he was concerned, he kept memoranda which would enable him at once to know to whom every article in his possession belonged, and of course, not entertaining those suspicions of himself which the Commissioners seem early to have imbibed of his conduct, he never conceived that what had been approved for so many years, and by so many parties, would be deemed unsatisfactory. Having possession of the key of the iron chest in which all properties such as money or jewels were deposited and marked with distinctive marks, as they came into his custody, he considered that every thing of value was safe from abstraction. Your memorialist cannot think that they would have been safer if the key of the chest

had not remained exclusively with your memorialist, however the misappropriation depends entirely upon the "suspicions" of the Commissioners, and of those, upon whom, like Mr. Chick, they depended for information. Mr. Chick says, "I have heard it stated generally (is this hearsay?) that property belonging to persons dying intestate, or without representatives or relatives, coming into the possession of the Police, has for the most part never been accounted for." Your memorialist would observe that it is somewhat extraordinary that in this which Mr. Chick believes to be a matter of universal notoriety, not one person should come forward in the various cases of intestacy, theft, or forgery, which were productive of deposits in the Police, to claim a single article of which some friends or relatives may have died possessed, which came into the possession of the Police; that no person who has been robbed should have had a claim for any such property not forth-coming; that no person who has suffered by forgery should have lost any of the notes supposed to be absorbed in the vortex of your memorialist's iron chest. Not one case was established against your memorialist. The Commissioners indeed expressly say in connection with their enquiries, with a reference to the account of values of "Bank Notes forwarded from the Bank to the Police on account of notes supposed to have been stolen, no well founded complaint has reached us of improper conduct

under this head." The Commissioners indeed consider that "the sum carried to credit on account of escheats, or unclaimed property is very small" but they "*of course only speak from a very general supposition on the point,*" they certainly say "the principal person upon whom the responsibility in such matters must rest is undoubtedly Mr. McCann, the items which have come in this manner to our knowledge are not of important amount, but they point at what has been the opening for abuses of the same kind." In the commencement of the last passage of the 13th paragraph they say "it is to Mr. McCann we think that the allegations of direct misconduct have been most distinctly brought home. Having noticed in previous paragraphs our opinion in respect to his culpability in the different instances of *doubt* as to his proceedings which have come under our cognizance we need not here recapitulate those statements," and they add a marginal note to the instances of *doubt* showing that such instances of doubt are the five instances to which the letter to the Chief Magistrate refers, and exclusive of the letting of the old Thannahs which is not alluded to (together with another relating to supposed improper confinement of two natives at the Thannah, which intervenes in such marginal note between the two following notes "*abstraction of property by parties in the Police*" and "habitual total want of account and check in respect to property coming under charge

to the Police," which two latter heads your memorialist supposes to allude to the consolidated charge contained in the 13th paragraph of the letter to the Chief Magistrate. Your Honorable Court will observe that in this note of the Commissioners the statement of "abstraction of property is stated to be by parties in the Police," *not by your memorialist*, whilst in the 13th paragraph of the letter to the Chief Magistrate it is stated, that "the misappropriation of property coming into the custody of the Police is *brought home to Mr. McCann*." Your memorialist has already stated that he is not aware of any thing which can be said to have been shewn to have been misappropriated beyond the Quadrant removed from his room, which it was stated by Mr. McCannah, might have been removed from your memorialist's room by Mr. Farrell without your memorialist's knowledge. What was the meaning of Mr. McCannah in this evidence your memorialist does not know. It will be recollected that Mr. McCannah officiated as Deputy Superintendent of Police during the absence of your memorialist on sick leave in 1849; he is prepared to prove that the Quadrant was in your memorialist's room when he left in June 1849, and was not there when he returned. If Mr. Farrell could have taken it out of your memorialist's room without his knowledge, it will not be doubted that he could take it out of Mr. McCannah's room without his knowledge, but whether Mr.

McCannah either knew, or supposed that Mr. Farrell had taken the Quadrant, and meant indirectly to accuse him of so doing ; or whether Mr. Farrell did or did not take the Quadrant, your memorialist has no knowledge whatever ; nor has he any as to what became of the Quadrant, his responsibility to make good the amount of it, although lost whilst he was on sick leave, he has no wish to dispute, but he disputes entirely any right that it gives to impeach his character for integrity, and as a faithful servant to the Government in his office in the Police. For the “habitual total want of account and check in respect to property coming under the charge of the Police.” Your memorialist cannot but think that it would be a hard measure of punishment if he were to be dismissed, and punished by loss of pension, when, if the system which had prevailed for years was objectionable, the Chief Magistrate was invested, as the Commissioners consider, with full powers to order and direct its correction, and to substitute such mode as he might think more calculated to secure justice and protection to parties whose properties might come into the possession of the Police. Your memorialist perhaps ought to include in the exception of property misappropriated the two watches and Trichinopoly chains (value each watch and chain about 20 Rupees) lent by your memorialist to the Inspectors of the Police to assist them in the performance of their duty.

upon this subject than what is contained in the 27th paragraph of his memorial to the Governor General, to which he again solicits the attention of your Honorable Court. He has already to apologize to your Honorable Court for the length to which he has found himself driven to comment upon the letter addressed to the Chief Magistrate by command of His Honor the Deputy Governor of Bengal and the Report of the Commissioners of Police office enquiry. Justice to himself forbade his shrinking from a full examination of the grounds on which his dismissal with loss of pension was supposed to be justified. Your memorialist feels and protests his entire innocence of every charge against him. Your memorialist trusts that your Honorable Court will be satisfied that those charges have nothing better to support them, against the solemn protestation of your memorialist of their groundlessness, the prejudices, the suspicions, the surmises, the presumptions, and the belief, built upon them, which they have finally recorded not as their belief, but as their *doubts* as to the proceedings of your memorialist as far as they have come under their cognizance. Your memorialist respectfully submits and confidently trusts that such doubts are not sufficient without proof (which is wholly wanting) to justify charges such as His Honor the Deputy Governor has advanced against your memorialist. Your memorialist as confidently submits that the Report does not sanction the

assertion of His Honor towards your memorialist that "that Report discloses cases against him of such '*extreme official malversation*,' that his retention in the service of the Government of Bengal is impossible." Your memorialist trusts that your Honorable Court will be of opinion that no sufficient case was made for his removal, and that it was not justified under the circumstances which he has thus attempted to bring more distinctly to your notice which wholly failed to "bring home" one act of misconduct during the 30 years (out of 40 spent in your service) in which he has been employed.

In conclusion, your memorialist trusts he will be excused in again earnestly entreating the patient attention and consideration of your Honorable Court to his former memorial to the Governor General and to the foregoing contents of this his memorial to your Honorable Court, and that your Honorable Court will be pleased to direct the Government of Bengal to restore your memorialist to his appointment, or at least to inform them that on full consideration of the Report of the Commissioners your Honorable Court finds no evidence whereon the dismissal of your memorialist could be justly founded, and to direct that your memorialist shall be admitted to his full pension as a retired officer in the service of the Honorable East India Company on its Bengal Establishment, and your memorialist shall ever pray.

Calcutta, August, 1850.

APPENDIX.

TO THE MOST NOBLE,
ANDREW, MARQUIS OF DALHOUSIE, K. T.
Governor General of India.

The Memorial of James Joseph McCann late Officiating Superintendent of the Calcutta Police.

RESPECTFULLY SHEWETH,

1st. That your memorialist has been more than 40 years in India, and more than 30 years in the Police of Calcutta. Your memorialist at the age of 15 years entered into the Service of the Honorable East India Company as a recruit of Artillery, and arrived in Bengal in 1809.

2nd. Your memorialist served in the Artillery until 1817, during which time for steadiness of conduct he was soon after his arrival in the country made a Non-Commissioned Officer and ultimately appointed Pay Serjeant and Head Writer in the Office of the Assistant Adjutant General of Artillery.

3d. In 1817 your memorialist was recommended by Major General Hardwicke, then Commandant of Artillery, to the Notice of the Most Noble the Marquis of Hastings, Governor-General of India, and by him appointed Serjeant Major of Fort William, and Head Writer in the Town Major's Office.

4th. In 1818 on the recommendation of Col. Hennessy Town Major, and Sir Joseph Nicholls, your memorialist was appointed Serjeant Major of Town Guards in the Police of Calcutta, in which situation he remained until 1831, when on the recommendation of the Magistrates and Superintendent he was appointed Deputy Superintendent of Police, which post he uninterruptedly held until, on Captain Hick's being ordered to

join the army in the Punjaub your memorialist was appointed by your Lordship to the Office of Acting Superintendent.

5th. Your memorialist flattered himself not only that he had invariably discharged his duty faithfully and zealously in every post in which he had been placed, but that his services were so estimated by the Government, by whom he had the honor to be employed, that they had earned for him the high approbation of his immediate Superiors in Office, and of many distinguished persons under whose observation his services had come, in proof of which your memorialist respectfully begs leave to annex some of those testimonials which at various times he has received as noted in the margin, in order of date,

Capt. H. S. Montagu,
Fort Adjt. 26th Feby. 1819.
Capt. H. W. Wilkinson,
Fort Adjt. 13th Nov. 1823.
Capt. J. Hepworth,
Fort Adjt. 4th April, 1826.
J. Vaughan, Lt. Col.
Town Major, Fort Wm. 2d. Jany. 1828.
G. Udny, Esq. *Secy. Bank of Bengal.*
21st Decr. 1833.
T. Bracken, Esq. *Secy. Bank of Bengal.*
5th Decr. 1840.
C. B. Greenlaw, Esq. *late Coroner,*
19th August, 1842.
D. MacFarlane, Esq. *Chief Magistrate,*
7th Jany. 1842.
Sir Ed. Ryan, Kt. *Chief Justice of Bengal,*
8th Jany. 1842.
Major F. W. Birch, *Supdt. of Police,*
10th Sept. 1845.
H. Piddington, Esq. *Coroner of Calcutta,*
29th April, 1849.

and set forth in the Appendix to this memorial. The services of your memorialist have been deemed so far worthy of reward by the Honorable the Court of Directors, that they would on that ground have conferred on the Son of your memorialist (now unhappily deceased) the Appointment of Assistant Surgeon in their Service.

6th. It was under this impression, upheld and fortified by a consciousness of having ever served the Honorable East India Company with zeal and

rectitude, that he was bold enough on learning that Captain Hicks had been appointed in April last a Deputy Commissioner in the Punjaub, to apply to his honor the Deputy Governor of Bengal, and subsequently to present a memorial to your Lordship praying to be appointed permanently to the Office whereof he had the honor then to be fulfilling the duties, and enumerating and stating his services as hereinbefore, but before his memorial reached Simla, the present Superintendent of Police had been appointed to the vacant situation, and your memorialist resumed the duties of Deputy Superintendent.

7th. In the month of June, 1849, your memorialist was compelled by severe illness principally occasioned, by unremitting attention to the duties of his Office, to apply for a short leave of absence for the purpose of the recovery of his health, which having obtained, your memorialist proceeded to the Indigo factory in Jessore of Mr. Kenny, who is married to a

appointed to enquire into the state of the Police were appointed and commenced their sittings.

8th. Your memorialist was astonished to find from the public papers that he was the subject of various accusations before the Commissioners. The present Superintendent of Police Mr. Law, scrupled not to propagate, if not to create, a report that your memorialist was in Calcutta during the whole period of the Police investigation; whereas your memorialist never was during any part of them in Calcutta until finding the advantage which was taken of his absence to effect his ruin and blast his character, of nearly 40 years standing, your memorialist felt compelled to return to Calcutta in self-defence, though still in a very infirm state of health.

9th. In support of his accusation of your memorialist still being in Calcutta, Mr. Law stated that he had made enquiries and that not one single letter had been dispatched through the Post Office to your memorialist during that time. As a proof how dangerous it is to listen to *exparte* statements and mere surmises, and to consider them as supported by the statement of what third parties (even when no reasons for suspicion of the motives in which they originate may exist) are supposed or represented to have said, your memorialist begs respectfully to observe that Mr. Law stated to the Commissioners that he had made enquiries at the Post Office and received information from the Post Master General and his Subordinates to the above effect. The Post Master General denies that such information was given to Mr. Law, or that Mr. Law had any conversation with him (the Post Master General) or any of his Subordinates on the subject; and your memorialist brought with him letters addressed to him at the factory at which he had been residing during the interval involved in Mr. Law's supposed enquiries at the General Post Office bearing the mark of the regular *dâk*. Then and not until then, your memorialist was informed that such accusation was founded on an erroneous report which Mr. Law had received from the Post Office. But how far (if the fact were of importance) he had received such information from the Post Office may be doubted. The object of such accusation was obviously to make the Commissioners believe that your memorialist had some object to shirk and avoid the enquiry into the state of the Police, and consequently had concealed himself in Calcutta whilst he pretended to be absent for the sake of the recovery of his health. Nothing could be more unfounded than the accusation, except it were the belief intended to be engendered by it. Your memorialist was not and is not conscious of any cause which should have made him wish to shirk or avoid enquiries into the mode in which he had ever fulfilled his

Official duties ; but how far such unfounded surmises may have penetrated into the minds of the Commissioners and induced them to have come to unfavorable conclusions against your memorialist is a totally different question. With every respect for the Honorable Gentlemen who acted in the Commission, and a thorough belief in their desire not knowingly to do wrong to any one, and at the same time in profound ignorance of what may have been the nature of their report to Government on the subject of the Police investigation generally, and as to your memorialist more particularly, (no party accused therein having had the means of ascertaining or consequently of refuting such report as far as it may concern itself,) your memorialist cannot but believe that the Commissioners must have been swayed by some feeling or belief hostile to your memorialist and quite unfounded if the dismissal of your memorialist was grounded on their report.

10th. Very shortly after the sitting of the Commissioners had terminated, your memorialist received a letter from the Superintendent of the Police enclosing one from the Chief Magistrate in the following terms.

No. 908.

To W. T. LAW, Esq.

Superintendent of Police, Calcutta.

SIR,—Under orders conveyed in Mr. Secretary Grant's letter No. 1574 of date the 6th instant, I beg to inform you that His Honor the Deputy Governor of Bengal has been pleased consequent upon the report of the Committee of enquiry into the state of the Calcutta Police Office to direct that Mr. J. J. McCann Deputy Superintendent of Police be immediately removed from his appointment. You are requested to give effect to his Honor's orders without delay, and report your having done so for the information of the Honorable the Deputy Governor.

I am, &c.

(Signed) J. H. PATTON,
Chief Magistrate.

Calcutta Police Office, 10th October, 1849.

In consequence of which your memorialist in obedience to the directions contained in Mr. Law's letter on the 10th day of October made over charge of his Office to Mr. Roberts the Deputy Superintendent of the 3rd Division, and immediately applied to the Chief Magistrate for a Copy of the Government Letter to his address, removing or dismissing your memorialist from the Police which he received the following day and is in the following terms.

“ Extract from a letter from the Secretary to the Government of Bengal Judicial Department to the Chief Magistrate of Calcutta No. 1574 dated 6th October, 1849.

Observing that Mr. McCann Deputy Superintendent of Police has resumed charge of his Office, and finding that the report of the Committee of enquiry who have received from Mr. McCann and submitted to His Honor every explanation which it is in that person's power to offer, discloses cases against him of such extreme official malversation that his retention in the service of the Government of Bengal is impossible, the Deputy Governor is pleased to direct his immediate removal from his appointment.”

True extract,
(Signed) W. L. HARWOOD,
Head Clerk.

11th. Your memorialist on receiving the last mentioned extract from the Chief Magistrate wrote on the following day 13th October to the Secretary to Government in the Judicial Department, the following letter.

To J. P. GRANT Esq. Secy. Bengal Govt.

SIR,—By a communication from Mr. Law, Superintendent of Police dated 10th instant accompanied by Copy of a letter to him from the Chief Magistrate dated 10th idem. I was informed of the Deputy Governor's orders for my immediate removal from my appointment as Deputy Superintendent of Police; by the letter of the Chief Magistrate to Mr. Law, I learn that my removal is consequent to the report of the Committee of enquiry into the state of the Calcutta Police Office.

Having served the Government for a period of 40 years, of which 31 years have been in assisting to conduct the Executive Police of the City, and having in the discharge of my duties obtained the approbation of all, under whom I have served, and having also received commendatory testimonials from some of the Judges of the Supreme Court, this summary dismissal from my appointment falls hard upon me, especially as it involves the loss of character, I beg therefore that you will obtain His Honor's sanction to my being furnished with an Extract from the Commissioner's report as regards my Official conduct, that I may know the specific charge against me and upon which His Honor had decided upon my dismissal,

I have the honor, &c.
(Signed) J. J. McCANN.

Calcutta 13th October, 1849.

And having received no reply thereto, again on the 11th of February, 1850, addressed the said Secretary, calling his attention to your memorialist's letter of 13th October, 1849, and requesting a reply thereto; but he has never been able to obtain such reply although the said Secretary informed your memorialist in a personal interview that such his application would be considered, but that the report of the Commissioners was forwarded to the Indian Government, who he believed had forwarded it to your Lordship.

12th. Your memorialist is not fully aware whether he is deemed by such dismissal to have forfeited that right to the pension to which he would otherwise be entitled according to the rules of Government by his long and faithful services. But as your memorialist feels that the Extract from the letter of Government conveys an imputation on his character which is wholly unmerited, he feels it due to himself, due to those whose approbation he has already earned, to express his readiness and anxiety to meet each and every charge which the Commissioners may have brought forward against him which may be supposed to justify the expression of "extreme Official malversation" applied to him in the Extract from the letter of Government of the 6th of October, 1849: and your memorialist cannot abstain from entering his most solemn and energetic protest. As energetic as your memorialist's respect for his Honorable employers, and a due sense of what he owes to them and to the high station filled by your Lordship whom he addresses, will allow against the use of such an expression as "extreme Official malversation" applied to him, not only so contrary to the real facts of the case, but contrary to any thing which, as far as your memorialist is aware (from the printed evidence in the newspapers or otherwise,) would justify the application of such a term as that used by the Government, or by the Secretary of Government, as founded on the report of the Commissioners. With the utmost respect to the Honorable Company and Court of Directors and to their Government in this country which his military education and his conduct through life will vouch for as unfeigned, your memorialist takes leave to dispute and distinctly denies that he has ever been guilty of any "Official malversation in the whole course of life."

13th. Your memorialist not only is ready and anxious to meet such charges as the report may contain, but ready and anxious to meet every charge which may be brought by any person against his moral character in the performance of his Police duties, or against the integrity and zeal with which he has ever served the Honorable East India Company.

14th. Your Lordship must feel that every servant of a liberal British Government has a right before he is convicted of “**extreme Official malversation**” to have the nature of the offence with which he is charged distinctly stated, and to have every opportunity of being heard in his defence. If the Government should fail in establishing the charges, or he should not satisfactorily refute them, the Government would nevertheless be able to dismiss him, but without proving charges and giving him the opportunity of refuting them, if in his power, your memorialist submits that the Government would have no right to dismiss him with any slur upon his character, or to punish him by the loss of a pension to which he was entitled by 40 years servitude to receive. If they should do so and endeavour to fix a stain upon his character on grounds which they were unable to establish, the Laws of his Country would enable him to recover the damages he had sustained by the unjust imputation. No one can dispute the full right of your memorialist’s Honorable employers to dismiss him at any moment they may cease to require his services, but your memorialist, with all respect, does dispute the right to dismiss him with any reflections on his character which have not been established, and are incapable of being established, by credible evidence. He denies also their right (morally) to deprive your memorialist of his pension acquired by length of faithful service upon any grounds not so proved. The character of the witnesses before the Commissioners was in many instances such as to render their statements wholly undeserving of belief. No facts or at least very few can be said to have been adduced—fewer to have been proved. The general nature of the enquiries was as to common rumour and reports and belief of reports, second, third and fourth-hand.

15th. It is not to be doubted that in 31 years at the head of the subordinate Executive Police, your memorialist, coming into collision with the multifarious characters, Native and European, which compose part of the Police force of a great and populous City—frequently in direct collision with the lower ranks of the native community—must have made some personal enemies: if he performed his duty with strictness and impartiality he probably has excited the envy, the jealousy and malice of several of his subordinates. All things considered, and amongst others his absence from Calcutta at the time when the enquiry was instituted, it is somewhat extraordinary that more direct imputations were not endeavoured to be thrown upon your memorialist. Most of those which were made, were of a most contemptible as well as most unfounded nature, and your memorialist has no hesitation in saying that if the charges were al-

lowed him by putting the case against him in such a course as would satisfy any fair tribunal of the truth or falsehood of the charges against him, he would find no difficulty in proving to the satisfaction of such a tribunal that every charge against him was substantially untenable, that the greater part of them were false—utterly false—that many had been grossly misrepresented, and a false colour given to, and a false inference drawn from those facts which in a few cases approached to any thing like what they were represented before the Commissioners.

16th. When your memorialist heard at the Factory of his Son-in-law in Jessore that he was subject to such imputations, he determined, though in very infirm health, to return. Previous to doing so he drew up (from memory alone) without access to one single book or record of any kind, a short reply to or explanation of the different charges brought forward against him, and on his arrival in Calcutta gave it in. He tendered himself for examination; he expressed to the Commissioners his utmost readiness to give any information in his power, and to answer any questions relating to him on which a doubt might rest on their minds; it is true that he was in a very weak state, and very incapable of contending with any difficulties, but he expressed earnestly to the Commissioners his desire that they would examine him upon every point upon which they had any doubt—he expressed some disappointment at not being examined on all—he was told that they attached no importance to anything else.

17th. After such communication with the Commissioners, your memorialist's dismissal from his Office fell upon him as a most unexpected blow, and much the more so from the terms in which it was communicated. Your memorialist thought of entering into an examination in detail of the various topics on which any reflection on your memorialist's conduct was endeavoured to be cast by the various witnesses who spoke in relation to him on the investigation: but as he has already delivered to the Commissioners the denial and explanation which he had prepared upon such matter before coming down to Calcutta, and as it would seem that neither such statements or what he had said on his examination, had the slightest effect on the Commissioners, and as they had informed your memorialist that they attached no credit to such parts as they had not examined him upon, your memorialist, in ignorance of what may be the contents of the report upon which the Honorable the Deputy Governor founded the dismissal of your memorialist, he has thought it better not to attempt any thing more than the most cursory examination of what may be supposed to be the leading

points, which may have weighed against your memorialist with them.

18th. In again looking over the proceedings before the Commissioners as published in the daily newspapers (his only source of information) your memorialist cannot but observe an apparent dissatisfaction of at least one of the Commissioners with the nature of your memorialist's answer.

19th. If the report as relating to him was in any degree affected by such dissatisfaction, your memorialist cannot but think that the Commissioners must have imbibed some very considerable unfavorable impressions against your memorialist for which he ventures to believe there was no more just foundation than there was for any which might have been excited by Mr. Law's accusation of your memorialist, having been in Calcutta during the whole or any part of the period occupied in the Police investigations; and he cannot but think also that if any such unfavorable impression arose in their minds, the Commissioners did not give due weight to the state of health in which your memorialist appeared before them. When in the month of June, he proceeded under the leave he had obtained to his Son-in-law's Factory, your memorialist was in so weak a state as necessarily to be carried on board the boat in which he proceeded, and has not even yet in any degree recovered his previous health. He returned to Calcutta in a very debilitated state of mind and body from an anxiety to present himself for examination, and to meet every possible imputation which could be made upon his character—when your memorialist appeared before the Police he was quite unable to sustain, and would not have attempted to sustain, the fatigue, excitement and anxiety which such an examination was calculated to produce, for any less object than that for which he returned to Calcutta; but he did not hesitate at once to offer himself for such examination.

20th. Your memorialist is not aware that he stated any one thing upon such examination which is other than the strict truth, or other than the fullest which could be given by an honest man desirous of stating all that he knew, and could be expected to recollect regarding the occurrences on which he was interrogated. Your memorialist submits that any prejudice created against him by want of precision, recollection or firmness in his replies, is neither just nor considerate as to the circumstances and the weak state of health under which his evidence was given.

21st. If the report of the Commissioners was grounded in any degree on the supposition that your memorialist was to the slightest extent under the control or influence of Mutty Loll Seal or any other native, or indeed of any other person than his

official superiors, your memorialist submits that the report is most unjust to him and contrary to the evidence given before the Commissioners—your memorialist was never indebted to Mutty Loll Seal or to any other native, or under their influence in any way, your memorialist was security for a Son-in-law to Mutty Loll Seal for sums raised by the former for his own purposes; nor is your memorialist aware, that there was any offence or any impropriety in his becoming such security, and it was distinctly shewn that the whole of such loan was paid off by Mr Kenny.

22nd. If the Commissioners' report was founded in any idea that your memorialist was employed to raise money for, or in any way on private affairs of the Chief Magistrate, it was equally unjust and contrary to any evidence worthy of credit which was adduced on that point. Mr. Patton was too honorable and high-minded a gentleman to have made use of his official influence to raise a loan from any one, or to have employed an official subordinate in such a transaction, it is sufficient to say that it was denied most emphatically by Mr. Patton, and needs no repetition of such denial by your memorialist, who as unhesitatingly gives it—it rests for its foundation on mere surmise or unfounded report, or otherwise upon malicious and evil intended falsehood and invention. Your memorialist cannot believe that this could have weighed with or been credited by the Commissioners, for whilst he is dismissed the Chief Magistrate (who if there had been any foundation for the invention would have been the chief delinquent) is continued in Office.

23rd. If the Commissioners' report was in any degree founded upon your memorialist's connection with, or supposed protection of Gunga Ram Jemadar, your memorialist conceives, it is hardly more to be sustained—the real facts of the case are that Gunga Ram had no more connexion with your memorialist in any way but official duties, than he had with a perfect stranger, as to his styling your memorialist his father, (if the evidence respecting that is to be credited) it is nothing but the idle braggadocio or figurative expression, of a native. He is an up-country native of singular energy, activity, courage and intelligence: he was one of the most intelligent Police Officers that this country ever produced, and probably equal in those respects to most Police Officers, who can be produced in the London Police, and this only was his recommendation to your memorialist, to whom he was an utter stranger before his introduction as a recruit in the Police in which he was promoted by the Superintendent, not by your memorialist, his only fault as a Police Officer was perhaps an excess of energy; it was this

which led to a matter about which so much observation was made, as to his trial and sentence in the Supreme Court. The indictment upon which he was tried was for an assault, for a heavy blow which he had struck a native with a ruler, and of which assault he was convicted, and notwithstanding such conviction, he was indisputably taken back by the then Superintendent of Police, Colonel Steele (with the sanction of the Chief Magistrate Mr. McFarlane) after suffering the sentence, under the impression and belief that he was the best Police Officer amongst the natives that had ever been seen in Calcutta. Under such impression your memorialist admits that Gunga Ram was, and your memorialist believes justly, a favorite with your memorialist who found that there was no one in his station on whom he could place so much reliance for the due performance of the duties entrusted to him as he could upon Gunga Ram.

24th. If the report of the Commissioners depends in any degree upon the circumstances relating to the sale of the Putteldangah Thannah, your memorialist submits that they form no justification of a charge of "extreme Official Malversation" or of any Malversation whatever on his part. If your memorialist had sold the Putteldangah Thannah of his own accord and without the authority of his superior in office, and had received the money and made personal use of it, there might have been a foundation for such an imputation: but that he did so in any respect, he wholly and emphatically denies. It can hardly be supposed that your memorialist would have been bold enough to have sold without authority, a property of Government, whether with or without a motive, or that any one would have purchased it on such authority as that of your memorialist, or would thereon have paid the purchase money. It would be difficult to shew that your memorialist had any motive whatever to do so; he had none and your memorialist is prepared, if allowed, the opportunity to prove that the whole amount of the purchase money was deposited in, and remained marked as the purchase money of the Putteldangah Thannah in, the iron chest in the Police Office, from the period that it was originally brought there from Mutty Loll Seal, to the time of your memorialist leaving Calcutta on sick leave, when he forwarded it to the Chief Magistrate with a letter. At the time when your memorialist was taken ill, and at the time when he was removed from Calcutta, there was no rumour of any Commission to enquire into the affairs of the Police, and if your memorialist had ever removed the money to his private residence which he distinctly denies, there would have been no motive for his restoring it to the right place of deposit before

he left ; it is said that the notes found there did not tally with the numbers or amounts of the notes received from Baboo Mutty Lall Seal—this is possible, though your memorialist neither knows the exact numbers or amounts of the separate notes which were so forwarded to the Chief Magistrate ; but he does know that the exact total amount which was paid in so remained at all times—neither more nor less—so long as your memorialist was in charge of the same ; and if any notes were different from those paid in, they must have been changed for others collectively of similar value for transactions which were going on at the Police and for the mere purpose of convenience, which was occasionally done in case of money merely held in deposit, and not deposited for proof to be produced in Court ; and this also he does know, that neither directly or indirectly did your memorialist ever get or expect to get any advantage whatsoever from the sale of the Putteldangah Thannah, or from the purchase money thereof or the usufruct or possession thereof, no part of which ever was in his possession otherwise than in such iron chest. Of the bid of Dinnonauth Sein and all relating, or subsequent to or consequent on it, your memorialist was in thorough ignorance ; the whole transaction related to an office with which he had no official connection.

25th. If the report of the Commissioners rests upon the supposition of your memorialist being concerned in the case of Sib Chunder Mullick not being brought to trial, and your memorialist having in any degree connived at it, or assisted in it, it is a complete fallacy, and a most unjust imputation upon your memorialist. When the warrant was issued your memorialist put it into the hands of Gunga Ram, who as your memorialist has already observed, he considered the most energetic Native Officer in the Police ; your memorialist had no knowledge of Sib Chunder Mullick ; who was a mere boy, nor any acquaintance with his father, your memorialist could have had no inducement to screen Sib Chunder Mullick from justice. If it is supposed that your memorialist was bribed to a neglect of a duty, such supposition rests upon no sort of foundation, it is nearly as absurd as it is in every respect and iota false. Sib Chunder Mullick and his father were not in circumstances to enable them to offer a very high bribe for so gross a dereliction of your memorialist's duty, and if he were to be swayed by lucre only, the prosecutors on the other hand were the Bank of Bengal, who necessarily had many prosecutions of a similar nature, and to whose liberality your memorialist was, on various occasions, with the full knowledge of the Magistrates and the Government, greatly indebted, it is hardly to be believed that your memorialist would abandon his general duty to his

employers, his more immediate duty on the occasion to liberal and generous prosecutors, and subject himself to the danger and risk of receiving a bribe such as Sib Chunder or his friends might be likely to offer as an inducement, for his so doing. Your memorialist asks respectfully whether it is to be borne that a character for integrity, diligence and assiduity which 40 years honest and zealous service has acquired is thus to be surmised away without proof of any kind or sort. Your memorialist defies the whole world to prove that or any other instance of his accepting a bribe for the non-performance of his duty. If your memorialist received a bribe for preventing Sib Chunder Mullick's being arrested, it is not likely to be very difficult of proof, if it is capable of proof let your memorialist be indicted and he will thank the Government for presenting such indictment, for he is satisfied it would signally fail, and your memorialist's innocence at heart on this charge be triumphant. Your memorialist has lost all the influence which may be supposed to be attaching to the Office which he lately held, no native can longer hope to benefit by saying aught in his favor; natives are more likely to fear offending the Government thereby in their ignorance of European feelings in such matters. But your memorialist appeals with confidence to the evidence of both Sib Chunder Mullick and his father to prove that neither directly nor indirectly, had he any communication with them upon the subject. With regard to the statement that your memorialist is supposed to have made to Major Birch of the delivery of warrant to Lee an Inspector who has died. Your memorialist is not aware of ever having made such a statement, and as Inspector Lee did not belong to the division in which Sib Chunder lived, it is most unlikely that your memorialist should have made, and he is satisfied that he did not make such statement. Major Birch has indisputably formed an erroneous impression on the subject.

26th. It may not here be improper to introduce with reference to what your memorialist has said about the liberality which he has received frequently from the Bank of Bengal and a sort of accusation insinuated against him of his receiving presents in the Police; one accusation being that an unknown, at least unnamed friend, had told one of the witnesses that he, such friend, had given your memorialist a tin case of Salmon. Such statement is an utter falsehood, but that your memorialist has received many presents by way of rewards from the Government, from the Bank of Bengal, and from the Magistrates themselves, he by no means denies or attempts to conceal. Presents by the Magistrates by way of rewards are limited to 100 Rs. unless with the previous sanction of Government. Your

memorialist in two or three occasions received and is proud to have done so, considerable presents in money from the Bank of Bengal, on another from the same parties a valuable gold watch—and from the Magistrates since he entered the Police not less than 2 or 3000 Rs. presents as rewards, as above—but he denies and defies the whole world to prove that he ever took a secret or any present from any individual whatever unknown to the Magistrates. Although there was and is no order against the receipt of presents for services by any Officer of the Police. But your memorialist defies all Calcutta to prove that he ever received one otherwise than as above received.

27th. If the report of the Commissioners rests in any degree upon the circumstance of your memorialist having allowed two Watches and Trichinopoli Chains to be delivered out of the Iron Chest for the purposes of Police duty, your memorialist cannot deny and never has denied that he did so, but under circumstances that will not warrant a charge against him of “Extreme Official Malversation.” The Watches were unclaimed, deceased Sailors’ Watches with pieces of Trichinopoli Chain of the commonest description, the value of each of them including the Chain was perhaps 20 Rs.—the object with which your memorialist allowed them to be given out was no personal gain, advantage, or convenience to himself; they were given for the purpose of the Inspectors on duty (who had no Watches of their own) marking the time on their patrols more correctly, they having been accused of neglecting this; no more legitimate mode (if any could be so) of making use of these Watches and no more innocent one, as far as your memorialist was concerned in the transaction, could he submit be imagined:—when they were delivered out, a voucher for them was deposited in the Iron Chest, to mark when, and to whom the articles had been delivered. Your memorialist therefore could have no intention of concealment or of fraud, any more than of gain or advantage; it was observed by one of the Commissioners that Chains were not necessary to mark the time, undoubtedly not! but when the value of the Chain is considered, that the Watch and the Chain were the only articles belonging to the parties respectively, and when the necessity for some Chain or a substitute for it was obvious it would hardly seem worth while to separate one from the other—perhaps it would have been well to do so, perhaps it was not in strictness, right to deliver out the Watches at all—your memorialist does not defend his having done so, but if he erred it was from an error in judgment and want of due consideration, and cannot, as your memorialist submits, come under the category of “Extreme Official Malversation.”

28th. Of the charge of not duly accounting for the Bank notes and other property which came into your memorialist's possession, he believes he fully disposed before the Commissioners. The fortunate preservation of the indemnity of Messrs. Carr, Tagore and Co. for the only note not accounted for, though the interval of nearly 11 years had elapsed, enabled him to dispose fully of the Bank notes. The other accusations against your memorialist contained in the evidence he is satisfied are of too trivial a nature, and too ill supported by any credible witnesses to have formed a foundation of a report so severe against your memorialist, as that of the Commissioners is represented to be in the letter of the Secretary to Government consequent upon which your memorialist has been dismissed from a service of which he has long been an humble individual.

29th. Your memorialist has thus endeavoured to take a cursory review of the principal points which may have formed the grounds upon which the Commissioners framed their report, but if he is in error as to the grounds of it, or if correct, and upon any of the points he has failed to satisfy your Lordship that he is undeserving of the terms which have been applied to him, he entreats and implores your Lordship by that consideration which your Lordship would give to the value which every honest man must attach, to an hitherto unimpeached character of 40 years standing, and by your Lordship's love of and regard for justice, by the feeling which your Lordship cannot but entertain of the natural right which every British subject has to receive a fair and full hearing, and to know distinctly the offences with which he is charged before he is punished in any way, or deprived of rights which he has earned by a long course of servitude, to let your memorialist know precisely with what he is charged with having committed, that he may have the opportunity of clearing himself, as he doubts not that he can do, from every charge in any way impeaching his honest performance of his duties, or such as would subject him with justice to the forfeiture of the earnings of a life. From the time that your memorialist first served the Government in India, he never was absent on leave or otherwise from his duty until the latter end of 1848, when he was compelled by severe indisposition to go on the river and seek change of air. The subsequent proceedings which have led to the dismissal of your memorialist from his situation, to the injury of his character, to the ruin of his prospects, and have marred the happiness of his family,—have hitherto prevented the recovery of his health—and unless he can be in some degree restored to that respectability of

is little chance of his recovery—and this he is prepared to show by the certificate of his medical attendant.

30th. Your memorialist does not pretend to be absolutely devoid of property, but whatever he has acquired was obtained by his own industry and hard and unceasing toil, and he trusts that it is not to his discredit, that by constant industry and application to his duties and by great economy and frugality he has been enabled to maintain himself and to bring up a large family in respectability, and while so doing to have saved something in a period of about 31 years, in addition to the money which your memorialist had to some amount when he joined the Police. He defies any one to prove, and he believes few who have been in Calcutta during that period will say that he ever obtained any part of that property which he possesses by other than fair, legitimate, and lawful means, and by hard and incessant toil.—From the date of his appointment in the Police in 1818 to the hour of his removal from it, no person ever complained against your memorialist, either to a Magistrate, or to the Supreme Court, although, from the nature of his employment as a Police Officer, it is naturally to be supposed that he must have excited the animosity of many among the number of those whom he brought to justice. If it is supposed that your memorialist had any secret or other influence in the Police to prevent complaints or informations against him reaching the Magistrates (which he positively denies that he had) no influence could have been exercised to prevent complaints, either through the medium of Attorneys or otherwise reaching the Judges of the Supreme Court. The absence of all complaints during the whole period of his service in the Police, is, as your memorialist respectfully submits, the best proof of the absence of any real cause for it.—If the period had been short, the influence of course would have been weaker—but it is impossible to conceive that if in 31 years the conduct of your memorialist had really been flagitious, some accusation at least would not have ascended to the Magistrates or the Supreme Court—with due submission and respect, he cannot but feel, that his length of service, his character during that time (before the Police investigations unimpeached) the total absence during that lengthened period of any species of complaint against him, entitle your memorialist to some more tangible and specific charge which he might be enabled to meet, than the vague statement of “the report exhibiting cases” against your memorialist of “Extreme Official malversation,” before he ought to be deprived either of his character or his pension.

31st. The assumption that your memorialist had given every

would respectfully urge, with the circumstances under which he was examined and delivered his statement. That statement as above mentioned was prepared at the Factory of his Son-in-law, and not with any reference to any supposed cases brought forward against him, but as mere observations on the evidence as given by the witnesses. Your memorialist to this moment is not aware what facts or circumstances the Commissioners considered as in any degree standing upon credible evidence and what they disbelieve. Your memorialist though anxious that nothing should be published to the world, which should be calculated to reflect upon his character never considered that he was an object of any accusation or charge whatever. The utmost which he can consider, the Commission was a Court of Enquiry to inform the Government whether there were grounds for charges against any of the parties connected with it, but your memorialist never dreamt that any sentence would be passed upon the enquiries of such Committee without charges being brought against any person pointed out by the report as being fit subjects for charges to be preferred against them; and the parties who would then be informed of the nature of the Offences imputed to them would have every opportunity of refuting them, if they should be sufficiently established to call upon them for their defence; and if it be required that your memorialist should demand such formal trial and proof against him, he hereby solicits that he may have that, contending, that he is fully prepared to meet and to negative every charge which may be urged against his honesty and integrity, and every imputation upon the fidelity with which he at all times performed the duties entrusted to him as an Officer of the Police from the day of his entering it, to the hour of his dismissal.

32nd. Your memorialist then in conclusion most humbly but anxiously and earnestly prays your Lordship for justice. He appeals to your Lordship as a British nobleman of honor and celebrity, wielding the destinies of this great country to protect and befriend a very humble individual, moving in a much lower sphere than that which your Lordship graces and dignifies, but in which lower sphere, your memorialist makes bold to say, he fulfilled with as much honesty of purpose and integrity of conduct, and with as safe a conscience for a period of 40 years, the various duties attached to the different situations which he occupied, during that time; as any of their duties have been performed by those in loftier grades who surround your Lordship. At his advancing age and in his infirm state of health, he asks not for restoration to that situation from which he has been removed, or appointment to any other situation

under the Government of the Honorable Company whom he has so long served (he asserts) with honor and integrity as well as zeal: but he appeals to your Lordship's sense of justice to restore your memorialist to that position to which he feels himself entitled, and to grant to him that pension which his long and faithful services have earned for him according to the rules of the Honorable Company, expressing his utmost readiness to meet, if your Lordship shall so direct, any charges which may be distinctly preferred against him.

And your memorialist will ever pray.

~~~~~  
25th February, 1819.

MY DEAR WILKINSON,

The bearer is Serjeant Major McCann of the Town Guard,—whom I recommend to your kindness. I doubt not you will find him as I and every other Officer under whom he has served—a steady, trust-worthy *excellent* man, and in every respect worthy of his post.

Yours ever,  
(Signed) H. S. MONTAGU.

Captain WILKINSON.

I with pleasure agree with my friend Captain Montagu in the character he has given Serjeant Major McCann in every respect, he is most deserving of every kindness that can be shewn him.

(Signed) H. W. WILKINSON,  
*Fort Adjutant.*

*Fort William, November 13th, 1823.*

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MY DEAR SIR,

The bearer of this is Serjeant Major McCann of the Town Guards, who I beg to recommend to your particular notice.

You will find him a man in every way deserving your utmost confidence; I am induced to speak thus highly of him, from the opportunity I have had of judging of his worth, as well as from the very handsome testimony borne to his character by two of my predecessors in Office.

(Signed) J. HEPWORTH.
4th April, 1826.

To Captain SHORTLAND.

No. 2.

To J. B. BIRCH, C. TROWER and C. ROBISON, *Esqs.*
Magistrates of Police.

GENTLEMEN,

Having submitted to the Right Honorable the Governor, the communication contained in your letter to my address of the 22d ultimo, I am commanded to request you will convey to Serjeant Major McCann and the Town Serjeants employed on the occasion referred to, His Lordship's unqualified approbation of their conduct, thereby verifying the good opinion His Lordship entertained of them when he sanctioned their nomination to Town Serjeantcies, and which conduct had it been less firm or temperate, might have been productive of much bloodshed.

I am further desired to acquaint you that the Officer commanding the Calcutta Native Militia will be directed to convey to that portion of his Regiment which acted under the Town Serjeants, His Lordship's approval of their steady and meritorious conduct on this occasion.

I am, &c. &c.,
 (Signed) J. VAUGHAN, *Lieut-Col.*
Town Major.

Fort William, 2d January, 1828.

No. 6564.

To Mr. McCANN.
Police Office.

SIR,

The Directors of the Bank desire me to send you the enclosed Bank Note for 500 Rupees, as some token of their sense of your zealous exertions in the apprehension and conviction of several individuals prosecuted for forgeries on the Bank of Bengal.

I have much pleasure in carrying the Directors' instructions into effect.

I have the honor, &c. &c.,
 (Signed) G. UDNY,
Secretary and Treasurer to the Bank of Bengal.

Bank of Bengal, 21st December, 1833.

No. 888 of '40.

Mr. J. J. McCANN,
Deputy Superintendent of Police.

SIR,

I have much pleasure in handing to you the accompanying gold Watch, which the Directors of the Bank of Bengal have desired me to request your acceptance of, as a token of their sense of your services in discovering several gangs of forgers; many of whom were convicted and sentenced to transportation for life.

I am, Sir,
Your most Obedient Servant,
(Signed) T. BRACKEN,
Secretary to the Bank.

Bank of Bengal, 5th December, 1840.

Calcutta, 19th August, 1842.

MY DEAR SIR,

Your character in the entire execution of the duties of your arduous and responsible Office can receive no accession from my testimony, but I cannot retire from my Office of Coroner after so long experience of your services without tendering you my warmest thanks for the attention you have ever paid to my wishes which never could have been so fully met, were not your inclination seconded by your ability, zeal, and energy.

I shall be at all times happy to hear of your continued and increasing welfare, and am,

Very sincerely yours,
C. B. GREENLAW.

To Mr. McCANN.

7th January, 1842.

MY DEAR SIR,

In leaving the Office of Chief Magistrate of Calcutta, I have great pleasure in referring to my letter to Government of February 1840, applying for an increase to your allowances. I

have seen reason to hold the same opinion of you since the date of that letter, and if possible to have it increased.

You are unquestionably the most able and efficient Officer in your particular line that the Government have.

I wish you long life in health and usefulness.

Yours truly,

(Signed) D. McFARLANE.

To Mr. J. J. McCANN.

Calcutta Police.

Extract from a letter from the Chief Magistrate of Calcutta to the Secretary to the Government of Bengal Judicial Department, dated 3rd February 1840, No. 64.

Para. 2nd. Mr. McCann was formally recognized by the Government as deputy Superintendent of Police in Mr. Thomason's letter of 29th March 1831, No 561, and for the last nine years he has performed fully and completely the whole duty of that Office. If any success has attended the change of system introduced in 1830, much of it is due to the skill and courage, the caution and unwearying perseverance evinced by Mr. McCann.

Para. 3rd. At the time I wrote my letter of 19th March 1831, the duty proposed for Mr. McCann was very subordinate, and the pay allowed to him was only Rupees 268, subsequently in 1833, his allowance was increased to Sicca Rupees 300, since that period his duty and usefulness have very much increased. He gives assistance to the Superintendent of Police in the duty of watch and ward, in telling off and allotting rounds and occasional visits, he is Captain of the whole Town Guards, a body of 5 Europeans and 129 Natives. He is invaluable as keeping the Superintendent and myself apprized of failures in the conduct of the European Force, and thus effectually repressing the vices of intemperance and violence very often found in that class, his character is such among men of his own sphere, that they know faults cannot escape him and will not be screened to the injury of the public or the scandal of the class they belong to. He renders useful aid to the Magistrates in discerning the weight due to evidence, or giving the character of persons accused, he is the able assistant of the Superintendent in ferreting out crimes and their perpetrators, and

the Judges of the Supreme Court will testify how useful he is as the Agent of the Police in that Court. He attends the whole of every Sessions to produce witnesses and stolen property, and to give the character of persons convicted, and last of all he makes out and submits to the Superintendent, and to me the rewards merited by persons who have rendered service to the Police. To these multifarious calls upon him, all honestly performed, he adds a diligence that never slumbers, he is never absent from his post and never unfit to fulfil its duty to the utmost. The kindness and amenity of his manner is such that no one ever had to do with him who would not gladly assist him to the utmost in the discharge of his duty.

(Signed) D. McFARLANE,
Chief Magistrate.

No. 633.

To D. McFARLANE, *Esq.*
Chief Magistrate of Calcutta.

SIR,—In reply to your letter No. 64 of the 3rd. February last, the Right Honorable the Governor of Bengal has directed me to transmit to you, copy of a letter* from the Secretary to the Government of India, conveying the sanction of the Right Honorable the Governor General to the transfer of Mr. Conductor McCann from the Military to the Civil Department on a consolidated allowance of Rupees 400 per mensem, as Deputy Superintendent of Police.

The Civil Auditor and the Military Secretary have been informed of his Lordship's sanction to the measure.

I am, &c.
(Signed) F. J. HALLIDAY,
Secretary to the Govt. of Bengal.

Fort William, 14th April 1840.

* No. 57, 30th Ultimo.

No. 57.

To F. J. HALLIDAY, *Esq.*
Secretary to the Government of Bengal.

SIR,—I have the honor to acknowledge the receipt of your letter No. 438 dated the 17 instant, with its enclosures, and in reply, to state, the Governor General of India in Council is pleased to sanction the proposal of the Right Honorable the Governor of Bengal that Mr. McCann should be altogether transferred to the civil branch of the state with the usual claim to pension (dating his services in the Police from the year 1818) upon a fixed remuneration of Rs. 400 per mensem as Deputy Superintendent of Police.

2nd. The original enclosures of your letter under acknowledgment are returned herewith.

I have, &c. &c.
 (Signed) T. H. MADDOCK,
Secretary to the Government of India.

Council Chamber, the 30th March, 1840.

I have known Mr. James McCann ever since I have been a judge of this court, I have the highest opinion of his character, I believe him to be a man of strict integrity, and I know that he has discharged the duties of a Police Officer with great skill and intelligence, indeed I do not know how his place could be adequately supplied, if he left the Office he now holds. The opinions I express are, I know entertained by all persons in this place who have any thing to do with the administration of criminal justice.

(Signed) EDWARD RYAN.

January 8th, 1842.

DEAR SIR,

In reply to your note just received, requesting my sentiments as to the manner you have discharged your duties under me as Deputy Superintendent of Police. I have the highest opinion of your abilities and have on more than one occasion recorded my opinion of your zeal and exertions.

I have no doubt that your very great experience would be found of great advantage in the discharge of the duties of Superintendent of Police, and think your abilities and other qualifications entitle you to the favorable consideration of Government.

Yours truly,
(Signed) F. W. BIRCH.

10th September, 1845.

To J. J. McCANN, Esq.
Officiating Superintendent of Police.

DEAR SIR,

In reply to your letter of this date, soliciting my testimony as to your discharge of the various duties of the employments you have held in the Calcutta Police, and have much pleasure in saying that since I have held the Office of Coroner of Calcutta (August 1843) I have uniformly found that your zeal, activity, and attention to all the duties of your Office within my cognizance cannot be exceeded, that you have been most ready to attend to all my suggestions for tracing out crime, or supposed crime which have been from my knowledge of native habits frequent and perhaps singular at times, and that I have always found your ready aid in forwarding witnesses to my court, and in so arranging that in my often painful duties, the least possible inconvenience has been inflicted on the numerous poor persons who were necessarily summoned for the full satisfaction of my juries and myself, and thus lightening to them as much as possible, one of the severest burdens, which all the Indian Courts (even more than those of other Countries) must lay upon the community.

(Signed) H. PIDDINGTON, Coroner.
Calcutta, 29th April, 1849.

True Copies.

J. J. McCANN.

APPENDIX B.

EXTRACTS.

This report has been delayed for the last 2 or 3 weeks in order that we might include in it an examination of Mr. McCann, the Deputy Superintendent of Police, statements so seriously affecting whom had been made by many of the parties who had previously appeared before us. Mr. McCann returned recently from the interior, to which he had proceeded on the leave of absence granted to him by Government, and was examined by us on the 3d instant. He gave in at the same time a written paper,* which had been prepared by him after the perusal of the reports of all our former public proceedings.

Mr. McCann the Deputy Superintendent of Police was under legal obligation to Baboo Mutty Loll Seal from having become

Fifth day. Pages 111 to 114 with letter and enclosures from H. Holroyd, Esq., Prothonotary thereto appended.

security to him in the year 1843 and 1844 for two different advances of 30,000 Rupees and

10,000 Rupees made to Mr. Kenny, an Indigo Planter, Mr. McCann's son-in-law, who had been introduced† by Mr. McCann to the Baboo for the purpose of obtaining the loan. For the larger of these advances Mr. McCann had mortgaged House property in Calcutta, which he had 4 or 5 years previously purchased from Mutty Loll Seal for the sum of 28,000 Rupees. Judgment was confessed upon both of these loans on the 29th of November 1847, and satisfaction entered on the record respecting both on the 6th June 1849; joint acceptances having been given by Mr. Kenny and Mr. McCann for the balance then still remaining unpaid of 13,000 Rupees, to be paid in two sums of 6 and 7,000 Rupees, one after 3 and the other after 4 months. Mr. Kenny in a letter‡ to our address of the 9th ultimo, with account appended, has stated his view of these transactions, with details of the payments made by him till the balance was brought down to 13,000 Rupees. Mr. McCann had the further§ pecuniary dealing with Mutty Loll Seal by the purchase of House property in Cossitollah for 28,000 Rupees, as above referred to. The exact date of this purchase has not been given to us, but it was mentioned by Mutty Loll Seal as having been 8 or 9 and by Mr. McCann as having been 7 or 8 years ago. Payment was made in part, by instalments which extended, however, only two years.

It has appeared during our inquiries|| that at some period after the mention in the public prints of the debts owing by

* Enclosure No. 2.

† 11th day, page 277.

‡ Enclosure No. 4.

§ 11th day, page 277. || Tenth day, pages 26, 62.

the Magistrates to Mutty Loll Seal, Mr. Kenny was introduced by Mr. McCann to Mr. Patton, and then made a proposal for endeavouring to procure loans from other parties out of Calcutta, to enable Mr. Patton to clear himself with Mutty Loll Seal. Extract from a note from Mr. Patton on the subject,

* I have not the slightest objection to tell you that a proposition of the kind mentioned by Mr. Daly was made to me by Mr. Kenny, Mr. McCann's son-in-law.

under date the 28th ultimo is transcribed in the margin,* and further statements by him and Mr. McCann in regard

to it are recorded* in the eleventh day's proceedings. Mr. McCann's tone on this transaction has certainly been disingenuous, both in his oral statements to us, and in the written paper; in which he has said that he never had any communication with Mr. Patton on his pecuniary affairs directly or *indirectly*. Mr. Patton has frankly and honorably said, that, as he had no previous acquaintance with Mr. Kenny, and as Mr. Kenny was introduced to him by Mr. McCann, he understood that the introduction was made in order that Mr. Kenny might propose the offer which he did. Mr. Kenny could only have been led to interest himself in Mr. Patton's affairs from motives of some kind connected with his Father-in-law, Mr. McCann; and taking the offer even in the most favorable light, as a *bonâ fide* overture for being instrumental in raising funds from third parties upon securities to be received from Mr. Patton, it was one in which Mr. McCann, in his position, ought to have taken no part, for the same reasons as those which guided Mr. Patton when he very properly rejected it.

A statement made to us by a highly respectable witness, Mr. John King, formerly Keeper of the Great Jail, and now Chief Clerk of the Court of Requests, and the mention of Baboo Mutty Loll Seal of Mr. McCann having paid him 28,000 Rupees for House property in Calcutta, purchased about 8 or 9 years ago, joined with our having heard from frequent reports

* *Eleventh day, pages 274-75.*

It was to the effect that he, Mr. Kenny, would use his endeavours to procure me a sum of money from parties out of Calcutta to enable me to pay off my debt to Mutty Loll Seal in consequence of the clamour raised by the Newspapers of the debts of the Magistrates, and the undue influence said to be exercised over them in consequence of those debts. Whilst conversing upon the subject our interview was interrupted by the call of a party desirous of seeing me on Official business, and Mr. Kenny retired. He came the following day and renewed the subject; but as I had viewed the offer in all its bearings and seen the objections to which it was open, I decided upon rejecting it, though at the same time I thanked Mr. Kenny for his good intentions towards me. Mr. McCann was not present on either of these occasions, though I have no doubt cognizant of the object of his Son-in-Law's visit since he introduced Mr. Kenny to me. Mr. Harwood† I believe was present on the last occasion.

† Mr. Patton's Head Clerk. See Mr. Daly's statement. Tenth day, pages 161-62.

that Mr. McCann had lost a large sum of money to his credit in the books of a mercantile firm which failed in 1833, led us to seek further information on the subject of Mr. McCann's pecuniary means, as far as these could be known from open and general enquiry. We insert in the margin a memorandum

Memo.

Mr. McCann's name is down in the official Assignee's books as a creditor on the estate of McIntosh and Co. for 60,000 Rupees.

Mr. McCann has also four houses which yield a monthly rent of 520 Rs. Independently of this he may have other funds in Company's paper, and in the Banks, but such information can only be obtained by an official application from the Commissioners.

(Signed) W. T. LAW.

29th July.

Statement of Mr. J. J. McCann's employment in the Calcutta Police agreeably to the Records of this Office.

1818-19.—Order 17 Nov. 1821. Calcutta Town Guard Serjeant Major from Oct. 1819. First only 10 Rupees increased per order, dated 17 Nov. 1821,.....	20	0	0
Inspector of Gunpowder Godown, ..	20	0	0
	40	0	0

Military pay and allowances of Serjeant Major in addition to the Town Guard allowance. Estimated by the magistrates at.....	52	0	0
Order 3d May, 1831. Mr. McCann's allowances increased 100 to 200 per month.			

Previous allowances.

Town Serjeant,	20		
Constable,	60		
Inspector of Godown,	20		
	100	10	0

Extra allowance as keeper of correspondence.

Order 17th Sept. 1833. Mr. McCann authorized to draw as follows from 1st Augt. 1833, viz. Military pay and batta,	28	5	0
As Town Serjeant Major,	20	0	0
Pay as Constable,.....	60	0	0
Personal allowance,.....	191	15	7
	300	0	0

25th May 1827. Inspector of Gunpowder Godown per order.			
22d Oct. 1833, dated 25 May 1827, at 20 Rupees increased per order 17th Sept. 1833 from 1st Augt. 1833. Restored to him by the Chief Magistrate under date 22d Oct. 1838,....	30	0	0
14th April 1840 as Dep. Supt. of Calcutta Police per order dated 14th April, 1840,	400	0	0
6th Nov. 1845. Supt. of Calcutta Salt Chokies per order dated 6th Nov.			

furnished to us in reply by the present Superintendent of Police, to which is subjoined a return from the Civil Auditor's office of the allowances drawn by Mr. McCann since his first employment in the Police. Mr. McCann was requested to make any explanatory statement which he might wish on the facts thus ascertained when he appeared before us, and his remarks are recorded in the 11th day, pages 271 to 274, two or three first pages of our eleventh day's proceedings. It will be seen that he promised to inform us as to the year in which, as he mentioned, he commenced his account with Mackintosh and Co., by paying over to them the accumulation in his own hands and in those of his former agents, Joseph Taylor and Co. of his former savings from the time that he held an appointment in (we believe) the Commissariat Department of the army, as well as to state to us the exact sum so made over to them. We have not however again heard

18th Oct. 1848. As Offg. Supt. of Calcutta Police per order dated 18th Oct. 1848, from 12th Oct. to 20th May 1849, 200 0 0

(Signed) G. W. BATTYL.
Offg. Civil Auditor.

Fort William,
Civil Auditor's Office, 21st August, 1849.

been those of great economy, but it is still our strong impression, on the facts of the case as they stand acknowledged, that his transactions have for a long period been on a scale which could not have been supported from the regular emoluments of his office. We are bound to make this general remark,* because it will appear from a subsequent part of this report that from the manner in which Mr. McCann conducted the business connected with the property of all kinds which came into his charge in the Police, he kept himself quite free from check as to his disposal of it, excepting to some extent, where persons might come forward who could urge, and had the means of urging with effect, well founded claims to it, and hence it might be almost impossible to fix upon him a distinct responsibility as to particular instances in which enquiry might be made on any suspicion of misappropriation, especially in regard to articles or money which as being unclaimed property, ought to have been carried to the public credit.

18th. It has not appeared to us that Mr. McCann was habitually subject to influence on the part of Mutty Loll Seal, or of any other resident of the Town. On the contrary Mr. McCann's favorite Police Officer was the Inspector Gunga Ram, before spoken of, whom Mutty Loll Seal was exceedingly anxious, but failed in his endeavours, to remove from employment. There are, however, some particular instances in which we are satisfied that Mr. McCann is to be justly charged with undue favour, or connivance, towards Mutty Loll Seal.

19th. The first of these instances regards the sale of the Putteldangah Thannah ground, which was referred to us for report by your letter No. 1183 of the 31st July.

We were informed† by a respectable party, Baboo Chunder Mohun Chatterjea that he knew that Baboo Deenonath Sein had petitioned the Chief Magistrate, offering him Rs. 2,500 for this ground, which was sold to Mutty Loll Seal for Rs.

* We should add as to the large amount of about 60,000 Rupees to Mr. McCann's credit in the books of Mackintosh and Co. that Mr. McCann has informed us (Eleventh day, page 273) that about 8 or 9000 Rupees of this amount was the property of two estates of which he was Executor, but he had to make good about 2 or 3000 Rupees of this Sum to the parties interested, on a compro-

and have not thought it within our duty to press him more closely regarding it. We are aware that Mr. McCann's personal habits have always

1350, and we subsequently received a written statement* to the same effect from Deenonath Sein himself, who added that this offer was returned with a "writing across to the effect that the Thannahs were not then to be sold, but that when they were, public notice would be given." Deenonath Sein in his examination before us, has said that† he sent his petition, and received this reply, in the month of October, 1845. Mr. Patton has explained that Tenders for the purchase of the old Police Thannahs were originally invited‡ by a general advertisement of October 2nd, 1845, and that a report§ on the matter having been subsequently submitted to Government, it was the practice of his Office to endorse on applications for purchase an order to the following effect. "Sale of Thannahs not yet sanctioned by Government. When the necessary order is received, a notification *inviting fresh tenders* will be inserted in the public Newspapers for general information." "It is not improbable therefore, Mr. Patton adds, that among others, applications for the Putteldangah ground, if any, were disposed of in a similar manner, as the circumstance of its sale, as has already been shown, was unknown in my Office." Mr. Patton remarked, as to the authority for the sale of the ground: "I gave my assent, at least am said to have done so in a letter from Mr. McCann, dated 9th June last, though I aver I have no recollection of the transaction, and must have acted most inadvertently, had I given my consent." Mr. Patton at the same time denied (as he had done in his second letter to you on the subject, of the 26th July last, paragraph 4) that any report of the actual completion of the sale, or payment of the money, had been made to him, till the month of June of the present year. His letter of the 26th July observes on this point that, had he known of the sale having been concluded, "he should immediately, and without the smallest hesitation, have brought the matter to the notice of Government. In fact, he could not under any circumstances, have followed any other course." Mr. McCann did not say in his letter to Mr. Patton of the 9th June last, that he had reported to that Officer the actual receipt of the money, but before us he|| said, "that he must have done so, but recollected no particulars of having done it." Mr. Patton has given in to us some correspondence¶ with the Collector of Calcutta, with a view to shew that the price Rs. 1350, received from Mütty Loll Seal for the ground in question, 2 Cottahs 1¼ chittacks in extent, is even above a fair valuation of it, and that

* Fourth day, 88 C. and 88 D.

§ Fourth day, pages 74 to 79.

|| Eleventh day, page 295.

therefore, the statement* of Deenonath Sein that 2500 Rupees "was a price which any one would have paid for it," must be incorrect; on this, however, we think it sufficient to remark that Deenonath Sein has mentioned† circumstances which rendered the ground of particular value to him, and that we see no reason whatever, to doubt that he did make the offer at the time, and to the amount professed by him. It does not, of course follow that, as the Offices of the Chief Magistrate and of the Superintendent of Police, were treated as quite distinct from each other, Mr. McCann was aware of the offer having been made, nor should we lay much stress on Mr. Patton having forgotten such a circumstance as Mr. McCann's having spoken to him about a mere authority to accept the offer, for the mode of carrying on business, has been far from strict, and Mr. Patton's‡ memory on such points of Official detail has been seen by us, in the course of our enquiries, to be by no means ready or certain. There was great irregularity in an acceptance of the offer, when no sanction had been received from Government for the sale of any of the old Thannabs, and before the issue of the further and duly authorized invitation for tenders which was intended. Mr. McCann may however, be no further answerable for this than on account of his having urged the receipt of the offer under such circumstances, and obtained Mr. Patton's sanction to it in a mere conversation, when there could remain no certain means of knowing what actually passed, and there could be no security to superior authority that the matter was submitted so as to receive proper care and attention. But there are particulars connected with the actual receipt of the money, which force us to the conclusion that either it was not taken from Mutty Loll Seal at the time that he was allowed to occupy the Thannah ground, or that, at all events, it was not at that time paid into any Department of the Police, or duly kept there on the Government account. It is in the first place, independently of the great improbability that the money would be kept for so long a term as 3 years, on a mere supposition that authority would come from Government at some time or other for the sale of other Thannabs, a suspicious circumstance that Mutty Loll Seal got possession of the ground without an instrument of conveyance of any kind,§ which, had the transaction been perfectly regular he would scarcely have neglected to require, and that, though much pressed by us to produce it, he has always stated|| his

* Fourth day, page 90.

† As above.

‡ See Mutty Loll Seal's account of the transaction. Fifth day, page 121.

§ Fifth day, page 121.

|| Eighth day, pages 217 and 218.

inability to find the receipt given to him for the price, and his not bearing in recollection whether the receipt was signed by Mr. Patton (the only competent person) or by Mr. McCann. Mr. McCann has said* in reply to our enquiries about the receipt, "that he must have signed it, but that he really had no recollection," and when asked how a receipt from him could have been taken as valid as he had no Treasury, and was without authority in such matters, he replied that Mr. Hughes (Muttu Loll Seal's agent, who with a Sircar brought him the notes) *must have accepted* his receipt. He (Mr. Hughes) "would not have allowed the money to stay with him without one." This is an explanation which is obviously insufficient, and it is to be remarked on it, in passing, that it much supports the impression that, supposing even some cursory mention of the proposed sale to have been made to Mr. Patton, he was yet not duly informed of the whole proceeding, since had he been so, his authoritative receipt would naturally have been insisted upon by the other party, and obtained by Mr. McCann for his own security. It is however alleged† by Mr. McCann that the Bank notes were brought to him in January or February 1846 by *Mr. Hughes and a Sircar*, and Muttu Loll Seal has shown us,‡ his private account books, in which Bank notes to the value of Rs. 1350 are entered as having been paid on the 22nd January 1846 "for the purchase of Putteldangah Thannah site paid to *Mr. Hughes and Kallee Dass Chatterjea*." The transactions of the professed delivery of the notes by Muttu Loll Seal and their receipt by Mr. McCann are therefore brought to approximate as nearly as to time and to the parties conveying the money, as is possible in the absence of any exact record of dates and names. When we come however to compare§ the numbers and amounts of

* Eleventh day, page 294.

† Eleventh day, pages 293-4.

‡ Fifth day, page 121. Eighth day, page 218.

§ Extract from Baboo Muttu Loll Seal's Cash Book.

22nd January 1846. For the purchase of the Putteldangah Thannah site paid to Mr. Hughes and Kallee Dass Chatterjea.

In Bank of Bengal notes

No. 514 for Rs. 250, ..	250	0	0
Nos. 28163, 10004, 13179,			
41977, 6907, 2953, 2806,			
961; Eight notes for 100			
Rs. each,	800	0	0
Twelve notes for 25 Rs.			
each,	300	0	0

Co.'s Rs... 1350 0 0

Memorandum from Mr. Patton's Office.

Memo. of the numbers and amounts of Bank of Bengal notes paid into the Police Treasury by Mr. McCann on account of the sale proceeds of the old Putteldangah Thannah.

Nos. 5857, 16438, 16623,			
95, 16463, for 250 Rupees			
each,	1250	0	0
No. 20743,	100	0	0

Co.'s Rs... 1350 0 0

(Signed) W. S. HARWOOD,
Head Clerk.

Calcutta Police, 4th Sept. 1849.

the notes as shewn by Mutty Loll Seal's account book, and by the list of notes paid in on June of this year by Mr. McCann to Mr. Patton's office, we find that there is not a coincidence as to *any one* of the notes, although two are for the same amount (that is, in one instance, Rs. 250 and in the other Rs. 100) in each case. We find also from a memorandum which has been furnished to us by the Bank* that all of the notes of or above 100 Rs. in value entered in Mutty Loll Seal's account book, were paid into the Bank, in the course of business, (one of those No. 28163 for Rs. 100 to the credit of *Mutty Loll Seal's own account current*) during the year 1846 and could not, therefore have been lodged in the Police Chest. Now Mr. McCann might possibly have said that he received the notes from Mutty Loll Seal such as he paid them over to Mr. Patton, and that they were exchanged by the parties who had charge of them before they reached him. But then, as we have seen, his account of dates and persons, as regard the receipts corresponds so closely with that of Mutty Loll Seal as to his delivery of the notes for payment, that it leaves scarcely room for the supposition of an intermediate exchange of notes, and allowing even this supposition, there can be no assignable motive for exchanging the two notes for Rs. 250 and Rupees 100 for other *notes of the same amount but different numbers*. Mr. McCann has, however not referred to any suggestion of the notes having been exchanged before his receipt of them, but has replied,† when questioned about the dis-

* Bank of Bengal note No. 514 for Co.'s Rs. 250, received from Dowlut Hurkara on account of Mr. Sherriff at Bishop's College in exchange for cash on the 2nd July, 1846.

Ditto No. 28163 for Co.'s Rs. 100. Paid into the Bank to the credit of Mutty Loll Seal's account current on the 2nd July, 1846.

Ditto No. 10004 for Co.'s Rs. 100. Received from Nuddear Chand Doss on account of Obyram Doss, petty Shroff of Loll Bazar, in exchange for cash on the 4th July, 1846.

Ditto No. 13179 for Co.'s Rs. 100. Received from Mothoor Mohun Banerjee on account of Messrs. Haworth Hardman and Co. account current on the 7th July, 1846.

Ditto No. 6907 for Co.'s Rs. 100. Received from Gocool Kishen Deb on account of Mr. R. O'Dowda in account current on the 7th July, 1846.

Ditto No. 2953 for Co.'s Rs. 100. Received from Golam Russool Duftry on account of Mr. Gomes at Company's Press in exchange for cash on the 23rd August, 1846.

Ditto No. 2808 for Co.'s Rs. 100. Received from Goburdhun Doss, Dhunsook Doss by Hurree Churn Dhur, on account of the agency of Agra Bank on account current on the 16th July 1846.

Ditto No. 961 for Co.'s Rs. 100. Received from ditto on account of ditto on the 6th July, 1846.

Ditto No. 41977 for Co.'s Rs. 100. Received from Sub-Treasurer, Fort William, forming part of a remittance from the Collector of Nuddeah on the 27th August, 1846.

crepancy. "I may have exchanged larger notes for smaller ones, as is often done." On this we have to remark that he had previously said* in his statement to us of the same day. "The Bank notes were brought to me by Mr. Hughes with a Sircar. *The notes remained from that time in the Police Chest till they were sent to Mr. Patton,*" and it is the spirit of his explanation in his letter of the 9th June, that the notes so remained, labelled, deposited, and untouched. Apart from this, however, it is to be said of an exchange by Mr. McCann, as has been said of a possible exchange by Mr. Hughes, that it cannot be believed that there should have been an exchange of *notes of the same amount*. On the whole we are compelled to say that we are quite unable to give credit to Mr. McCann's report of his proceedings in this matter. We cannot, of course, say with certainty what the precise truth is about the notes, but we do not believe that they were paid into the Police Chest, and kept for above 3 years, as professed by him, and we cannot, therefore, but regard his conduct and statement in the case as showing an important dereliction of duty, and a subsequent discreditable attempt to mislead the Government. We must add that in our judgment, the clear probabilities of the case are that the notes were *not* at the time taken over from Mutty Loll Seal, since we find that one of them, as has been mentioned, was paid into the Bank on his personal account on the 2nd July, 1846. Every circumstance of the transaction, too, appears to us unfavorable to Mr. McCann. Had he been really acting directly and openly, he would have distinctly reported the receipt of the money to Mr. Patton, and had such a report been received, Mr. Patton would not but have ordered the immediate transmission of the amount to the only place where it could properly remain, the public treasury of his office. For Mr. Patton, as we shall see in a later paragraph, knew nothing of the Police Chest, and held himself to have no responsibility in regard to it. Mr. McCann's general defence (that is independently of the particulars that have been stated as to the Bank notes) may be summed up in the following extracts from his oral statement before us.† "I left the money only for the reason I have assigned. It was known to every body that the Thannah had been sold. It is very unlikely that I could have sold the Thannah without authority," but opposed to facts and considerations, such as those which we have explained, pleas of this kind, can be of little force for Mr. McCann's exculpation, though they may tend to prove that the control exercised by the superior officers of the de-

partment over his proceedings was, and was felt by him to be habitually lax and ill informed.

20th. It appears also that Mutty Loll Seal was permitted to occupy two other of the Old Thannahs (those of Kubberdangah and Burra Bazar) on a professed arrangement for the paying 10 Rupees a month as rent to Government. This arrangement is, in the same manner, stated to have been verbal, and as to it likewise, there are contradictions between Mr. Patton on the one hand, and Mutty Loll Seal and Mr. McCann on the other, the latter parties asserting that Mr. Patton orally sanctioned the transfer of the Thannahs, and Mr. Patton saying that he has not the slightest recollection of his ever having been spoken to on the subject. Mr. McCann has explained that no Bill was sent to Mutty Loll Seal for the monthly rent of 10 Rupees, as he had a heavier claim against Government for the rent of the Mounted Police Stables. We are aware from the records of the Police Office that Mr. Patton had declined to apply to Government for the rent of these stables till he received satisfactory reports from Captain Hicks in regard to the organization of the Mounted Police. But this which might have been a valid reason for not calling on Mutty Loll Seal for the rent of the Thannahs, only renders it the more remarkable that Mr. Patton seems to have remained without information of the existence of a claim for rent at all. He might have forgotten a verbal sanction once given for the occupancy of the Thannahs, but he could scarcely have forgotten such a special reason given for holding over the demand of rent from them, as that reason was altogether founded on his own act in refusing to pass the counter claim of Mutty Loll Seal for rent for the Police Stables. The leave to use the Thannahs may, or may not, have been an act of undue favor to Mutty Loll Seal, at the least, the circumstances connected with the suspension of claim for their rent, give evidence of much want of order in the business of the Police Office, though we would not attach the blame due on that account to Mr. McCann, further than as, from what we have first stated, there may be reason to presume that he acted without proper reference to superior authority in the matter.

21st. The second of the instances in which it appears to us that Mr. McCann has been backward in his duty where the interests of Baboo Mutty Loll Seal have been concerned, regards the unchecked prevalence of gambling in the Dhurumtollah Bazar, a property in which Mutty Loll Seal has a leading interest. Mr. Hume has stated* to us on this subject. "Gambling cases have also come before me, in which, on my speaking to

* Second day, pages 39, 40.

Mr. McCann to put down such practices, he said that the Police had no power within the Dhurumtollah Bazar, which Mutty Loll Seal claimed as his own property, and guarded by his own Burkundauzes. He said that the Police could only seize offenders occasionally, when they were themselves in force, and that any systematic attempt would be sure to be resisted on account of the considerable revenue derived from the gambling stands. My impression from what Mr. McCann told me was, that the excuse was a mere evasion, and that an honest Police could, if they liked, have put the nuisance down. Conversations of this tenor must have been of about a year and a half ago, or perhaps more.* We subjoin the statements† made to us by three Inspectors, as to the open permission of gambling at the time, as far as 18 months back, or even more, when Mr. Daunt was Deputy Superintendent of the Division in which the Dhurumtollah Bazar is situated. “*Mr. Drew* has been Inspector since the formation of the New Police, when he joined it after retiring from the army. *Mr. Ochme* has been Inspector for a year. Both state that they have seen gambling going on openly in the Dhurumtollah Bazar in day-light.”

“*Mr. Drew.* I have mentioned it to the late Mr. Daunt, the Superintendent of the Division. He told me not to interfere with the Dhurumtollah Bazar till he had spoken to Mr. McCann. The next morning he came to the Fenwick Bazar Section House, and told me that it was Mr. McCann’s order that there was to be no interference with the Dhurumtollah Bazar gambling, as the Bazar was Baboo Mutty Loll Seal’s private property, and he had his own Darogah and Burkundauzes. This may be about two years ago, or more. Mr. Burnes, then an Inspector at the same Section House, heard Mr. Daunt say this.”

“*Mr. Burnes* attends and confirms this statement.—*Mr. Ochme.* When I was ordered to go on duty in the Dhurumtollah Bazar, Mr. Drew told me that I was not to interfere with gambling there, unless there was a breach of the peace. On the 7th March of this year, Mr. Farrell, Deputy Superintendent of the Division, gave an order that gambling was not to be permitted, on which two men were taken in custody, and fined by Mr. Hume.” Mr. Farrell, who succeeded Mr. Daunt in charge of the Division, says‡ for himself: “It is about 15 months since I heard that there was such an order as that which Mr. Drew has mentioned about not interfering with the Dhurumtollah Bazar, and immediately “countermanded it.” Mr. Daly, now Superintendent of the House of Correction, who was Mr. Daunt’s

* Seventh day, pages 190, 191.

† Seventh day, page 194.

predecessor in charge of the Division in question, and is a person in whose personal integrity we are disposed to place much confidence, has informed* us (after mentioning that he never saw any partiality, generally shown to Mutty Loll Seal while he was in the Division) that "he had always a sharp Native officer to look after the gambling, *but the man never gave him information about gambling in the Bazar, though he did about places outside.* Mr. Daly was under the impression that Ghuffoor Khansamah was the head of the gamblers in the district, and was a suspicious character besides." Taking this statement with what Mr. Drew and Mr. Ochme have told us of the open prevalence of gambling in the Bazar when Mr. Daunt succeeded Mr. Daly in charge of the Division, we must probably ascribe the circumstance of Mr. Daly not having heard of the practice, while he was in charge, to other causes than to the absence of gambling during that period. Another party† unconnected with the Police, has said to us, referring to a later period than that to which the preceding statements relate, "I have frequently seen a system of gambling going on in the Bazar; about 4 months ago in the morning I went to the Dhurumtollah Bazar, and saw a number of people gambling. Having read a letter in the papers that morning, alluding to the subject, I was induced to remark to the people that they must be cautious, or the Police Serjeants would soon be at their heels; my remark appeared to make no impression. As I walked on, a man came up from the party and said what have they to fear? They are Baboo Mutty Loll Seal's people, and he has the Police under him. I had previously imagined that the gambling was carried on clandestinely, but this changed my notion on the point. The gambling was being carried on under a pukka shed, which has been erected for the purpose. I say this because I have seen gambling carried on before at the same place under kutchha sheds. The shed is within the limit of the Bazar property, and quite open. The principal person at the place was Ghuffoor Khansamah. I have myself seen him turning the Dice, or implements used in the gambling. I have seen him I believe 100 times so engaged at the gambling shed. I never saw Policemen at that part of the Bazar, though I have seen a Serjeant and 2 or 3 Policemen on duty at the Bazar."‡ Other witnesses have spoken from personal observation to the open prevalence of gambling in the Bazar. To these statements Mr. McCann opposes a general denial of

* Tenth day, page 265.

† Fifth day, pages 103, 4, Mr. N. Baillie's Statement.

‡ See Statements of Mr. Chick and Mr. Anderson. Fifth day, pages 116, 17.

the conversations with him on the subject of gambling in the Bazar as reported by Mr. Hume, and of all knowledge on the subject until very lately. Mr. McCann's statement before us has been* "I never gave any such orders to Mr. Daunt, and never heard of gambling in the Bazar while Mr. Daunt was in the Division. It was only recently that I have heard that there was gambling there, or of Ghuffoor Khansamah's position as head of the gamblers. My instructions were to apprehend gamblers in view, and if in houses, then to get informations before the Magistrates from the neighbours with a view to procuring a warrant." In the face however of so much direct testimony to the long continued prevalence of gambling in the Bazar, and to Mr. McCann's cognizance of it,† we cannot see how his disclaimer of all acquaintance with the existence of the practice, or of a thing so notorious as Ghuffoor Khansamah's connection with it, can be credited. To suppose that he was unaware of it would be to imply that, after his 30 years' experience, he was very ignorant of what was constantly and publicly passing in a principal Bazar of the Town, in regard to an important part of his duty, which is what we certainly do not think of Mr. McCann. There is a further statement‡ by another Police Officer, Inspector Marshall, which shows that he had an impression that it was not Mr. McCann's wish that he should interfere generally in respect to the suppression of gambling, but this may be believed to have arisen from Mr. McCann's admonition§ to him in a case which he had entered the house of a Chinaman to put down gambling without legal warrant.

22nd. The third instance in which it seems to us that Mutty Loll Seal must be held to have exercised an undue influence over Mr. McCann's proceedings, regards what is called the Chumpatollah case, remarked on by Government in your letter to the Chief Magistrate, No. 738 of the 29th May last. We subjoin an extract from that letter as setting forth what, after all the information we have been able to obtain, appears to us to be the only just view that can be taken of Mr. McCann's conduct in treating, upon his own showing, Inspector Lancaster's conduct in connection with that case as censurable and calling for his transfer from that part of the Town.

* Eleventh day, page 300. See also his written Statement. Enclosure, No. 2, pages 1 and 16.

† Mr. Farrell's Statement (7th day, page 195) is on the last occasion of parties being apprehended. Ghuffoor Khansamah came himself and paid the fine, and I pointed him out to Mr. Hume as the head of the gamblers of the Dhurumtollah Bazar. Such was the notorious fact among the Police as to Ghuffoor Khansamah's position.

‡ Seventh day, pages 205, 6.

Paragraph 2nd. "The affair appears to have originated in Police Inspector Lancaster firing a pistol loaded with shot at a dog, when it attacked him on a piece of waste ground while going his rounds. The dog appears to have been a savage animal; to have been one of several savage dogs that prevented the Native Police from patrolling where they were, and to have previously bitten another Inspector. The owner appears to have been warned to keep the dog shut up.

3rd. His Honor fails to perceive in this account of the Inspector's act, cause for reprimanding him, and removing him to another Section."

We note in the margin all the points of our proceedings in which this case is referred to. We think that it may be doubtful whether, as represented in Mr. McCann's account of the affair, the pistol was really fired only on a piece of waste ground, but we are satisfied that the matter was arranged, and

2nd day, pages 26, 27.

Ditto, page 35.

5th day, pages 119, 120.

7th day, pages 203 to 205.

8th day, pages 230 to 235.

11th day, pages 300, 301.

Inspector Lancaster transferred to another part of the Town, with some reference to the interference and interest of Mutty Loll Seal in the case. How active such interference and interest were, is placed beyond doubt, notwithstanding the disavowal of Mutty Loll Seal and the contradictions of other parties on the subject, by the statement received by us from Mr. Longueville Clarke, the Barrister, who appeared at first before Mr. Patton on behalf of the native complainants against the Police. We insert a further part of his examination.

"Did Mr. McCann in the conversation he held with you on the matter, express any dissatisfaction with the conduct of any Police Officers in the matter?

Certainly not. He seemed to consider that they had been all very ill treated. But we find that Mr. McCann transferred the Inspector Lancaster, as for conduct which he thought in some degree censurable, to another Division about the 27th or 28th April, or 16 days after the occurrence, while the dates on which the cases were struck off as on failure of prosecution before Major Birch and Mr. Patton, were the 28th and 30th April.

Can you give any explanation of this transfer of Lancaster or of the near coincidence of its date with those of the dropping of the two cases at the Police?

I can give no explanation on this subject. I did not know that the cases were dropped at the Police until long after I had made up my mind to have nothing more to say to them. But I had, as I have said, no ground to suppose that Mr. McCann was dissatisfied with any of the Police. Quite the contrary, I would add this, that I distinctly recall this conversation

of Lancaster's general character, in reply to some questions I put to him."

There is certainly nothing here consistent with the idea of blaming and transferring Lancaster. When asked by us why he had not transferred Lancaster at an earlier date if he thought it an advisable measure to separate that officer from the Natives of that quarter of the Town. His answer was only, "I* waited till the result of the trials was known, and I thought that his services were required in the Colootollah Division." An explanation which clearly cannot be taken as sufficient, since on Mr. McCann's representation of the case of Lancaster's conduct viewed in connection with the very severe treatment which a Policeman had received, ought to have led to the Police being supported by their superiors, instead of their head on the occasion, the Inspector, being removed, as for a fault, on the cases both by and against the Policemen, being dropped on what was evidently a compromise on both sides; and if the removal were determined on merely as a prudent measure for the avoidance of future disputes, it would have been carried into effect without regard to the particular result of the trials. Taking however such a motive as possible, one can see no reason why it should not have been stated from the first to Mr. Clarke. The statement of the natives themselves is, though to that we should not give great weight, "that they heard from Mr. Hughes in the Police Office that Mr. McCann had said, that *he had dismissed Mr. Lancaster*, the Inspector, and nothing more could be done." To us, we must say that, the transfer has every mark of being a part of the arrangement by which the whole case was compromised, and it was evidently calculated to save Mutty Loll Seal's credit with his neighbourhood. Upon all these contradictory representations, there are two leading points as to which, in our judgment, there can be no hesitation. First, that Sib Chunder Mullick would not have cared to surrender himself at the Police Office unless he had been by some means sure, not only of his immediate discharge, but also of the power, which was necessarily his main object in the whole transaction, of returning to his house, without further risk of molestation from Mr. Robison's warrant, than was unavoidable in consequence of the interest which the Bank of Bengal had in the case, and which, on the fact of his return coming by any accident to their knowledge, might bring on fresh applications from them, in regard to the warrant at the Police; and next that it is quite impossible to accord credit to Mr. McCann's professions of his entire ignorance of the facts of Sib Chunder's having come to the Police, and of

his subsequent residence for six months in the town. The Bank of Bengal indeed, remained* unacquainted with these facts for that period; but Mr. McCann's position and means of acquiring information on this point, were very different from those of the Bank. We do not know, and it might indeed be regarded as in itself improbable, that Mr. McCann gave such open proof of a violation of his duty as the conversations reported by Major Birch and Mr. Strettell would imply. But that he long connived at Sib Chunder Mullick's escape from the process of the Law, for the due enforcement of which he was specially responsible, we cannot see any valid reason to doubt. The most favorable supposition for Mr. McCann is that, having become aware of the irregular proceedings in Major Birch's office respecting Sib Chunder Mullick's discharge, he did not in his subordinate capacity, choose to expose them by active interference on his part, unless forced to do so by circumstances. Even this supposition, however, would require us to record our opinion of a very gross breach of duty on Mr. McCann's part.

24th. The next instance of improper proceedings on the part of Police Officers, falling under the second of the heads under which we have arranged our report, regards the misappropriation of various articles of property which were in the custody of the Police, and the receipt by a Deputy Superintendent of Division, Mr. Farrell (who has been allowed to resign his appointment, upon grounds unconnected, as we understand with our enquiries, since the close of our public proceedings) of presents from residents of the town in a manner obviously not consistent with his duty, if not for purposes directly in contravention of it. The extracts which we give in the margin from the record of our eighth, ninth and eleventh days proceedings render it unnecessary that we should say

Eighth day, pages 235 to 237.

Mr. Farrell and Mr. McCannah began a conversation about the lending of articles belonging to estates to members of the Police. Mr. McCannah states that first, one watch, and then another was lent to him on his receipt by Mr. McCann, and by him passed on to Inspector King and then to Inspector Robison for use, as they were directed to note the time of any particular circumstances when on their rounds. Mr. McCannah also says that Mr. McCann also lent a clock, which had been sent from Tulloh and Co. as stolen property, to Mr. Farrell for the use of the Section House,

more on the discreditable laxity which has prevailed in making over, or permitting the abstraction of articles of property under care of the Police, than that Mr. McCann's ~~those~~ memoranda of as far back as March and May, 1846, about the transfer and claims of chains and watches are no receipts of the parties, but evidently

* See the examination of Mr. Cooke on this subject. Eighth day, pages 214, 215.

Mr. McCannah gives in two memoranda, the entries in which are made only by Mr. McCann, without receipts by the parties, and explains, as to one of the Trichinopoly chains, that he got it to hang the watch by. Mr. Farrell says, that he got the clock by the desire of Mr. Shircore, who proved himself to be the rightful owner, and says that he has a recollection of Mr. McCannah having two gold chains down stairs and giving him one, he supposes for the purpose of his keeping it. He believes, but will not be sure, that his wife has it now, or she may have melted it. Mr. McCannah is asked, if he has mentioned to Mr. Law the fact of these things being with the Police. He says he has not.

Memo.

A silver watch and chain No. 23380 with Mr. B. W. McCannah, 16th March, 1846, sent to him.

(Signed) J. J. M.

Estate. Carter deceased. Effects sold 7th March, 1846.

See Book.

2 Gold Trichinopoly chains with McCannah and Farrell, and a silver open-faced watch No. 6475, Maker, Lee, London.

Ninth day, pages 251 to 256. *Inspector King.*

"On the 22nd July, 1846, Mahboob, a native officer, then a corporal, but since discharged, brought to me at the Section House, Bow Bazar, a box which I opened in the presence of Mahboob and of a servant from Mrs. Wilson of Beniapooker. The owner had lodged with Mrs. Wilson, and she sent the box with her claim for 30 Rs. for board and lodging. On opening the box I found a new Quadrant and about 35 sovereigns and 4 or 5 half sovereigns. After counting the money before them, I brought all with the two men to Mr. McCann, and made the whole over to him. This was done through Mr. McCannah who was in the office and was my Deputy Superintendent, Mr. Farrell and others were there also and saw it. I have heard no more of it. It was a general practice with Mr. McCann in such cases to make us fasten up all property with a ticket showing all particulars, name of party, date of death, where brought from, &c. But in this instance I was only told to leave the property and return to the Section House."

Mr. McCannah says, that he saw Inspector King bring the box to the Police Office. There was a small bag containing some sovereigns and half sovereigns, which Mr.

were notes by Mr. McCann for his own reference in the event of any claim being subsequently raised to these effects, belonging to estates of parties having no heirs in Calcutta at the time of death. Mr. McCannah, a near relative of Mr. McCann and a Deputy Superintendent of Division, officiating also when examined before us as Deputy Superintendent of Police, during Mr. McCann's absence, gave the color of a public purpose to his receipt, and retention for more than 3 years, of a watch and chain, but Mr. Farrell who received a chain without a watch, has, it is clear, been allowed to keep it without question, also for above 3 years, and told us plainly that he understood that Mr. McCannah let him have the chain for his own use, and added, "that his wife might have it now or else might have melted it." Mr. McCannah's statement as to the disappearance of a new Quadrant in a Mahogany case from Mr. McCann's room is particularly to be noted, in consequence of his close connection with Mr. McCann. Mr. McCannah's first statement as to a clock taken by Mr. Farrell was also that it was "lent for the use of the Section House," but this statement is directly contradicted by Mr. McCann

made over to Mr. McCann at once. When Mr. McCannah took charge he found in the iron chest some sovereigns wrapped up with Bills, which he believed belonged to this property of Dixon's. Mr. McCannah goes down and brings up a packet containing

17 Sovereigns.

4 Half Sovereigns.

6 Rupees sealed up with

a memorandum on it in his own hand, dated 27th July (which* he knows to have been July of the year of receipt) and adds that he took the Bills first to Mr. Law and then to Mr. McCann, and Mr. McCann said that he was not sure whether he had paid the Bills from his own money or from the money in the box, but that he had left the Bills as a memo. Mr. McCannah adds that he recollects that there was a new Quadrant, which he put upon the top of the shelf himself, but he does not know what became of it. Mr. King says, that the Quadrant was a new one in a French-polished Mahogany case.

Eleventh day, pages 288, 289.

Mr. McCann is asked to explain about the quadrant, the property of Dixon delivered in by Inspector King. Mr. McCann has no recollection of such an article being delivered in to him. Mr. McCannah adds that he saw the Quadrant about two months before Mr. McCann went away, but did not find it when he took the account of stock. He put it on the shelf himself when it came, and it was there with some papers on it until two months before Mr. McCann's departure.

Read to Mr. McCann the memorandums as to the watch and chains given to the Police officers, Mr. McCannah and Mr. Farrell. Has he any observation to make on the matter?

Mr. McCann. I have no recollection as to the chains being given, but of course, I cannot deny my hand-writing. I lent the watches for public purposes, I believe the chains to have been attached to the watches. Mr. Farrell remarks that he got no watch at the time.

have felt himself distinctly, and specially responsible for the proper management of the business of every branch of the executive Police. Mr. McCann conducted all transactions

responsibility for the clock, and says that he knew nothing about it, after the case regarding it had been sent up to the Magistrate, and who, when confronted with Mr. McCannah (who stated that he recollected having seen the clock in Mr. McCann's room for about 20 days after the case had been disposed of) averred that Mr. Farrell could have taken it away from his, Mr. McCann's room, without his knowledge. We have seen already different instances of serious abuse which arose from the laxity allowed by Mr. McCann in regard to the appropriation of articles of property coming under his care in the Police Office. It is right here to remark that the strange inattention by which the whole charge and power over all property of every kind coming into the Police rested personally with Mr. McCann, appears to have existed from a period anterior to Mr. Patton's appointment to the Chief Magistracy, though we at the same time think that Mr. Patton after the receipt of the orders already cited, which were passed by the Government in 1845, should

* Mr. McCannah states on the 3rd September, that he believes he antedated this packet, and the Bills paid only amount to Rs. 60-7-3, and 16 Rs. said to have been paid for the funeral expenses. The amount of the sum brought in, Mr. McCannah knows nothing about.

connected with the receipt of property coming into his official custody in a manner, which if it was not intended must have had the certain effect, of affording the greatest facilities for fraud. He kept no lists* of articles or money received, took no account of articles in store at any period, and gave no receipt for articles brought to him. The key of the chest in which valuables were kept remained† exclusively with Mr. McCann. Mr. Law when he took charge of the Office of Superintendent “found‡ no accounts in it of any kind whatever.” Mr. McCann said§ “that he always understood a memorandum was kept at the Station House which would be a check upon him. When any petition for property was presented to him he always referred it to the Station House for report. He did not however make it a part of his duty to ascertain that such a memorandum was kept at the Station House. Even however as to this degree of check upon property, *for which claimants were likely to come forward* we find from Mr. McCannah that the memoranda at the Station Houses were only recently introduced|| under a verbal order from Captain Hicks, that they were prepared only by the senior Native Officers of each station and without counter-signature by the Inspectors, and that they were regarded¶ as books kept by the Native Officers for their own information, and not examined by the Deputy Superintendents. But it is manifest that as respects the property of persons dying intestate, or otherwise not likely to be reclaimed from the Police, Mr. McCann kept himself wholly without check. It was unavoidable that, under these circumstances there should be a general suspicion of such property not being duly accounted for. Mr. Chick** says, “I have heard it stated generally that property belonging to persons dying intestate, or without representatives or relatives, coming into the possession of the Police, has for the most part never been accounted for. This remark applies to prostitutes and strangers, and the lower orders of native inhabitants of all kinds. I believe this to be a matter of universal notoriety amongst the natives in the town.” And one witness, Mrs. Purney, the wife of an Inspector, tells a story†† of having seen a quantity of gold and silver ornaments, belonging to deceased women of the town, melted down by Mrs. Farrell, which though we cannot certainly receive

* 11th day, page 284. 4th day, page 81. 6th day, page 165.

† 4th day, pages 81, 82.

‡ 8th day, page 227.

§ 11th day, page 288.

|| 11th day, page 286.

¶ 6th day, pages 166 and 169.

** 5th day, page 138.

†† 4th day, pages 246 and 247.

it as true on her unsupported statement, yet shows the general impression that there was much facility for making away with this description of property. Other property of seamen and others dying intestate in Calcutta, came also into Mr. McCann's possession. The sum paid into Government on all these accounts from January 1840 to July 1849, has been*

Escheats..... Rs. 5361

(This word marking the proceeds of property unclaimed in the Town.)

Estates Rs. 5251

(This word marking the proceeds of property of intestate seamen and others dying in Hospitals, &c.)

Total, Rs. 10612

or about 1000 Rupees a year under both heads. We can of course only speak from a very general supposition on the point, but it strikes us that the sum carried to credit on account of Escheats or unclaimed property within the Town, at the rate of but little more than 500 Rupees a year, is very small. We place among the enclosures† a list of the articles found in the Police Chest, when such a list was lately made by order of Mr. Law, and in the three instances of articles,‡ the property of deceased prostitutes there entered, the value of the articles must be considerable. As some means of checking the amount of property which had come into the possession of the Police, we had some of the books spoken of by Mr. McCannah as having been kept by Native Officers at the Section Houses sent for and examined. In one we find Rs. 23—8 as having been deposited with Mr. McCann in August, 1847, as taken from the house of a suspected party; but unless this sum was included in an item§ of Rs. 349-8-3 paid into the Chief Magistrate's Office on April 28th, 1849, under the head "additional escheats and cash found on gamblers and in gambling houses and loose cash found in Iron Chest|| (which can neither be proved nor disproved) there is no means of knowing what became of it. In enclosure No. 16¶ are entries from a few other Section books of articles, which the Police accountant certifies that he

* 7th day, page 202, and Enclosures Nos. 1 and 4.

† Enclosure, No. 15.

‡ The property of Saddoo Raur, Imaum Raur, and Russoo Raur.

§ There was at first a mistake about this item arising from a mistranslation in Mr. Patton's Office. It was supposed that Rs. 300 was the sum deposited. Whereas it was the amount of cash *stolen* and Rs. 23-8 above, alone were deposited, and the year of deposit was incorrectly stated as 1846 instead of 1847.

|| Enclosure No. 16.

¶ See 11th day, pages 285 to 287.

has not been able to trace in any manner, and a comparative list of property sent to the Police as belonging to deceased persons from the General Hospital since 1843, and of such parts of this property as are now to be discovered in any of the Office books. The property of which, upon these data, the disposal cannot be ascertained, may possibly be occasionally in that condition from irregularities in account, or from the peculations of inferior Officers. But the principal person upon whom the responsibility in such matters must rest is undoubtedly Mr. McCann. The items which have come in this manner to our knowledge are not of important amount, but they point to what has been the opening for abuses of the same kind. We have referred also, in connection with this part of our enquiry to the accounts of values of Bank Notes forwarded from the Bank to the Police on account of notes supposed to have been stolen. No well founded complaint has reached us of improper conduct under this head, but here again we have to notice that no register has been kept in the Office of such values *received* and *detained* (for in very many instances, the values are at once allowed to be taken away, without recorded receipt or note, by the parties who presented the notes at the Bank,) and hence, in the absence of specific complaint, there is no means of check. It is to Mr. McCann that we think that the allegations of direct misconduct have been most distinctly brought home. Having noticed in previous paragraphs our opinion in respect to his culpability in the different instances* of doubt as to his proceedings which have come under our cognizance, we need not here recapitulate those statements. While our report has been under preparation, we have received further communications from Mr. McCann of the 12th and 16th instant with correspondence annexed, referring chiefly to his conduct in the matters of the sale of the Putteldangah Thannah to Mutty Loll Seal, and of the failure to execute the warrant for forgery issued against Sib Chunder Mullick. But we find nothing in these papers which can affect the views we have before expressed.

* Sale of Putteldangah Thannah to Mutty Loll Seal and delay in paying in the purchase money into the Police Treasury.

Prevalence of gambling in the Dhurramtollah Bazar.

Transfer of Inspector Lancaster to another Division in the Chumpatollah case.

Failure to execute the warrant of arrest upon Sib Chunder Mullick charged with forgery.

Abstraction of property by parties in the Police.

Improper confinement of 2 natives at the Thannah in the case of Ghunta Mull.

Habitual total want of account and check in respect to property coming under charge of the Police.

Extract from a letter from the Secretary to the Government of Bengal to the Chief Magistrate of Calcutta. Dated 11th April, 1850 No.—

Paragraph 7th.—The Deputy Governor thought it necessary to remove Mr. McCann, the Deputy Superintendent of Police, on being informed of his resuming charge after the expiry of his leave on sick certificate.

8th. In the case of the sale of the Putteldangah Thannah to Mutty Loll Seal, effected by Mr. McCann without authority, at least without authority regularly obtained, the fact was not reported by Mr. McCann for about three years, during all which time he pretended that the money had been lying by him forgotten. The Committee report on very sufficient grounds, that they are quite unable to credit Mr. McCann's account of the affair; that his conduct and statement show an important dereliction of duty, and a subsequent discreditable attempt to mislead Government, and that every part of the transaction is discreditable to him.

9th. In letting two other Thannahs to Mutty Loll Seal, for which the rent was never demanded, the Committee think that there may be reason to presume that Mr. McCann acted without superior authority.

10th. The Committee report that it has been established to their satisfaction that Mr. McCann allowed open gambling to prevail unchecked, under the lead of one Guffoor Khansamah, in the Durruntollah Bazar, a property in which Mutty Loll Seal has a principal interest, and it seems impossible to question the correctness of the conclusion they have arrived at.

11th. The Committee again report it to be their opinion that Mr. McCann must be held to have been unduly influenced by Mutty Loll Seal in what is called the Champatollah case: they consider that the removal of Inspector Lancaster from one section to another in connection with that case, for which removal there was no good reason, has every appearance of having had for its object the saving of Mutty Loll Seal's credit with his neighbourhood. It is indeed difficult to account for the Inspector's removal on any other hypothesis.

12th. The Committee report again against Mr. McCann in connection with the Forgery case. In that case one Sib Chunder Mullick, against whom a warrant had been issued at the instance of the Bank of Bengal by the late Mr. Robison in February, 1846, appeared at the Police Office, and received in a very irregular manner a discharge from Major Birch in January, 1849. He was permitted to live six months subsequently in Calcutta, without concealment, and without the warrant being

put in force against him, although it was in full force, never having been cancelled or recalled. The Committee sum up their opinion of Mr. McCann's conduct in this case in the following terms: "But that he (Mr. McCann) long connived at Sib Chunder Mullick's escape from the Law, for the due enforcement of which he was specially responsible, we cannot see any valid reason to doubt. The most favorable supposition for Mr. McCann is that, having become aware of the irregular proceedings in Major Birch's Office, respecting Sib Chunder Mullick's discharge, he did not in his subordinate capacity, choose to expose them by active interference on his part, unless forced to do so by circumstances. Even this supposition, however, would require us to record our opinion of a very gross breach of duty on Mr. McCann's part."

13th. One of the most serious and systematic mal-practices that have been reported, namely the misappropriation of property coming into the custody of the Police is brought home to Mr. McCann, who had uncontrolled charge of all such property. The Committee report: "Mr. McCann conducted all transactions connected with the receipt of property coming into his Official custody, in a manner, which, if it was not intended, must have had the certain effect of affording the greatest facilities for fraud. He kept no lists of articles or of money received; took no account of articles in Store at any period, and gave no receipt for articles brought to him. The key of the chest in which valuables were kept remained exclusively with Mr. McCann; Mr. Law, when he took charge of the Office of Superintendent, found no accounts in it of any kind whatever." "That there was misappropriation," His Honor observes, "is certain."

True Extract.

(Signed) J. W. DALRYMPLE,

Under Secretary to the Government of Bengal."

